

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

September 30, 2003

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 96

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of December, A.D., 2003 at 08:57
And Was Duly Recorded as Instrument # 1307060
Of The Records Of Santa Fe County

Deputy

Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
September 30, 2003 10:00 a.m.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Matters of Public Concern – Non-Action Items
- VII. Matters from the Commission
- VIII. Committee Appointments/Reappointments/Resignations
 - A. Road Advisory Committee Reappointment - Approved
 - B. Lodgers Tax Advisory Board Resignation -
- IX. Presentations
 - A. Presentation on “The Governor Richardson’s Investment Program” given by New Mexico Department Of Transportation
 - approved unanimously* 1. Resolution No. 2003 ¹³⁷ A Resolution Endorsing and Supporting Governor Bill Richardson’s Investment Partnership (GRIP) for Transportation in the State of New Mexico
 - B. Presentation on City of Santa Fe Airport Business Park
 - C. Proclamation: “A Proclamation Declaring the Month of September 2003 as National Alcohol and Drug Addiction Recovery Month in Santa Fe County”
 - D. Presentation by the Fire Department for Employee of the Quarter – October 1, 2003 – December 31, 2003
- X. Consent Calendar
 - A. Resolution No. 2003 ¹³⁸ A Resolution Requesting an Increase to the Indigent Fund (220) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
 - B. Resolution No. 2003 ¹³⁹ A Resolution Requesting a Budget Increase to the General Fund (101)/CRAFT 2002 Grant to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)

approved w/connections
July 22, 2003
August 26, 2003
September 2, 2003
September 9, 2003

- 140
- C. Resolution No. 2003 – A Resolution Requesting a Budget Decrease to the General Fund (101)/CRAFT 2003 Grant to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
 - D. Resolution No. 2003¹⁴¹ A Resolution Requesting an Increase to the General Fund (101)/DWI Teen Court & Screening Fees Program to Budget Prior Fiscal Year 2003 Cash Balances and a Decrease to the Community DWI Grant Program to Realign the Fiscal Year 2004 Budget with the Final, Approved Grant Awarded Through the NM Department of Transportation for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
 - E. Request Approval of Amendment #3 to the Professional Services Agreement #21-0145-CHDD with the Life Link, Inc., to Provide Treatment Services and Community Training for the Santa Fe County CRAFT Project (Community & Health Development Department)
 - F. Resolution No. 2003¹⁴² A Resolution Requesting a Budget Decrease to the GOB Series 2001 Fund (353)/Fire Department to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Fire Department)
 - G. Resolution No. 2003¹⁴³ A Resolution Requesting an Increase to the General Fund (101)/Land Use Permits & Inspections Division to Establish Budget for Inspection Fee Revenue to Fund a Code Enforcement Inspector Position (Land Use Department)
 - H. Request Approval of the Professional Services Agreement #24-0066-LU with Prior & Associates for a Housing Needs Study for Central Santa Fe County (Land Use Department) (Formerly XI. C. 1)
 - I. Resolution No. 2003¹⁴⁴ A Resolution Requesting a Decrease to the Facility Bond 1997 Proceeds Fund (370) to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)
 - J. Request Authorization to Enter Into a Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for County Road 36 & NM 300 (Old Las Vegas Hwy) Intersection (Public Works Department) (Formerly XI. E. 1)
 - K. Request for Approval and Execution of the 2003 Severance Tax Agreements for Various Road Projects from the New Mexico Department of Transportation (NMDOT) (Public Works Department) (Formerly XI. E. 2)
 - L. Request Approval of Amendment #1 to the Indefinite Quantity Price Agreement #24-0019-SD with Neve's Uniforms to Provide the Uniforms for the Sheriff's Department (Sheriff's Department)
 - M. Request Approval of the Memorandum of Agreement #24-0065-SD with the First Judicial District Attorney's Office for Drug Prosecution for the Region III Narcotics Task Force (Sheriff's Department/Region III)
 - N. Resolution No. 2003¹⁴⁵ A Resolution Requesting an Increase to the GOB Series 1997 Proceeds Fund (350) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Utilities Department)

XI. Staff and Elected Officials' Items

A. Finance Department

- ✓ 1. Financial Report Presentation Summary of Fiscal Year Ending 2003

B. Fire Department

- ✓ 1. Fuel Reduction Task Force Update

C. Land Use Department

1. Request Approval of the Professional Services Agreement #24-0066-LU with Prior & Associates for a Housing Needs Study for Central Santa Fe County **MOVED TO CONSENT CALENDAR**

D. Project and Facilities Management Department

1. Resolution No. 2003 ¹⁴⁶ A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233), the State Special Appropriations' Fund (318) and the Arroyo Seco Teen Center Fund (250) to Budget Prior Year 2003 Cash Balances
2. Resolution No. 2003 ¹⁴⁷ A Resolution Requesting and Increase to the State Special Appropriations' Fund (318)/ Various Projects to Budget Grants Received
3. Request Authorization and Approval of 2003 Construction and Non-Construction Grant Agreements with the Department of Finance and Administration/Local Government Division for Various Projects
4. Request Authorization and Approval of Grant #03-T-001, with the Department of Finance and Administration/Local Government Division for the Youth Shelters and Family Services Facility
5. Presentation and Request Direction on Potential Donation of Real Property to Santa Fe County
6. Presentation and Request Direction on the 2004 Community Development Block Grant (CDBG) Application

E. Public Works Department

- OK 1. Request Authorization to Enter Into a Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for County Road 36 & NM 300 (Old Las Vegas Hwy) Intersection **MOVED TO CONSENT CALENDAR**
- OK 2. Request for Approval and Execution of the 2003 Severance Tax Agreements for Various Road Projects from the New Mexico Department of Transportation (NMDOT) **MOVED TO CONSENT CALENDAR**

F. Utilities Department

1. Resolution No. 2003 ¹⁴⁸ - A Resolution Approving and Adopting New Water Service Rate Schedules for Customers of the Santa Fe County Water Utility ¹⁴⁹
2. Resolution No. 2003 - A Resolution Approving and Adopting Water Service Policies and Procedures for Customers of the Santa Fe County Water Utility
3. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #24-09 for Legal Services for Santa Fe County

- W/Chair*
4. Request Direction and/or Approval of a Proposed Wholesale Water Service Agreement Between Santa Fe County and the City of Santa Fe
 - AM* 5. Request Expansion of the Santa Fe County Water Utility Service Area
- G. Matters from the County Manager
- AM* 1. Request Authorization to Accept and Enter into a Memorandum of Understanding with the City of Santa Fe for Provision of Services for Fiscal Years 2002 and 2003
- H. Matters from the County Attorney
1. Executive Session
 - a. Limited Personnel Issues
 - b. Pending or Threatened Litigation
 - c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations
 - d. Acquisition or Disposal of Real Property
 - e. Discussion of the Purchase, Acquisition or Disposal of Water Rights

XII. ADJOURNMENT

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 30, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:00 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos
Commissioner Paul Duran
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

An invocation was given by Reverend Dr. Linda C. Day, interfaith minister.

IV. Approval of the Agenda

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN SULLIVAN: Mr. Gonzalez, would you like to take us through the amendments?

GERALD GONZALEZ (County Manager): Be glad to, Mr. Chair. We have additions, no tabled or withdrawn items on the agenda and some shifting. The items under Section VIII, Committee appointments and reappointments and resignations, we've added item B, Lodgers' Tax Advisory Board resignation. And then, on the Consent Agenda, which is item X we have added items H, J and K, which were formerly under the individual departments as Consent Agenda items.

Then those changes are reflected under Section XI, Staff and Elected Officials' Items, under Land Use Department. Item 1 was moved to Consent Calendar under Public Works Department. Items 1 and 2 were moved to the Consent Calendar. And then under Matters from the County Manager in that same section at the end, there's been a slight change to the way that we captioned the request for authorization to entering into the memorandum of understanding. That was originally captioned a JPA and it's actually a memorandum of understanding. Those are the only changes to the Calendar as published.

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

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: We have a motion for approval. Discussion? Are there any Commissioners who had questions on any of the items that have been moved to the Consent Calendar? There were three items that were in the regular agenda that have now been moved to the Consent Calendar, which was XI. C. and XI. E. 1 and 2. Nobody has any questions about those? Okay. So we have a motion and a second for approval of the agenda as amended.

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

V. Approval of Minutes: Special meeting of July 22, 2003

CHAIRMAN SULLIVAN: Are there additions or corrections to that set of minutes? I have two minor technical corrections. Does anyone else have anything?

COMMISSIONER MONTOYA: Mr. Chair, I have some also.

CHAIRMAN SULLIVAN: Commissioner Montoya has a few editorial corrections.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Move for approval as amended. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya, moved by Commissioner Anaya. Discussion?

The motion to approve the amended minutes of July 22, 2003 passed by unanimous [5-0] voice vote.

August 26, 2003

CHAIRMAN SULLIVAN: Are there additions or corrections to those minutes? Again, I have a couple of minor editorial corrections. Anything from Commissioner Montoya?

COMMISSIONER MONTOYA: I have some on those ones also.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya also has a few technical corrections.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: We have a motion for approval from Commissioner Anaya.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Any second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya. Discussion, Commissioner Campos.

COMMISSIONER CAMPOS: I just have a question. When you say technical changes or editorial changes, what do you mean?

CHAIRMAN SULLIVAN: I mean basically typos.

COMMISSIONER CAMPOS: They don't change the substance.

CHAIRMAN SULLIVAN: They don't change the substance, no. And in some cases I'll ask that they go back and check to see who made the comment because in some cases it's unclear from the minutes whether that comment was a continuation of a comment under that particular Commissioner, if you see what I mean. I can take you through one if you want me to.

COMMISSIONER CAMPOS: That's fine.

CHAIRMAN SULLIVAN: I'd be glad to run you through it. Things like changing "you" to "your." That type of thing. So we have a motion and a second for approval of the minutes of August 26, 2003 as amended.

The motion to approve the August 26, 2003 minutes as amended passed by unanimous [5-0] voice vote.

Continuation of August 26, 2003 on September 2, 2003

CHAIRMAN SULLIVAN: Any additions or corrections to those minutes?

COMMISSIONER MONTOYA: Mr. Chair, I had one.

CHAIRMAN SULLIVAN: I had four. Other than those, anyone else? If not, could we have a motion?

COMMISSIONER DURAN: So moved, for approval.

CHAIRMAN SULLIVAN: Okay, is that a motion for approval as amended?

COMMISSIONER DURAN: Yes.

CHAIRMAN SULLIVAN: Is there a second? I'll second the motion. We have a motion by Commissioner Duran seconded by the Chair. Is there any discussion?

The motion to approve the minutes of the meeting held on September 2, 2003 passed by unanimous [5-0] voice vote.

September 9, 2003

CHAIRMAN SULLIVAN: The next set of minutes, and it would, by the way, be helpful if we could get these kind of spread out rather than all in one chunk. Makes a lot of late night reading, is the regular meeting of the Board of County Commissioners, September 9, 2003. I have one minor item on that one. Anything, Commissioner Montoya? Okay. Any other additions or corrections to the September 9 minutes? If not, could we have a motion, please?

COMMISSIONER ANAYA: So moved, for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay it was moved by Commissioner Anaya and seconded by Commissioner Montoya, as amended.

The motion to approve the September 9, 2003 minutes as amended passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: That takes care of four sets of minutes, about 20 hours of meeting.

VI. Matters of Public Concern - Non-action items

CHAIRMAN SULLIVAN: Item six, under non-action items, is Matters of Public Concern. These are items that the public is invited to discuss matters with the Commission. We cannot act on them, but we are always glad to hear the public's input. And I see the first speaker is Ms. Sigstedt.

CAROLINE SIGSTEDT: Hi, Caroline Sigstedt, good morning.

CHAIRMAN SULLIVAN: Who has just been to Cancun, according to the newspapers.

MS. SIGSTEDT: Right, well, actually that's what I was going to read, in case people haven't read that, because I think it's important sometimes for us to understand the bigger picture to realize the local seriousness and responsibility of the decisions being made here by elected officials.

The title of the article that I wrote was "Water Will Be the Next Oil if Made a Commodity." The headlines arising from the recent gathering of the WTO, the World Trade Organization, in Cancun, Mexico, first focused on the 15,000 angry protesters and then on the dramatic collapse of the talks at the end. But as a first-hand observer in Cancun, I came back convinced that the most urgent issue facing this group, indeed, the world itself, is the same urgent issue threatening us here in New Mexico: the shortage of water.

As a longtime Santa Fe resident, I recognize the complexity of water issues and am committed to regional cooperation in protecting our environment and natural resources. I see

mutual respect, trust, and concern for one another's welfare as our best hope for lasting sustainability.

On learning that the WTO delegates would be negotiating a new general agreement on trade in services, gas I realized pressures would be placed on local and national governments to privatize public services such as water, energy, transportation--", which we'll discuss today, "-- education, and public safety. Consistent with my views about New Mexico water issues, I felt I needed to voice opposition to defining water as a commodity and stand for the protection of sustainability over trade.

On September 8th, I flew to Cancun, with a stop-over in Dallas. While waiting in Dallas, I approached two passengers who I thought represented non-governmental organizations. To my astonishment, they were leading ministerial delegates representing South Africa and Jordan, with similar view to mine. This was my first hint at how events would play out in Cancun.

At the WTO, the United States and the European Union worked fast and furious and last into the night in a destructive race to seal service and investment deals with little attention paid toward making fair trade possible for the developing countries. Without serious concern for social and environmental impacts, such international agreements would be debilitating for developing countries. All negotiations failed.

But more important than the failed negotiations in Cancun is the importance of the newly united developing world emerging as potential global leaders in a new social and environmental movement to keep water and other fundamental human rights in the public domain. This emerging movement is being led by Brazil, South Africa (my Dallas airport buddies), India, and twenty other developing countries that have fought against the privatization of water in their countries and that recognize they are the potential stewards of a very precious resource: water.

Water will be the next oil if made a commodity. We will face future violent local and world struggles over a finite resource necessary to sustain life itself. As I sat in my hotel in Cancun on the anniversary of the 9/11 attacks, I understood that it is not the forces we deploy or the profit motive negotiations we accelerate, but the relationships built on our common humanity that will end this deadlock.

How can we work towards a water secure world without violence? Like our own region, the world is running out of fresh, clean water, and we must radically change our behavior to conserve and manage it equitably. Any declarations coming from the WTO or our local communities must pronounce water a public trust, safe-guarded from exploitation. We must become more knowledgeable of the global water crisis and support the developing nations in their global resistance.

I am not suggesting the elimination of trade or the WTO. My hope is that the emergence of the 23 developing countries to the forefront will transform the WTO into a fair trade organization that can envision a socially and environmentally just world where decisions can also be made at the local or regional levels closest to the population served.

Water must not be exploited for private gain. Our region is facing these issues before

the rest of the country. My hope is that we can be a just and sustainable model for the rest of the country and offer some hope to the world.

And then in closing I just want to say that a lot of what this revolves around is building relations. And what I've worked on for years with the county and the city is trying to have these two governmental levels work together to sustain our water responsibility for the public. It's not about private gain, it's about sustainability and it's about the common good.

I don't see this happening. I still don't see this happening on either level of government, and I'm really, really concerned. At the last City Council meeting, which I was not there for but I am waiting for the minutes, I was told that there was a discussion of water and a sewer extension to an art foundation project. Nobody even knows what the result of the minutes will come out. In other words, it's not really clear what the stance is, and my feeling is that the next City Council meeting -- well, number one, you should all read the minutes, and I will too. Number two, you should listen to the discussion at the City Council when they passed those minutes. And number three, that kind of thing shouldn't happen again. In other words, you should be working with the City about water that is going to use a City/County service system. You need to talk to them before you make decisions here at the County level. It's arrogant to do otherwise.

And the other thing is, we're just setting ourselves up for just a slew-- which is going to happen anyway because of all the other square footage that has been passed here at this level-- just a slew of lawsuits. So if you want to just throw that down, work with the City. And I have the same message for the City. Thank you, and have a good morning.

CHAIRMAN SULLIVAN: Thank you, Ms. Sigstedt. Yes, sir?

JACK WHITE: Mr. Chair, Commissioners, my name is Jack White and I'm a resident of Commission District 4. I'm here today to call a little attention to the negotiations between St. Vincent Hospital and the Healthcare Workers Union, Local 1199. These negotiations started in September, and are still continuing. There are -- the management of St. Vincent Hospital took this opportunity of a simple wage re-opener to open profound changes in the contract that the nurses work under and the technical people work under at St. Vincent. And they have continued, there is some progress, there are very few sessions left and there are very many things to be resolved. I'm coming forward today to ask for the County Commission's support in encouraging the board of trustees of St. Vincent Hospital to negotiate quickly and with good faith to develop an acceptable contract with their employees.

Now, the reason this is a matter of public concern is part of what's happening is how well staffed the hospital will be at the bedside. Management's always pretty well staffed, but sometimes there are insufficient nursing staff and insufficient technical staff to care for the people who are ill in the bed. We have to be able to attract technical and nursing employees to St. Vincent Hospital.

And St. Vincent is these days and with this board of trustees quite concerned about its financial status, and would like to end the year in the black, as would we all. But they have been, I believe, tending in the direction of understaffing in order to save money. And I would like to call the County's attention to this, and I would like to ask the County Commission and

County Staff's -- let's just say support, in encouraging St. Vincent Hospital to negotiate and arrive at a fair and equitable settlement as rapidly as possible.

CHAIRMAN SULLIVAN: Thank you, sir.

MR. WHITE: Thank you.

CHAIRMAN SULLIVAN: Next speaker.

BECKY BUSTAMANTE: Mr. Chair, members of the Commission, I have a matter of some importance to bring to your attention that will only take a few minutes. At the last Board meeting, I was handed an unsigned, handwritten note by the County Manager telling me that the Board had made a decision not to have anyone in attendance at executive sessions of the County Commission unless invited, and that included me.

This is a matter of law, and I would like to read you a couple of sections of the law that relate to my attendance at all County Commission meetings. The first is Section 4-40-3, which states: "The County Clerk shall be *ex officio* clerk of the Board of County Commissioners, shall attend the sessions of the Board in person or by deputy." Also, the pertinent provisions of Section 4-40-4 state that: "It shall be the general duty of the Clerk of the Board of Commissioners to record in a book to be provided for that all purposes of all proceedings of the Board, to make regular entries of all their resolutions and decisions in all questions concerning the raising of money." And as you know, some of these things are discussed in executive sessions, "To record the vote of each Commissioner on any question submitted to the Board if required by any member."

To attempt to ban me from a County Commission session of any sort is contrary to law and throws the concept of checks and balances in our governmental system out of the window. I am an elected official, the Santa Fe County Clerk, and not just anyone who can willy-dilly be excluded from a session of the County Commission, executive or otherwise. So without something more definitive and professional than a note written on a scratch paper, unsigned, please know that either I or my designee will attend all County Commission sessions, both executive or regular. Thank you.

CHAIRMAN SULLIVAN: Okay. Are there any others who would like to address the Commission?

COMMISSIONER DURAN: I might have a question.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Ms. Bustamante, is there -- do you have something in the regulations that you can look at to basically support what you just said?

MS. BUSTAMANTE: I quoted the statute.

COMMISSIONER DURAN: Could I have a copy of that, please?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to see if Legal could take a look at that and look into it and make sure that we're not doing something illegal.

CHAIRMAN SULLIVAN: Mr. Ross, could you take a look at that? Or perhaps you already have.

MR. ROSS: I have not, specifically, Mr. Chair. I will look at it and report back to the Board.

COMMISSIONER DURAN: Mr. Chair?

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Just on one last note. Becky, I've been in executive session with you for the last six years, and I think there's been several times that we have asked for everyone to leave except for the Commissioners. And I think that this Commission has the prerogative to do that in certain situations. So as long as we don't disagree on that.

MS. BUSTAMANTE: Mr. Chair, I agree that, and I never have -- and as you know, in all the years that I have been a County Clerk, sometimes I have said to you "I don't think I should be in there" because I do believe that when you're hiring a County Manager or you're going to discuss those issues, I agree. And I have honored that. But to get a handwritten note, just scribbled, a few minutes before a meeting, was certainly unprofessional.

COMMISSIONER DURAN: And when we want to talk about you.

MS. BUSTAMANTE: Well, I think when you want to talk about me, you should note it on the agenda so that I can be present.

COMMISSIONER DURAN: We never talk about you.

MS. BUSTAMANTE: But I believe that in the statute I am *ex officio*, I think I have done my duty and honored your request when-- and you have, on a couple of occasions, and I have come to you and said, as when you were Chairman, and you were Chairman for many years, that I said "I don't think I should be in there." And I have not. And I have not even allowed my designee to go in there because I felt it should only be me. But to get a handwritten note saying that I was no longer allowed I felt was very unprofessional and certainly I believe the law is very clear. It says I shall. Thank you.

COMMISSIONER DURAN: So Mr. Chair, Mr. Ross is going to investigate that?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER DURAN: You know, I don't think I was there at that meeting. Did we exclude the County Clerk from executive session entirely, is that what the note basically said, that she is banned from executive session? Gerald?

MR. GONZALEZ: Mr. Chair, members of the Commission, the note was handwritten at the prior Commission meeting, and that in order to keep it an informal communication and not escalate to the point we're at today. But in any event, the note basically indicated that the instructions that I'd received from the Commission were that no County members, whether official or otherwise, were to attend the executive portion of Commission meetings unless requested to attend. And that was the decision as I understood it. So it applied not only to the County Clerk, but also to all other officials and all other staff.

COMMISSIONER DURAN: Okay, thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Other comments or questions from the Commission? Is there anyone else who would like to address the Commission this morning?

VII. Matters from the Commission

CHAIRMAN SULLIVAN: Okay, if not, we'll move to item VII, which is matters from the Commission, starting with Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya?

COMMISSIONER MONTOYA: Ditto.

CHAIRMAN SULLIVAN: Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, first of all I'd like to wish Commissioner Montoya a late birthday. It was August 20th and we missed that. October the 2nd is Commissioner Campos' birthday, happy birthday.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER ANAYA: We've got some new employees at Santa Fe County, and I'd just like to read them off here a little bit and congratulate them and welcome them to Santa Fe County. Robert Sandoval, Marlene Elencia, Genoveve David, Jeremy Gonzales, Walter Hensburg, Carol Johnson, Cecilia Moya, Patrick Novel, Jeremy Rendon, Maria Sanchez, Cynthia Willier, and John Whitbeck. And we also have a few people from the Sheriff's Department, new sheriffs Seferano Varela, Michael Delgado and Marcus Farson. And new people in the Records Department are Valerie Elencia and Lorraine Garcia. And I want to welcome them to Santa Fe County. Mr. Chair, that's all I have.

CHAIRMAN SULLIVAN: Thank you, Commissioner. We certainly all welcome the new employees. Commissioner Duran.

COMMISSIONER DURAN: I have a couple items. I've been appointed to Governor Richardson's Blue Ribbon Water Committee, and as a member of that committee I was invited to attend a town hall meeting where that group was given the task of developing some recommendations that the governor could use in developing a water policy for the state. And a lot took place there.

But a couple of things that came up that I'd like to point out to Gary and to the Commission was that there was considerable discussion about investigating new technologies to protect and to find not new water, but to expand the use of the water that we have. And that included aquifer injection, water storage, and wastewater injection, maybe that's the same thing.

But the biggest thing was water storage technology that other communities are using. And I was told that there was some water that Wyoming and Colorado are not using right now that if we could, if we had some kind of aquifer storage program we might be able to work out some kind of arrangement with those states to store that water so that we could use it in dry times. So I was just wondering, Gary, if you might be able before you leave, and I know that's coming up soon, put together a program or some kind of plan that your replacement will follow through on relative to the new technologies that are out there for this community, and actually the state as a whole.

Has anything happened since the last time we had those people from Arizona come here?

CHAIRMAN SULLIVAN: Mr. Roybal.

GARY ROYBAL (Utilities Director): Mr. Chair, Commissioner Duran, we haven't pursued it very actively. We are looking at going to take another site visit of another, some more aquifer recharge facilities in California. We're trying to develop a site visit to that area.

One of the I guess long-range plans that I've been looking at and working with our department staff on is developing a master plan that would look at aquifer injection, aquifer storage and the types of facilities that we would need to be able to accommodate that type of technology and program into our system. But that would require putting out an RFP and setting out the scope of work that would be able to do that. So that is a project that we are certainly pursuing at this point.

The issue of bringing water in from probably Colorado or Wyoming is the Rio Grande compact that we have to deal with. Because the water, coming down from Colorado, still has to cross the Otowi Gauge and we still have to deal with the Rio Grande compact on that. So that is an issue that we can explore and study.

COMMISSIONER DURAN: Okay, I just think that once the governor develops this water plan that we're going to find that these new technologies are an integral part of his plan. And if we could start working on that now, we'd be ahead of the game.

MR. ROYBAL: Commissioner Duran, I agree, and it is a program we are pursuing internally.

COMMISSIONER DURAN: Okay, good, thank you. Another question I have is for Tony. Tony, Mr. Flores, could you give us an update on the space analysis, the RFP we have out there for the architect to analyze our space needs?

TONY FLORES (Project Manager): Mr. Chair, Commissioner Duran, real quickly, the County received ten proposals for the long-range needs assessment and master planning of County facilities. Of those ten, they were evaluated in a written evaluation by a team. The team has identified three of the firms that will be interviewed for the second phase of that. The interviews will be conducted this Thursday and the following Tuesday. After those negotiations are completed, a meeting will be conducted with Finance to establish a budget. Negotiations will be undertaken, and then it is my plan to bring it up on October 28th before the board for approval of the professional service agreement.

CHAIRMAN SULLIVAN: Great.

COMMISSIONER DURAN: Yeah, one last one, the economic development individual that was going to advise us on our business park?

MR. FLORES: Commissioner Duran, I have not been involved in that process, I'd have to defer to Land Use.

COMMISSIONER DURAN: Thank you, Tony.

CHAIRMAN SULLIVAN: Mr. Abeyta.

ROMAN ABEYTA (Land Use Administrator) : Thank you, Mr. Chair,

Commissioner Duran. That RFP is currently still out, and I believe the deadline is the middle of October, around October 20th is the deadline, and then after that we will put together an evaluation team and then hopefully have somebody selected sometime in November.

COMMISSIONER DURAN: Okay, so sometime in November?

MR. ABEYTA: Yes, Mr. Chair, Commissioner Duran.

COMMISSIONER DURAN: Okay, thank you. Mr. Chair, just one last one for Susan from Finance -- I guess she's not here. I would just ask her to give us an update on the gross receipts tax, where we are on that. Have we -- has it produced the revenues that we had projected?

CHAIRMAN SULLIVAN: We have a financial report summary on the agenda.

COMMISSIONER DURAN: Okay, good, I'll wait till then. That's all I have.

Thank you.

CHAIRMAN SULLIVAN: We can ask at that time.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: I have two items. The first -- well, before I start, let me ask the Board something here. I notice under presentations that our Employee of the Quarter presentation is fourth after what may be longer presentations on the Airport Business Park and on the Governor's GRIP program. Would it be appropriate to do that Employee of the Quarter first, do you think?

COMMISSIONER ANAYA: Sounds good to me.

CHAIRMAN SULLIVAN: Is that -- I didn't catch that during approval of the agenda, but if you all don't mind I'd like to make a motion to amend the agenda to place item IX. D as in David at the beginnings of the presentations.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Okay, moved and seconded.

The motion to move the Employee of the Quarter presentation up on the agenda passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you very much. The two items I had, just quickly were a reminder to the Board and also to the public that the Regional Planning Authority will be conducting a workshop pertaining to regional water authority issues and we're having two entities from out of state come in and conduct this workshop and present the experiences that they've had in their regions and one is the Denver Water Utility and the other is the Tampa Bay Water Utility. Those individuals will be here Friday, October 10th, starting at 1:00 p.m. That presentation will be in the New Mexico State Capitol Building, in the third floor room 322. And starting at 5:00 then we'll have some public dialogue which will include questions and comments of the panel and any comments that the public would like to make. It's very important and I think it will be a very interesting event and we've mentioned it before but these are the final times and location and anyone who can make it I think it will be well worthwhile. It is a Friday. Sometimes that's a bit difficult to deal with in the afternoon, but

nonetheless that's the only time we could get these individuals there. So please come and learn about what other entities are doing in dealing with regional water issues.

The second thing I had was I just wanted to update the Board. I received a letter from Judy Francisco who is Youth Services librarian for the Vista Grande Library. She thanked us for our decision through the Commission's discretionary fund to fund the after-school reading program and the summer reading program, Magical Mystery Tour, during 2003. She indicates that it had wonderful results. She's presented us with a scrapbook here which I'll pass around and you all can look at. She says six main volunteers engendered the love of reading over 170 volunteer hours during the spring. Thirty-six children attended Thursday after school with such enthusiasm that many came before school started this year, ready to sign up again. 165 children participated this summer in 37 events linked to reading and the addition of many new non-fiction books we were able to purchase because of the grant.

Over 500 volunteer hours were spent in brainstorming, organizing and running the programs. Most of the presenters were volunteers also. All of us were delighted with the children and parental response. And she thanks the Commission for the assistance it has given to the Vista Grande Library. I'll pass this around. I think its after-school and summer reading programs are really key to engaging our youth in times when they might be doing something else.

All right. Those are the Matters from the Commission. I'll pass this around if anyone would like to look at it.

VIII. Committee Appointments/Reappointments/Resignations

A. Road Advisory Committee Reappointment

CHAIRMAN SULLIVAN: Mr. Martinez.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, Area 4 of the Road Advisory Committee is currently being represented by Bob Horning. Mr. Horning has represented this area for the last three years. This area encompasses Chupadero, Rio en Medio, Tesuque and Hyde Park Estates, which falls within Commission District 1. Mr. Horning terms expires now in October and he has volunteered to serve an additional term. Public Works is recommending the reappointment of Mr. Horning to Area 4 of the Road Advisory Committee.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTROYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

The motion to reappoint Bob Horning passed by unanimous [5-0] voice vote.

MR. MARTINEZ: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Robert, could you do me a favor or do us a favor and thank all of the people that are involved in the Road Advisory Committee for volunteering all their time and hard work. We appreciate what they do. Thank you.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, I will do that.

CHAIRMAN SULLIVAN: So if any of you have road questions, that was the person to contact. We do appreciate the Public Works Department's excellent maintenance of our roads.

VIII. B. Lodgers' Tax Advisory Board Resignation

CHAIRMAN SULLIVAN: I don't have a document on this.

THERESA MARTINEZ (Accounting Supervisor): Mr. Chair, Commissioners, this is informational just to let you know we have a vacancy. It would have to be a representative from a lodging facility, so it more so if you have any suggestions for this vacancy.

CHAIRMAN SULLIVAN: And it has to be in the county?

MS. MARTINEZ: Santa Fe County lodging facility.

CHAIRMAN SULLIVAN: And who is on the board now from the lodging --

MS. MARTINEZ: We currently have Ben Serber, who is at-large. We have Flossie Brown from the lodging facility, she's from Santa Fe Skies. Actually, she represents a business, pardon me. We have Florence Jaramillo, business, with Rancho de Chimayo, and Alfred Matter, representing lodging, and we lost Eddie Smithston from Sunrise Springs, representing lodging. So we need a member from a lodging facility.

CHAIRMAN SULLIVAN: I would imagine with the recent election on the beer and wine license that the -- I can't think of his name but the owners of Tres Campanas might be interested in getting on that board. They were active in that election, I know.

MS. MARTINEZ: Okay. This was just informational. If you have any suggestions you can forward that to me and then we'll probably take this before the Lodgers' Tax Advisory Board at their next meeting, and then bring the recommendation to the Board of County Commissioners for approval.

CHAIRMAN SULLIVAN: That's just a little restaurant out on Route 14. You don't know where it is.

MS. MARTINEZ: Okay.

CHAIRMAN SULLIVAN: Good burritos.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'd like to see a list of those people and where they live. I know we sometimes lack representation from the northern part and the southern part of Santa Fe County, so if I could see where they live and we might want to put

somebody down there from the southern part or up in the northern part.

MS. MARTINEZ: Okay.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Do you have someone in mind? No one from Edgewood? Or Stanley?

COMMISSIONER ANAYA: There's lots of motels going in.

CHAIRMAN SULLIVAN: Once again forgot Stanley.

IX. Presentations

D. Presentation by the Fire Department for Employee of the Quarter, October 1, 2003 to December 31, 2003

HELEN QUINTANA (Human Resources Director): Good morning, Mr. Chair, members of the Commission. I would like to speak in support of the selection of Ms. Morris as Employee of the Quarter. Last November, the County developed a need to create a committee to assess the impact of the new HIPAA regulations that they would have on Santa Fe County. Ms. Morris was assigned to be one of the members. Ms. Morris identified early on that her department would be significantly impacted by these regulations and had already begun the process of compliance. Throughout the County's compliance process, Donna has been very open to accepting responsibilities to ensure the County met our compliance deadlines. This involves assisting with the development of policies and procedures, attending meetings to review the County's progress, developing a scope of work and a RFP for online training services, participating in the assessment and selection of the online training program, and communicating with various organizations to ensure the County's progressing aggressively towards full compliance.

This process has been a huge and challenging undertaking for the County. Ms. Morris' diligent efforts have helped us to get to the point where we are in compliance with the new HIPAA regulations. It has been a pleasure working with Donna on this important project. She has brought a high level of knowledge and a willingness to go above and beyond all of our expectations.

CHAIRMAN SULLIVAN: Thank you, Helen. Stan?

STAN HOLDEN (Fire Chief): Thanks, Helen. Helen was able to illustrate for you in the letter of why Donna is important to all of us, but I have a little bit more to say about her. Donna is an outstanding employee, someone who takes her job and her duties and responsibilities very seriously, and always strives to do not just a good job but a great job. Like paramedics and firefighters, she deals with people who are not always at their best, yet in the 16 years that I've known her and worked with her, she has never had a customer complain. Donna is many things to many people.

She's a counselor for those who need advice or just someone to listen to their problems. She's compassionate to those in need, whether it's a patient, a family member or a colleague,

she's a strength for those who are weak. She is and always has been someone who can be trusted and depended upon. With the big, rough, mean and manly paramedics and firefighters of the Fire Department she is someone to talk to. She is someone who can be trusted with sharing their most secret feelings and emotions.

To illustrate for you the true measure of her impact on our organization, let me tell you this, when Donna is sad, we are sad with her. When she is happy, we are happy. She touches not only our lives but our souls. We recognize her today for her outstanding work on a most difficult task, that four letter word that's really five letters, HIPAA. She reached outside our department and has now made a huge and significant impact on the County in its compliance to this important federal law. But really, we recognize her importance to each of us every day, not just for the great work that she does, but because she is much more to us. And now you know too what she means to us.

When she laughs, giggles or smiles, we feel good inside. We feel good about ourselves and we all smile with her, and that's our Donna. Thank you.

MR. GONZALEZ: Mr. Chair, members of the Commission, I just wanted to add to that and add one other qualification. She's the County's fire alarm, just in the way that coal miners have their canaries that they carry into the cage, we have our Donna who was the one who alerted us of the seriousness of the HIPAA issue and I had the great pleasure, when I was both assistant County Attorney and acting County Attorney to work with Donna and the other committee members. She was such an inspiring team member that she just kept us charging on when even at times it looked like it was an impossible task to become HIPAA compliant. Because of her leadership, we are today. Helen knows that because Helen also was the leader of the committee and I just want to endorse her appearance here today as the Employee of the Quarter. Congratulations, Donna.

CHAIRMAN SULLIVAN: In addition to these heartfelt testimonials, let me just let the public know that the Employee of the Quarter does get a little something else as well than thanks. The employee does receive eight hours of administrative leave and a parking permit in the back parking lot if they need that. And if they don't, they get an additional eight hours of administrative leave to be substituted for the parking permit. In addition to that they receive a certificate and a lump sum of \$100 minus federal and state taxes of course, and an article regarding their accomplishment in the Santa Fe County newsletter. So there are a few little things that we try to do to recognize these employees.

So having said that, could Ms. Morris come forward please?

DONNA MORRIS (Fire Department Accountant): I'd just like to say thank you and when Helen told me about this I think after my jaw hit the floor I was just awe-struck and this has taken me way off guard. I just want to say thanks to Helen for the nomination, to Chief Holden for supporting that, to Gerald and everybody else who was on the committee with us. It was all a joint effort and to my co-workers at the Fire Department, my second home and my second family. Thanks.

COMMISSIONER ANAYA: I want to personally thank you, Donna, for all of your hard work. We appreciate it.

IX. A. Presentation on "The Governor Richardson's Investment Program" given by New Mexico Department of Transportation
1. Resolution No. 2003-137. A resolution endorsing and supporting Governor Bill Richardson's Investment Partnership (GRIP) for transportation in the State of New Mexico

CHAIRMAN SULLIVAN: Our next item on the agenda, we'd like to welcome the Secretary of the Department of Transportation here this morning. Ms. Faught, thank you for your patience while we recognize and honor some of our employees and she will make a presentation on Governor Richardson's Investment Program.

RHONDA FAUGHT (NM Secretary of Transportation): Thank you, Mr. Chair. First of all, I'd just like to offer congratulations to Donna and I was just thinking, if she has a clone, after hearing all those accolades, I could use her over at our department too. Mr. Chair and Commissioners, thank you for allowing me to talk about Governor Richardson's Investment Partnership and it is a partnership instead of a program because it's going to take a partnership with you and with cities and counties and advocacy groups across the state for this to work.

First, before I get started I'd like to also introduce our district engineer for Santa Fe County and that is John McElroy. He's your direct contact. He's your conduit for any kind of highway-type or transportation issues that you may have. And so with that, also I have Mahesh with me and I have another person here with me. Anyway, I thought I'd introduce them if they were here.

First of all, as many of you have often seen is that I've been stressing how we're not a Highway Department anymore, we're a Department of Transportation, and Governor Richardson's Investment Partnership, it does cover more than just highways, even though the portion that's getting the most attention is the highway portion. And so I'd like to go over that a little bit. Also, I wanted to point out to you, this handout right here [Exhibit 1] is our guiding principles and our guiding principles indicate that we are more than just a highway department, that we are committed to being a multi-modal transportation department and that we believe in mobility for everyone, and also, if you look down, it says that we also are committed to our partnerships with local governments, which you are a part of, and also to say that I came from a local government a long time ago working for city government. Also, I helped establish the local government assistance bureau in the department we're getting ready to re-establish again, so that we'd have a more direct conduit to you since you're where the people are actually voicing their opinions and we want to offer our hand out to you in that partnership.

In front of you you have this and also it's called GRIP. Get a GRIP on transportation is what we're talking about, investing in New Mexico's transportation. I'd like to just kind of briefly, and I know that you have a long agenda so I'll just be very brief, about how important transportation is in our state. New Mexico sits right in the middle right between two of the biggest economic powers in the world. We have California on one side of us and Texas on the

other side and they're top-ten economies in the world. And how do they get their goods across the country? They have to come right across New Mexico. So it's not just the transportation in New Mexico for our own citizens but for our country and also for the entire world because of our global economy issues.

That's how important transportation is and that's how important this particular program is for all of New Mexico, including the country and the world. I believe very strongly in that. We'll go over the highway portion of this, what the map indicates. Let me tell you how we came up with this. The green on the map indicates our statewide transportation improvement program. That means that's money that we anticipate getting. We consider these funded projects. We were looking at this and we said, You know what? This is not nearly enough. We cannot continue for the next seven or eight years and not look at other improvements that have to happen to our transportation system or to our highway system and so we're going to have to look for additional funding.

So we had our district engineers in a room and they came up and they started coloring up a map identifying routes, routes on our highway system that were not funded that needed desperate funding. They came up with about \$3 billion worth of projects. I said, That's too many. So we whittled it down and what you see in red, there's the most critical of needs on our highway system. When I say critical needs I mean that if something is not done to these roads that are in the red, then we have a chance of possibly losing these roads, which definitely has an impact on our economy and our economic opportunities in our state.

So then, in addition to that, we looked at what you see in the blue, which represents an expansion program. In other words, expanding either a critical need such as widening the road. We have for instance, I'll point out the Albuquerque to Santa Fe corridor. It's either adding a third lane to that. It's increasing commuter services, be it rail commuter services and bus commuter services or any combination of those. So it's not just adding a third lane. It's looking at all the opportunities between Albuquerque and Santa Fe to meet the growing needs of the commuters to and from the two cities.

So also, I want to point out some of the needs that are actually in Santa Fe County and I already indicated the I-25 corridor between Bernalillo and Santa Fe. Another one is the US 285 corridor, Clines Corners to Lamy, to increase that to a four-lane construction. Some other projects that impact you that are right outside of Santa Fe County is the Pojoaque corridor, completing that between Española and Pojoaque and also I-40 in the Moriarty area, west interchange to the east interchange in the reconstruction of that area that you might be interested in knowing.

In addition, this is a -- well, we've been saying \$1.4 billion program but we added a couple more so it's like a \$1.5 billion program, and what does that mean for our economy? That means about \$8.4 billion in economic benefit in our state because every time you spend money in a transportation, on a highway project, it also, people are buying food. They staying in lodging. They're buying homes and so forth. So that's the economic benefit of putting \$1.5 billion of new construction into our highway system. It also means about 8,000 jobs a year for the next seven years. That's what's important to our state.

I want to restate that the roads in the red are not -- these are critical needs. The State of New Mexico, just on the state system has \$11 billion worth of needs. These are the most critical of the needs. The red represents about \$1 billion, the blue represents about a little over \$500 million and the green represents about \$1.2 billion, just so you can see, kind of get an idea. \$1.5 billion sounds like a lot of money and it is and it's going to be taken over a seven-year period to finish these projects. This is actually going to be part of the special session, starting on October 27th.

What we don't show in your packets but it's down here and I'll point it out is that we're also looking at partnerships such as passenger rail between El Paso and Albuquerque that will eventually go Albuquerque to Santa Fe, and we're doing a demonstration project on that with Amtrak hopefully early next year. We have the Eldorado to Santa Fe railroad which we're working very closely on and hoping to see something happen fairly quickly, once again, at least on a demonstration level. We have the Park 'n' Ride between Santa Fe, Española and Los Alamos which is already in existence in the Pojoaque corridor. We're seeing about 3,000 riders a day on that. We'd like to see that improve, of course. We're also looking at increasing bicycle, pedestrian and equestrian routes. We have a goal of 500 new route-miles per year for the next four years, because right now, we don't have any designations on our state highways right now, and we're going through identifying the highways that can be designated as bicycle-pedestrian routes and we'll be doing that, like I say, our goal is 500 miles per year for the next four years.

We're also looking at providing additional rural public transportation opportunities across our state. That obviously impacts all of you as well, and we're working with partnerships like with the Department of Health, Human Services Department, the Department on Aging and Children, Youth and Families and commingling all of our resources so that we can provide better service, because what you see is you have those vans in the rural areas that are giving senior citizens a ride and then they just sit there. So we're looking at identifying how we can commingle our resources so that these buses and vans can help everyone and also help enroll for rural transportation in our rural areas. And that's what Governor Richardson's Investment Partnership is all about and certainly, you have a resolution I believe in front of you and we would very much appreciate your support for that and I'll stand for any questions that you may have.

CHAIRMAN SULLIVAN: Questions for Secretary Faught?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Madame Secretary, this list was compiled by the DOT?

SECRETARY FAUGHT: Yes, that's correct.

COMMISSIONER CAMPOS: Does the MPO or the Metropolitan Planning Organization have any role in designating or choosing, or is it strictly DOT?

SECRETARY FAUGHT: Mr. Chair, Commissioner Campos, what we did is, obviously, we will be involving the MPOs and the RPOs in the process but these are what we

identified in the red as the most critical of the critical needs. And when we are talking to all the different local governments who are members of the MPOs and RPOs, they've certainly stressed that they concur and that they would support this when it gets through their processes.

COMMISSIONER CAMPOS: I think there's a lot of support for the money and the investment. For example, the MPO here as a priority on 599 and that's not mentioned. There seems to be a lot of safety issues on 599 and it doesn't seem to be addressed here. So in adopting this resolution are we precluding that consideration?

SECRETARY FAUGHT: Mr. Chair, Commissioner, what we have is like I said, these are just fixing the most critical, critical needs. We still have the STIP process, which a projects like you identified are very appropriate in going through that process. I certainly am aware of the issues that you bring up. The thing is that these are pavement issues more than anything else. If we don't do something with the pavement over the next few years we're going to lose it. When I say, what I use an example of is like a roof on your house. If you have a leak in the roof in your house and you don't do anything -- if you fix it right away, you can fix it for a fairly low cost. If you don't fix it, you're going to find that you're going to have more and more multiple leaks around your house and then what you're going to end up having to do is replace the roof on your house. That's much more costly than fixing the original leak. That's where we are right now on these red components is that we have been fixing the patches. We've been fixing all the leaks, but we need to remove the roof and replace it because if we don't we're going to lose the whole road. Those are the most critical, critical needs.

Certainly I know that not even close -- like I said, we have \$11 billion worth of needs. This only addresses \$1.5 billion. I'm certainly aware of many more needs that are very important. These are the most critical of the needs though.

COMMISSIONER CAMPOS: But you're still going to go through the MPO process? And that could change. Because the MPO has the final authority, doesn't it? In designating priorities for regions? Or is that the STIP?

SECRETARY FAUGHT: We will use that process also in identifying what our STIP is. We're looking for state funds for this. We're asking the state legislature to help us support these projects in the form of additional revenue so that we can bond. So the processes that we go through are primarily for federal funds, however, we still anticipate taking this through the MPO processes for the state funds as well.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Secretary Faught, thank you for coming over and presenting this to us and Mr. McElroy too. Thanks for coming over. One of my concerns is, I know we need to improve all the roads. What, on Richards Avenue, have we talked about another off-ramp there or interchange there for Richards Avenue coming into Santa Fe?

SECRETARY FAUGHT: Mr. Chair, Commissioner Anaya, what we have talked to some developers and some different types of proponents for Richards Avenue many years ago when I first came to work for the department, that was a project that was moving

forward and that was killed because of lack of support. We are definitely looking at that once again. It's not on this program but that doesn't mean that it wouldn't be looked at more closely. We certainly have talked to some developers that are willing to put money forward and putting some, making that an interchange. There's a lot more to just saying add ramps because of the impacts of the side-road traffic and to Richards Avenue itself. And so that has to be looked at more closely. It's not a part of this package but it is definitely something we're looking at as a department.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Secretary Faught, I had a question about how this would be funded. You indicate in the resolution that Santa Fe Board of County Commissioners would be supportive of legislation for appropriate funding to accomplish the projects of GRIP. Would that include increases in the gas tax or vehicle registration fees or permit fees, or what's your plan? What's the department's plan in going about funding this?

SECRETARY FAUGHT: Mr. Chair, we are waiting for recommendations out of the Blue Ribbon Task Force for tax reform and we anticipate hearing more about exactly where they're looking for the funds. We've provided a great deal of testimony on various ways to improve revenues into the Road Fund. Gas tax was one of them. Of course you know Governor Richardson has indicated that he wasn't in favor of a five-cent gas tax increase, so we've looked at special fuels taxes, we've looked at vehicle registration, we've looked at -- what I really, personally think are good taxes to look at because going back to us being a bridge state, having two major economies on either side of us using our highways to get across and not originating here and not using this as their destination, we have about 75 to 80 percent of the trucks on our highway system doing the most damage are coming from outside of our state. So we're looking for ways to reap some of the taxes from those trucks to help us with our highway system. They're doing the damage to the highway system.

So those are the primary areas we're looking at, what we're pushing with the Tax Reform Commission.

CHAIRMAN SULLIVAN: Okay, so that's kind of, in this resolution, obviously we are supportive of improving New Mexico highways and transportation systems. We would I'm sure want to know what that funding consists of and how, once the legislature is back in session, the areas that we'd like to support obviously depend on where the taxes are. At the current price of gas, gas taxes may not be really a palatable alternative.

SECRETARY FAUGHT: Yes, Mr. Chair, and I certainly understand that and it's kind of like writing a blank check. If you want to cross that out, I would understand. Until we have a little bit better information about what's coming out of the Tax Reform Commission, I certainly understand your hesitancy for that particular portion of it. But if you would like to sign we'd like it that way too.

CHAIRMAN SULLIVAN: We're usually pretty easy to get along with.
Commissioner Duran.

COMMISSIONER DURAN: Mr. Chair, my understanding is that this is really [inaudible] to our state transportation problems and that your department is still focused on local

issues such as County Road 62 and Richards Avenue. That's pretty much my understanding. That's correct, right?

SECRETARY FAUGHT: Mr. Chair, Commissioner Duran, it is. We have our regular process to go through for other types of needs such as Richards Avenue and 599. We're certainly aware of many, many needs and certainly there's not ever enough resources to do everything, but that can be -- but there are other areas, those two are certainly ones that we're looking very closely at.

COMMISSIONER DURAN: And one last question, the increase in the bicycle, pedestrian and equestrian routes, is there not federal funding available to the state for those types of programs?

SECRETARY FAUGHT: Mr. Chair, Commissioner Duran, what you see in the green is all federal funds. We don't have any, right now, our state revenues are such that we only have enough to match the federal funds and not to do a lot of the other needs that are required around the state. And so we have utilized every dime of federal funds that come to us on the highway system. We haven't done so much as on the public transportation system which we're going to take advantage of if we can get more state dollars to match those federal dollars. What you're talking about for those are really enhancement funds, and we utilize every enhancement dollar that comes to the State of New Mexico, mainly through local governments.

The routes I'm talking about is that we have a lot of highways right now with wide enough shoulders that could be designated, so we're going to start designating those and getting the signs up and putting them into a bicycle, pedestrian, equestrian map.

COMMISSIONER DURAN: Good work. Thanks.

CHAIRMAN SULLIVAN: Just a comment. Living in the Community College or near the Community College, I think Richards Avenue is a complex issue, although I understand that the developers would like someone to take the lead in widening that road for them, provide additional lanes, there are other issues there of alternate access that needs to be developed in lieu of Richards Avenue and simply making that into a strip, a single access strip is probably not in the best interest in the long-term interests of the Community College District. Some of the development approvals have envisioned alternate accesses, frontage road type of accesses down I-25. It's kind of one of those situations when you build it, they will come. And the construction of widened arterials creates more traffic and so I think that's a complex issue and I know we'd be glad to work with the department on that. Commissioner Duran.

COMMISSIONER DURAN: Just to kind of speak to what you just said, I really think that Richards Avenue, the goal for Richards Avenue and the crossing there is based on a number of things and one of them is that we have the Community College out there that could use that overpass. So I know that really isn't just developer-driven. It's community based. And that is a high-growth area for our community. There's no other area like it that's going to provide the housing and the economic growth that the community needs. I know it's been on the back burner for a while but I really think that it's something that we need to start addressing.

Right now we're dealing with water so once we get over that, maybe we can deal with

that.

SECRETARY FAUGHT: Mr. Chair, Commissioners, I live in Rancho Viejo and I would love to see a Richards Avenue interchange there from a personal standpoint, so I certainly relate to what you're saying, but I can't let that interfere with my personal beliefs.

COMMISSIONER DURAN: We'll disregard that.

CHAIRMAN SULLIVAN: You'd like the highway renamed, is that it?

SECRETARY FAUGHT: No.

CHAIRMAN SULLIVAN: We could call it something different if you like.

Okay, other questions for the Secretary. If not we have a resolution in front of us. What's the pleasure of the Commission with regard to Resolution 2003-137.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion for approval from Commissioner Anaya, seconded by Commissioner Duran. Further discussion?

The motion to approve Resolution 2003-137 passed by unanimous [5-0] voice vote.

SECRETARY FAUGHT: Mr. Chair, Commissioners, thank you very much for passage of this resolution, and we'll keep you informed about how things are going.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Thank you, Madame Secretary. You'll be hearing from us.

IX. B. Presentation on City of Santa Fe Airport Business Park

MR. ABEYTA: Thank you, Mr. Chair. In August the BCC had several questions regarding the City of Santa Fe's Airport Business Park project. We contacted the City of Santa Fe after that Board meeting and they agreed to send Scott Hoeft who is their contract planner to make a brief presentation to the Board of County Commissioners on this project. Thank you, Mr. Chair.

SCOTT HOEFT: Commissioners, on this plan you can see it a little better. We're talking about the blue area. On that plan it shows as dark-lined lots. It's very difficult to see. What we're looking at, the site is essentially, if you're on 599 heading south, you know where that aerial sewer line is at, just past Airport Road, the site is essentially between 599 and the Airport. It's about 84 acres in size.

COMMISSIONER DURAN: Does it line up with Jaguar?

MR. HOEFT: Yes. Just to give you a little background on this, we were approached by the City of Santa Fe in the year 2000 to do planning on this site. In year 2001, we submitted to Santa Fe County a master plan proposal for administrative review. We received comments back from Santa Fe County regarding the site, we made a few adjustments

to the plan, responded to staff. Subsequently in year 2002 we found from the County that the County essentially really didn't want too much input or direction on this site and they largely left the City of Santa Fe to plan for it.

The City of Santa Fe subsequently went to the airport manager and piggy-backed off their airport master planning process and made the site part of the airport master plan. So we concluded in the year 2002 with the direction from the County that the site will be governed by the FAA, all permitting will be directed by the state's Construction Industries Division and the County will have limited oversight of the project, based upon their own recommendation.

So just to walk you through the site real quick. It's 84 acres in size. It's planned for 84 lots. Lots range in size from a half an acre to one acre in size. Access to the site for the three-phase project will be from Aviation Drive for one and two. Eventually the site is earmarked for an interchange, but as we all know, eight interchanges are planned along 599 so we do not know if the interchange will ever happen. But again, the interchange would eventually be the new access into the airport if it would indeed occur. Right-of-way has been set aside for this interchange to occur by the Highway Department and again, if you're thinking of where the site is at, traveling down 599 you would then get past Airport Road, travel about a mile south and then of course there would be a major interchange. You would take your right and then of course head west into the site and that would be the new entrance into the airport.

Now, again, this is projected and this is ten to fifteen years down the road. We approached the Highway Department on this. They said that's a \$6 million project and they're willing to pony up 50 percent of the dollars for it. So we're not anticipating it any time soon.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, then I think Commissioner Duran had a question also.

COMMISSIONER ANAYA: What was your first name again, sir?

MR. HOEFT: Scott Hoeft.

COMMISSIONER ANAYA: Scott?

MR. HOEFT: Yes.

COMMISSIONER ANAYA: Is this right where the shooting range is?

MR. HOEFT: You got it. That is on the site. That would of course be removed.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Scott, so if the interchange isn't developed, what's the plan? Would they still develop the land? How would they access it?

MR. HOEFT: Commissioner Duran, the project is moving forward. The first two phases of development, roughly 50 lots can be accessed based upon our traffic impact study, from Aviation Drive. So it is planned that access to the site in the short term, five to ten years, will be from Aviation Drive. And if the interchange does not work, we've proposed an at-grade intersection on 599. Of course the Highway Department would prefer an interchange as you all know, but the question is, one interchange, in my understanding is planned along 599. Who's going to get it and who has the dollars is yet to be determined and will be over the

next 15 years.

COMMISSIONER DURAN: And the lots would then be made available to the private sector on a 99-year lease?

MR. HOEFT: You got it. The City of Santa Fe will own the lots. Their intent is to put in the infrastructure for the development and then lease the lots. The target market is for light industrial uses for lower and medium range industries.

COMMISSIONER DURAN: So it would be I-1 versus I-2?

MR. HOEFT: Combination, I would say. Think of it more as a light industrial park where you have some uses, light industrial uses combined with office uses, combined with other commercial uses.

COMMISSIONER DURAN: So this would be similar to the City's Valdez Park that did so well?

MR. HOEFT: Yes, I would say that's a good comp. Probably smaller industries though. Again, this is going to be targeted towards more affordable industries that can't quite get their foothold into Santa Fe because of the land costs so the City is going to market this as for a reduced rate.

COMMISSIONER DURAN: So it sounds like it's similar to what we are planning to do at our site. It would be like for garden --

MR. HOEFT: Incubator?

COMMISSIONER DURAN: Yes.

MR. HOEFT: Yes. Exactly. A lot of the uses will be aviation-related though.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Scott, I had a question. Is this in the city or in the country?

MR. HOEFT: The site is in the county. It's owned by the City.

CHAIRMAN SULLIVAN: Okay, it's in the county. Would that be going through the County review process?

MR. HOEFT: No, it will not be.

CHAIRMAN SULLIVAN: And why wouldn't that?

MR. HOEFT: Well, I started off my presentation by indicating that -- would you like to field the question?

MR. ABEYTA: Mr. Chair, approximately some time in 2001, a presentation was made to the RPA and we discussed jurisdiction at the RPA and whether or not the County would want this project to go before the County process and the members of the RPA at that time, the four County Commissioners gave staff direction that no, they did not have to go through the process but you did require us to do an administrative review of their master plan, which is what we did.

CHAIRMAN SULLIVAN: I guess the question I would have is, notwithstanding that direction, and I wasn't on the RPA at that time, legally, does this go through like any project, our planning processes?

MR. ABEYTA: Mr. Chair, I can't answer the legal question but I can tell you

that it's been practiced in the past that what the City does out in the county, normally, the County looks at administratively and I believe it's the same thing for projects we have in the city limits. We don't go through the City's process either. But I don't believe that was ever formally agreed to and I don't know how that fits legally but I can just tell you that that's been the practice in the past with City and County projects.

CHAIRMAN SULLIVAN: I don't want to start a turf war but I think that certainly I'm interested in this project. I don't know if some of the prior Commissioners were or weren't, but the indication seems to be that we should treat this with benign neglect, but I think it's very important the impact that it has, not only in that area, transportation and so forth, but the impact it would have on our own business park as well, in terms of the types of clientele that we want to attract. Commissioner Duran, you have a comment?

COMMISSIONER DURAN: Yes, I know you don't want to start turf wars but that's exactly what you're doing. We have no jurisdiction and that decision was made several years ago. Staff was given direction. The City has progressed with their plan based on that direction and the understanding that the County believed in the City's ability to plan this project from a regional point of view. And I think that if you want to start turf wars I think you should bring this up for the Commission to make a decision and let the Commission as a whole decide how they want to deal with this issue rather than take this on on your own.

CHAIRMAN SULLIVAN: Well, Commissioner Duran, I'm not doing either. I just indicated I don't want to do that, so perhaps the best approach would be to ask the staff, the County Manager and Mr. Ross to take a look at this in terms of what would be our appropriate level of input into this project. I don't want to put you on the spot at this point but I think just as the City has taken a very close look at our projects that we do we would want to do the same and I don't have any pre-set agenda as to what a conclusion might be. I think it's just important that we both be on the same plane when we're planning these projects. Commissioner Campos, you had a question?

COMMISSIONER CAMPOS: Mr. Chair, I am concerned too about jurisdiction and impacts. There are a lot of county residents and we've essentially abandoned our residents and let the City do whatever they want to do out there without having a formal process and I think that's important because that brings the public into play and they can participate and have input and we've kind of just said, We don't want to hear from the people out there. Let the City just come in and do whatever they want here. This is not inspiring a turf war. It's taking responsibility for our own jurisdiction and our own job responsibilities. So I'm inclined to have this go through the full County process. I think we have jurisdiction. I think it impacts County residents. I think just saying to the City, You guys do what you want as a policy -- the four Commissioners at the RPA saying, Yes, that's what we want, that doesn't resolve the legal issues, the jurisdiction. I think the statute basically says you have jurisdiction. I think that's what the ordinance says. You can't just waive it. You can't just say, Hey.

So I think the County needs to have an important role, playing a role in this process. I think the County has a business park planned out there that's near this airport, right? Is that right, Mr. Kolkmeier?

JACK KOLKMEYER (Planning Director): Mr. Chair, Commissioner Campos, the County's business park is on Route 14. That's further down. But we're doing a whole plan for the Airport Development District and the intersection there.

COMMISSIONER CAMPOS: Which is nearby.

MR. KOLKMEYER: It's adjacent.

COMMISSIONER CAMPOS: Okay. Has staff looked at that as the City doing this and the County doing something else right next door?

MR. KOLKMEYER: We've had, as Mr. Hoeft pointed out, we met early on about this but it was really just to discuss the policies that we have about City projects are reviewed in the county and everything he told you was correct. We've had additional meetings though with the City and more or less just been told that they're going to go ahead with their project and we weren't going to have any involvement in their planning of it.

Also, concurrently, in the Airport Development District and the work that we've done there, we've asked for City input early on and Jim Montman from the airport was involved but there hasn't been any involvement in the Airport Development District from the City. The question that it really raises that's extremely important that if we view this as a regional economic development project and the RPA now, you guys are really far along with growth allocation, how do we allocate growth to this area that's probably the most important economic development area outside the city of Santa Fe?

COMMISSIONER CAMPOS: When you say this area, do you mean the airport?

MR. KOLKMEYER: The whole airport area, the city and county both. We're not doing it together just because of the jurisdictional issues but the question that it raises is, if the City does this and builds a business park there, where do we build a business park at 599 and Airport Road, for example? How do we in the county, where we have incredible access to those areas, what's our role supposed to be in this, because again, it sort of raises the question of how much commercial is enough and where does it go?

And maybe the RPA, in listening to some of the comments that you've made already, maybe the RPA has more of a role in directing some of this discussion than we thought we had two years ago when it first came up.

COMMISSIONER CAMPOS: It's within the two-mile?

MR. KOLKMEYER: No, this is outside of the EZ. This is in the county.

COMMISSIONER CAMPOS: It's totally outside. In the five.

MR. ABEYTA: Commissioner Campos, it's in the five-mile. Between the two and the five.

COMMISSIONER CAMPOS: It seems to me we have jurisdiction. We have some serious coordination issues and that would benefit everybody, the City and the County and the region and to just drop out and say, City, do whatever you want is really the wrong way to go. Thank you, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran has a comment.

COMMISSIONER DURAN: I think that we need a legal opinion and I think we need it today. Gerald, you've been in this business long enough to know whether or not the City or the County -- if the County has jurisdiction over its City-owned property, I'd like to hear from you on that, but the other thing is that, if you recall, Jack, that the presentation started out with the statement that this was going to be aviation-related. You don't need to speak, please. It was going to be aviation-related uses, which we're not going to be able to provide in the Airport Development District, in my opinion. So I don't think there's a conflict there at all. I think that what we're touching on here is definitely is going to turn into a turf battle. We don't have jurisdiction and I think that before we proceed on this I think we need a legal opinion from our Legal Department.

CHAIRMAN SULLIVAN: Well, this is just a presentation today. It's not an action item.

COMMISSIONER DURAN: I would still like to have that presentation, Mr. Chair. Not presentation. I'd like to have an opinion.

CHAIRMAN SULLIVAN: I would as well. Are there other questions or comments for Mr. Hoef?

COMMISSIONER DURAN: I would like Gerald to shoot from the hip on that.

MR. GONZALEZ: Thank you, Mr. Chair, Commissioner Duran. What I can say is having been on the City side and looked at this question there, because there were County activities when I was there that were occurring within the City's jurisdiction. That issue, through our research in the City Attorney's office could not be resolved. Now, I don't know if there have been additional -- whether there have been any cases that have been brought, and this is a question for Steve, I suppose to address, whether there are any current cases that resolve the issue. But I do know that at the City level, when I was there, there was a recognition that there were County activities that occurred within city limits and City activities that occurred out in the county. Specifically, at that time the question had to do with the Buckman wellfield and the operation of the City water system, that took place in the county.

The agreement was that each of those two governmental entities would apply their own processes, but also open up the process for feedback from the other governmental entity because the issue had not at that point been resolved in terms of jurisdiction. We looked at all the cases that existed then having to do with jurisdiction between governmental entities and there was no clear answer then. So the response was a mediated response of, Okay, each will agree to apply their own processes within the boundaries to their activities, to their activities occurring within the boundaries of the other jurisdiction, then they will again apply their process but open it up to receive comment and to operate cooperatively with the other.

COMMISSIONER DURAN: Mr. Chair, I was on the RPA when we made the decision not to get involved in the jurisdictional issues surrounding the City's desire to develop its business park. We felt that it was appropriate that our staff had the opportunity to be able to review the plan and that's what we did. We relied on staff to be able to advise us and to ensure that there were no major violations of County Code. I really think that we need to let the presentation continue. I think we need to let the City continue with their plan. Further on in the

agenda we have an issue relative to our water and our ability to negotiate a contract with the City relative to our wheeling agreement and future use of that resource. And I consider this, at such a late date in the process, we're just throwing a wrench into this communication process that we've worked so hard to achieve with the City. We have to trust that they're going to do what's best for the community. And I think there's a bigger picture here that we need to look at. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would like to see this matter presented to the Commission for a formal consideration with more input from the County. Two, I would say there's a difference between what they're proposing here and just merely a governmental function. This goes beyond governmental and goes to development, so I think they're certainly distinguishable processes. But I do feel that we need to have a presentation in depth from the County.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, why don't we, as per your suggestion, go ahead and let Mr. Hoeft finish his presentation and then --

COMMISSIONER DURAN: I just have a comment that will take ten seconds.

CHAIRMAN SULLIVAN: Go ahead.

COMMISSIONER DURAN: This isn't development; this is economic gardening. This is a plan that the City has put together to assist the community in developing a new economic base for our community. This isn't about development. This is about the City pursuing, fulfilling a need that they have recognized, that the RPA in the past agreed to. So I'm sorry that you weren't involved in that when we decided to do that, but sometimes we have to live with some of the decisions that were made and again, it's the big picture that we need to look and I think this is moving backwards.

CHAIRMAN SULLIVAN: Go ahead, Mr. Hoeft.

MR. HOEFT: Just a couple of comments on what has been said. First of all, we spent the better part of the year 2001 trying to figure out the appropriate entitlement process, working with City and County officials and we came out of 2001 with the directive that the County didn't want anything to do with it. 2002, the City proceeded with the airport master plan and that took the better part of 2002 to be included in that and then has moved forward under the assumption that the FAA governs this site, that the County will review plans and all building permits will be reviewed by the Construction Industries. So progress has been started, work is underway.

Secondly, we did get direction from the RPA in 2002 indicating that they didn't want anything to do with it, so that's something to consider as well.

CHAIRMAN SULLIVAN: Anything else in your presentation?

MR. HOEFT: No.

CHAIRMAN SULLIVAN: All right. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. I believe this is in my

district and my main concern is I don't know what happened in the past with the RPA but my main concern is the constituents out there and will they have an opportunity to go to the City? Are they going to have a presentation on what's going on? Will they have an option to speak about what they feel about this business park?

MR. HOEFT: There is no formal process that we would be subject to. We have submitted a master plan for staff in the year 2001 for review and we did get comments back on it. For a master plan submittal, there was a traffic report, archeology, market studies, the whole nine yards. We would not be averse to having neighborhood meetings but I think that we need to look out for the fact that the applicant has moved forward based upon previous recommendations that have been handed down by the County and the RPA. And we would not be averse to holding neighborhood meetings. Not at all.

COMMISSIONER ANAYA: I'd like to see that. So you're telling me that you're not going to have any public hearings?

MR. HOEFT: That is correct. We submitted master plan for administrative review and we received comments back from the County with the directive that the County and the RPA did not want involvement in the project. We have proceeded in 2002 under the guidance of the airport master plan, and now the site as you see as part of that, as part of the Santa Fe Municipal Airport, it's included as part of that, which is governed by the FAA and the Santa Fe City Council as well.

COMMISSIONER ANAYA: So the residents haven't had any say-so on what's going on out there at all?

MR. HOEFT: The residents have impact and say-so on the Santa Fe Municipal Airport, absolutely. And that whole planning process.

COMMISSIONER ANAYA: Do they know this is going out? This is coming up?

MR. HOEFT: This specific site? Well, I'm uncertain if they know if it's coming up or not. If they were involved in the planning process for the airport I would argue that they would be aware of this. I was not involved in every step of the way of the airport municipal. Jim Montman directed that, the airport City manager, so I can't speak to who was at those meetings and what took place. The other thing to keep in mind is this is a long phase project. This is 15 years and of course, a lot of the funding from the City is slowly being allocated to this, so this isn't going to happen overnight. This is a very slow process. The City is looking at biting off as little pieces of it as they can chew at this stage.

COMMISSIONER ANAYA: I just don't want to make it seem like we're sneaking something in to the constituents out there. So I want to make sure that we're following all the procedures and like I said, I don't know what happened in the past with the RPA but I'll look into that. Thank you.

MR. HOEFT: I would say if anything we've done in terms of sneaking something, we've been extremely public with City, County, RPA officials, County land planning staff, anyone as you've just seen testimony is aware of this project. So there's nothing that's secretive about this.

CHAIRMAN SULLIVAN: Commissioner Duran, then Commissioner Campos.

COMMISSIONER DURAN: Scott, maybe you could just send a message to the City Council or whoever it is, the department you're working with, that the Commission just wants to make sure, the Commission definitely wants to make sure that the community has been made aware of the project and that a public process has taken place. I'm sure that they're very familiar with the need for that and I'm sure that they would probably agree to develop some kind of public awareness program.

MR. HOEFT: I'd be more than willing to do that. This is governed, FYI, by the Community Services Division of the City, so they're pretty aware of keeping people involved, the community involved in projects for the community benefit.

COMMISSIONER DURAN: Maybe the newspaper can help out.

CHAIRMAN SULLIVAN: Commissioner Campos?

COMMISSIONER CAMPOS: I didn't have anything.

CHAIRMAN SULLIVAN: Commissioner Montoya, I saw a hand over there.

COMMISSIONER MONTOYA: Mr. Chair and Roman, could you tell me maybe based on your traditional history why the County would want no involvement in this?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, there was a presentation made to the RPA and again, I think it's just always been practiced that when we want to do something in the city limits we go through our own process, we don't go through the Historic Design Review Board or the City Council if we want to do something to our building for example and they've had projects out in the county. The MRC is another example. That was out in the county and I don't know if they ever followed through a formal process or if they continued to for every single activity that's done out there. There's just always been this long-standing agreement between the City and the County, but again, since it was raised two months ago or a month ago by some members from the Commission we asked the City if they'd be willing to come and make a presentation so we can get direction on this one more time so that we know how to proceed on this project.

COMMISSIONER MONTOYA: I guess my thinking on this is that we're talking about, I think the term economic gardening was used in terms of what's being done here and we have an RFP out right now for someone that's going to come and do an economic development study and feasibility study for us. And these two properties aren't that far from each other, and I guess the reason that I have just in terms of communicating and coordinating what's going to go on between what's happening here already and potentially what could happen at our industrial park. It could impact us in terms of any economic development that we have. I think for the purposes of communicating and coordinating what's going on between the two we should be involved. That's just my perception.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we have been involved but we've been involved from a staff perspective because that's how we were directed is to present the master plan and all the information to the staff, allow staff to comment and we would handle our review that way. But if you're saying you want to come before the Board or make them follow the procedures of the CDRC and then the Board of County Commissioners,

that's the direction we need because as Mr. Hoeft stated, they're already moving based on the direction that they got two or three years ago from the RPA and County staff. And again, issues were raised at the last meeting so we brought him here to make a presentation to see what the Commission wants us to do at this point.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Roman, in the past, with the City and the County not reviewing plans or just staff reviewing them, what kind of buildings are we talking about? Were we talking about just a single building or was it something as big as this?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, there have been several projects. Some have been buildings. I don't believe that our -- and maybe Tony or Corky could correct me on this but I don't believe we go through the City, like when we remodel our buildings off Galisteo Street, things of that nature and I don't believe that they went through the process when the MRC and the golf course were put out on 599. I believe they presented us information to us but they didn't have to go through the entire County process like a regular developer would have to. So I think it's been throughout time, it's been single buildings, larger projects, smaller projects. It's just always been again the fact that we'd look at it as kind of a courtesy review and raise any red flags from a staff perspective.

CHAIRMAN SULLIVAN: I had a question, Roman or Scott. When the City went through the airport master plan process, was this business park a part of the master plan process? It's not colored in here. It's not shown as a --

MR. HOEFT: That was just an earlier drawing. What you see here as the Board, as the part shown in blue, this was what has been presented over the last two years.

CHAIRMAN SULLIVAN: Because this airport staging -- I don't see it as a part of this document that you handed out to us.

MR. HOEFT: It has been, Commissioner Sullivan. I did not develop those drawings. Those were given to me by the airport but it has been presented all along as part of it. These were the boards that were used. I picked this up from Jim Montman.

CHAIRMAN SULLIVAN: So this is a part, what you're saying is that subsequent to this drawing, it's been approved as a part of the approved airport master plan?

MR. HOEFT: Yes, it has.

CHAIRMAN SULLIVAN: It says, "Commercial parcels have been established for the area east of Airport Road on the airport." Is that what this is talking about or what commercial parcel are they talking about?

MR. HOEFT: Let me check my map.

CHAIRMAN SULLIVAN: I wasn't sure if this was the commercial parcels or they're talking about some other area. When they say east of Airport Road, they don't mean east of the airport access road, but they mean east of the real Airport Road.

MR. HOEFT: What area are you in, Commissioner? The blue, the yellow or the green?

CHAIRMAN SULLIVAN: I was just reading the last sentence on the handout.

It says, , "Commercial parcels have been established for the area east of Airport Road on the airport." I was just wondering where those were.

MR. HOEFT: I'm uncertain. I do not know, Commissioner.

CHAIRMAN SULLIVAN: But that wouldn't be this business park, probably something else.

MR. HOEFT: No, because nothing has been officially established yet, I suppose. East of Airport Road I feel does not apply to this. This is between Aviation Drive and 599.

CHAIRMAN SULLIVAN: There is some other commercial out there. Okay. Or at least planned. Commissioner Duran, question?

COMMISSIONER DURAN: The City has been working on this thing for five years. We've known about this since we adopted our General Plan and they adopted ours. Mr. Kolkmeier has had numerous discussions with their Planning Department. The understanding was that they were not going to participate in our planning process on the Airport Development District, the community plan, and that we believe in their ability to plan this business park. They could annex it, could they not? It doesn't meet the criteria for annexation?

MR. HOEFT: We're not contiguous.

COMMISSIONER DURAN: Okay. I don't know. I just think that at such a late date, we're getting involved in this project -- it's too late. I think if I was the City Council I'd just disregard any concern that this Commission would have relative to this. It's gone on for five years. They're ready to do it and I think we're making a big mistake.

MR. HOEFT: Can I comment really quick, my last comment? You're talking about five years. From information that I have from their reports, the initial concepts for an aviation business park was spawned in 1995, so it's been going on for almost eight years and it's one of the strategies of the City of Santa Fe Community Economic Plan, under the Economic Development Act. And again, their mission statement, let me just read this. "It is planned that the business park will enable the City of Santa Fe to support appropriate businesses that fit the character of Santa Fe by providing land, infrastructure and financial and technical assistance at an affordable cost."

COMMISSIONER DURAN: I think that we need to choose our battles wisely. I think this is the wrong battle.

CHAIRMAN SULLIVAN: I think the mission's interesting in that they're choosing to determine the character of the City of Santa Fe in the County of Santa Fe. It's an interesting mission statement.

COMMISSIONER DURAN: I don't know what that means.

CHAIRMAN SULLIVAN: That's what his mission statement said. Anyway --

COMMISSIONER DURAN: I think this isn't a battle that we should undertake. We have to believe in the City's ability to plan for the community as a whole and that's why we have the RPA. And the RPA as a recommending body adopted this process, and I'm sorry all of you weren't involved in that at the time. But I think we need to let this process continue as planned.

CHAIRMAN SULLIVAN: Okay, I think that we've gotten our questions and comments out on this issue, unless there's something compelling, I'd like to move on. This is just a presentation. I think they're going to come back and answer our questions. It may take some time to do some legal research on that.

IX. C. Proclamation: "A Proclamation Declaring the Month of September 2003 as National Alcohol and Drug Addiction Recovery Month in Santa Fe County"

CHAIRMAN SULLIVAN: This is something, Commissioner Montoya, I think you had brought forward. Did you want to take the lead on this one?

COMMISSIONER MONTOYA: Mr. Chair, this was the proclamation that I had mentioned at the last meeting that I wanted to bring forward. As luck has it, we're still in September.

CHAIRMAN SULLIVAN: So it can be the proper month, then.

COMMISSIONER MONTOYA: Yes, the proper month. And I'd just like to quickly read it. This proclamation is reading, Whereas, on behalf of the citizens of Santa Fe we are pleased in celebrating September 2003 as National Alcohol and Drug Addiction Recovery Month in Santa Fe County; and

Whereas, acknowledging September 2003 authorizes those involved in substance abuse treatment an opportunity to educate the public, community organizations, public officials, ourselves and civil leaders about the effectiveness of treatment, both societal and financial; and

Whereas, substance abuse and co-occurring mental disorders and co-existing physical illnesses are major public health problems that affect millions of Americans of all ages, races, and ethnic backgrounds and in all communities, and have huge medical, societal and economic costs; and

Whereas, people with co-occurring substance abuse and mental disorders can and do recover and people with co-occurring substance abuse and mental disorders deserve access to the services necessary for recovery; and

Whereas, thousands of healthcare providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, co-occurring disorders and treatment issues; and

Whereas, the US Department of Health and Human Services, Substance Abuse and Mental Health Administration's Center for Substance Abuse Treatment, the Office of National Drug Control Policy, and Santa Fe County invite all residents of Santa Fe County to participate in National Alcohol and Drug Addiction Recovery month.

Now, therefore, we the Santa Fe County Board of County Commissioners do hereby proclaim the month of September 2003 -- the 18 hours that are left in it -- as National Alcohol and Drug Addiction Recovery month in Santa Fe County.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: We have a proclamation. Was that moved by --

COMMISSIONER MONTOYA: Let's make it October.

CHAIRMAN SULLIVAN: Is this, Commissioner, a statewide thing, or is it just something you brought up for the County?

COMMISSIONER MONTOYA: It's actually a national --

CHAIRMAN SULLIVAN: All right. And was that a motion, Commissioner Montoya, for approval?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: And a second by Commissioner Campos.
Discussion of the proclamation?

The motion to approve the National Alcohol and Drug Addiction Recovery month proclamation passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

COMMISSIONER MONTOYA: Thank you, Commissioners.

CHAIRMAN SULLIVAN: Thank you for bringing that forward, Commissioner. It's certainly an important item. We have 12 hours left.

IX. Consent Calendar

- A. Resolution No. 2003-138. A Resolution Requesting an Increase to the Indigent Fund (220) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- B. Resolution No. 2003-139. A Resolution Requesting a Budget Increase to the General Fund (101)/CRAFT 2002 Grant to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- C. Resolution No. 2003-140. A Resolution Requesting a Budget Decrease to the General Fund (101)/CRAFT 2003 Grant to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- D. Resolution No. 2003-141 A Resolution Requesting an Increase to the General Fund (101)/DWI Teen Court & Screening Fees Program to Budget Prior Fiscal Year 2003 Cash Balances and a Decrease to the Community DWI Grant Program to Realign the Fiscal Year 2004 Budget with the Final, Approved Grant Awarded Through the NM Department of Transportation for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**

- E. Request Approval of Amendment #3 to the Professional Services Agreement #21-0145-CHDD with the Life Link, Inc., to Provide Treatment Services and Community Training for the Santa Fe County CRAFT Project (Community & Health Development Department)**
- F. Resolution No. 2003-142. A Resolution Requesting a Budget Decrease to the GOB Series 2001 Fund (353)/Fire Department to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Fire Department)**
- G. Resolution No. 2003-143. A Resolution Requesting an Increase to the General Fund (101)/Land Use Permits & Inspections Division to Establish Budget for Inspection Fee Revenue to Fund a Code Enforcement Inspector Position (Land Use Department)**
- H. Request Approval of the Professional Services Agreement #24-0066-LU with Prior & Associates for a Housing Needs Study for Central Santa Fe County (Land Use Department) (Formerly XI. C. 1)**
- I. Resolution No. 2003-144. A Resolution Requesting a Decrease to the Facility Bond 1997 Proceeds Fund (370) to Realign the Fiscal Year 2004 Budget with the Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)**
- J. Request Authorization to Enter Into a Lighting Agreement with the New Mexico Department of Transportation (NMDOT) for County Road 36 & NM 300 (Old Las Vegas Hwy) Intersection (Public Works Department) (Formerly XI. E. 1)**
- K. Request for Approval and Execution of the 2003 Severance Tax Agreements for Various Road Projects from the New Mexico Department of Transportation (NMDOT) (Public Works Department) (Formerly XI. E. 2)**
- L. Request Approval of Amendment #1 to the Indefinite Quantity Price Agreement #24-0019-SD with Neve's Uniforms to Provide the Uniforms for the Sheriff's Department (Sheriff's Department)**
- M. Request Approval of the Memorandum of Agreement #24-0065-SD with the First Judicial District Attorney's Office for Drug Prosecution for the Region III Narcotics Task Force (Sheriff's Department/Region III)**
- N. Resolution No. 2003-145. A Resolution Requesting an Increase to the GOB Series 1997 Proceeds Fund (350) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Utilities Department)**

CHAIRMAN SULLIVAN: We have items A through and including N on the Consent Calendar. What are the wishes of the Commission with regard to the Consent Calendar?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya, seconded by Commissioner Montoya. Discussion?

The motion to approve the Consent Calendar as published passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: We have an option now, gentlemen. Commissioner Campos needs to be out by 12:15. We can break for lunch now or we can continue on and hear the Financial Report Presentation summary. Is the staff ready for that summary? I see Susan anxiously -- is it fairly short? Can we do it in ten minutes? Okay. Let's have it.

XI. Staff and Elected Officials' Items

A. Finance Department

1. Financial Report Presentation Summary of Fiscal Year Ending 2003

CHAIRMAN SULLIVAN: And I think Commissioner Duran had a question about the gross receipts tax so we'll see if he comes back for that. We are going to adjourn for lunch at 12:15. This looks like you have another award-winning budget presentation. I wasn't being facetious. Just in case anyone doesn't know, the new Commissioners, the Finance Department did receive an award last year from the state for its budget presentation, so we're quite proud of them, as always.

SUSAN LUCERO (Finance Director): Mr. Chair, members of the Board, we would like to introduce the FY 2004 budget document, summarizing what the Commission has approved for this fiscal year. This document was put together with quite a bit of blood, sweat and tears on behalf of our budget administrator, Paul Griffin here to my left, and Sharon Vigil, our budget analyst who's not here, but I'd like to give both of those people recognition because they worked incredibly hard and put some long hours and have done an outstanding job with graphics, illustrations and explanations.

The document that's bound is the actual FY04 presentation. This will be submitted to DFA once again this year in anticipation of their competition for the budget award recognition that they do on an annual basis. What we'd like to do, in addition to that, which is represented by the handouts [Exhibit 2] I've given you and the presentation up above is to give you a quick synopsis of where we're leaving the previous fiscal year, 2003. We are currently under audit and have engaged in a contract with our auditing firm, so these numbers are not adjusted. We anticipate some adjustments, so this is a very brief kind of summary of where we're leaving things as we get into the new fiscal year.

CHAIRMAN SULLIVAN: Excuse me, Susan. Does our new camera set-up -- explain to me about this because it's new with the screen in the back. Does that enable the viewers to see what's going on on that screen. Because certainly the Commission can't see it.

MS. LUCERO: Let me ask Tony that question.

CHAIRMAN SULLIVAN: I hear a yes from Laura Epler. Okay.

MS. LUCERO: Can the viewers on the television see the screen?

CHAIRMAN SULLIVAN: The camera can see that screen?

MS. LUCERO: I believe we have different people verifying that.

CHAIRMAN SULLIVAN: Technology triumphs. So it can be seen.

Outstanding.

MS. LUCERO: So to begin, I'd like to address the all-around picture in this first graph, showing for the year 2003, actual expense at \$85.3 million. We budgeted \$90.2, so our actual expenditures realized were \$85.3, with the majority of it going to public safety at \$22.9. This includes the jail operation. It includes debt service of the jail operation. And then in addition to that, general government services, this is all the support programs, support departments, social health and welfare at \$10.2, capital improvements at \$5.8, general debt service, this is for general obligation bonds as well as other revenue bonds, not including the jail bond, at \$5.3 million.

Our utilities services is at \$4.7 million, highways and streets at \$3.6, housing program, this is as far as what we provide to citizens that qualify for the housing programs, this does not include our home sales program, at \$3.4 million. Culture and recreation, a little under a million, and then our transfers out, which we need to include up there at \$14.4, for a total expense budget, or actually realized, at \$85.3.

On the revenue picture, we budgeted \$36.5 million for general fund. We actually realized \$35.5. We were within a million of our project. Property taxes is the majority at \$22.7. Next is gross receipts taxes at \$4.6. Licenses, charges and fees at \$2.5, grants at \$2.4, investment income at a million, state shared taxes at a little under a million, and transfers from other funds into general fund at \$600,000.

I'd like you take special note of the small slice there labeled City/RECC payment, at just under a million. This comes into play in the next picture regarding the expense and the difference. On the expenditure side for general fund, we actually incurred \$34.4 million in expenses. The savings between what we realized in income versus what we spent was a little over a million, and that is primarily from the one-time recovery of that \$900,000 payment from RECC that you saw in the slide just above. So what the picture indicates is that we marginally operated on a flat scale in terms of realizing projected revenues just at what we expended. There isn't a lot of buffer there; there isn't a lot of margin.

In years past, the County has realized anywhere from \$1.5 to \$3.2 million in revenues over expenses with the general fund. We do not see that this year. This one-time payment from RECC or through the City for RECC was basically to reimburse the County for equipment that was purchased on behalf of the dispatch center last year. Or actually, two fiscal years ago. Back to 2002.

Which leads us now to the picture of where we are in our cash position for general fund. Going back to fiscal year 2002, our highest point of available cash was just over \$18 million, in comparison to where we're starting the year for 2004 at a similar position, you'll see

the dip in 2003, but most notably, look at the gray area between the yellow bar, indicating what our board reserves are, our legal reserves are, and how we are encroaching upon meeting the red line to those reserves, meaning that available cash over and above the reserves is beginning to diminish.

Here's a quick recap of our property tax receipts and how we have fared over the last few years. This fiscal year for 2004, we're budgeting \$24.6 million. Last year we realized \$22.7, in comparison to a budget of \$23.2. We were \$500,000 short. Part of that is due to the economy. We see a slowing of the collection rate at 93.2 instead of 93.5, which has typically been our average the last two years.

Regarding gross receipts taxes, you see the trend indicated there from last year to this year is at about 2.5 percent. In years past, the County typically experienced a growth of between four and six percent. Now that trend is much smaller; it's cut in half. So basically, we're budgeting less and we are experiencing a slower growth there. The unincorporated areas, the small box down below, indicating \$665,000 for this year, is a very small increase. We see that on the unincorporated side, the gross receipts taxes are actually smaller, if anything trending flat with no increase.

Here is a quick recap of where we are with the road fund. Revenue last year was realized at \$2.4 million. The majority coming from general fund transfer. \$500,000 coming from gas tax and another \$100,000 from motor vehicle tax. On the expense side, Public Works realized just under \$2.2. Here is one fund we're keeping a very close eye on, the EMS/Healthcare Fund, which supports the fire districts, the fire and the EMS districts, our health support services division, and the sole community funding that goes to the New Mexico State Human Services Department.

What we see here, obviously, is a need to tap cash in order to pay for expenses. What we realized last year was an overall shortfall on the revenue side of about five percent. This was largely due to uncollected ambulance charges, which we anticipate we will recover the majority of this coming fiscal year, but we do see a lag in those receipts and it does impact the overall fund. On the expense side, under -- you see the large yellow piece of the pie for sole community, that is the largest, majority of the expenses, alongside Fire Department at \$2.6. The Regional Emergency Communications Center and dispatch for Española, our agreement with Española at \$857,000. The other department slice is comprised primarily of our joint powers agreement with the City regarding senior services, meals, programs for county outlying districts and for para-transit transportation services. And this fund we will be needing to make some very critical decisions this coming year because the available cash balance that we have been tapping, we have enough for approximately one more year at this same level of operation before that's fully exhausted. Last year, our budgeted cash was about \$533,000, and this year it's budgeted at \$645,000.

Regarding the capital outlay fund, the green section is labeled County projects, the yellow is labeled regional. If you total the available funds, which includes cash carryover from fiscal year 2003 going into anticipated revenue collection of 2004, what we see on the regional side is about \$4.966 million available for regional projects, and on the County side,

approximately \$4.667. These projects, there has been some movement on the County side as you can see in the red, those are areas where there has been some expenditure, and then anything remaining has been allocated accordingly into the various cost centers regarding the particular type of expenditure, whether it be for water, open space, roads or other.

This basically concludes our presentation. Are there any questions?

CHAIRMAN SULLIVAN: Thank you, Susan. Questions for our Finance Director?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Susan in that pie example, Santa Fe County FY 2003 EMS/Healthcare revenue and expenditures, you have \$144,000 from Edgewood under the JPA for fire. Can you tell me, are we participating with Edgewood at that amount?

MS. LUCERO: Mr. Chair, Commissioner Duran, that represents a JPA only regarding fire service. This is a JPA that Chief Holden initiated with their fire chief and their management years ago and it has been ongoing. It seems to be continuing and it is established.

COMMISSIONER DURAN: So we contribute that amount to their fire protection?

CHAIRMAN SULLIVAN: Other way around. We receive that amount.

COMMISSIONER DURAN: Oh, we receive that.

MS. LUCERO: Yes. We receive that in exchange for services that our fire districts provide.

COMMISSIONER DURAN: Okay, good. Thank you.

CHAIRMAN SULLIVAN: Other questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, could you tell me on that pie where I can find a detailed breakdown in here on the culture and recreation expenditures?

MS. LUCERO: Mr. Chair, Commissioner Montoya, which are you looking at? The all-over expense?

COMMISSIONER MONTOYA: Actual, all fund expense.

MS. LUCERO: Yes. If you were to refer to your 2004 document, in the beginning, I believe under the tab department level summaries or budget level summary.

COMMISSIONER MONTOYA: Okay. If I could get that I'd appreciate that. Thank you.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. Personnel costs. What percent of the total budget do they take? Or of the general fund?

MS. LUCERO: Mr. Chair, Commissioner Campos, I believe personnel costs for the County, in comparison to all expenses is right around 30 percent, a little less than 30 percent, total, including all funds across all fund types, all expenditures.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN SULLIVAN: Other questions? Okay, so we're riding a thin line here.

MS. LUCERO: Yes, sir. We are.

CHAIRMAN SULLIVAN: But as long as we're keeping our head above water.

MS. LUCERO: Right. We'll keep looking.

CHAIRMAN SULLIVAN: All right. Thank you, Susan. We'd like to break for lunch if that's okay with the Commission. Can we make it back by 1:45? An hour and a half? Or did you want to try for 1:30? I hear two 1:30's. We'll reconvene at 1:30. Thank you.

[The Commission recessed from 12:15 to 1:40.]

IX. B. Fire Department

1. Fuel Reduction Task Force Update

JUSTIN STOCKDALE (Recycling Coordinator): Mr. Chair, members of the Commission, most of you know me, I think. Justin Stockdale. I now work at the Caja del Rio Landfill as their recycling coordinator out there. I'm going to present a little bit about what we're doing currently at the Caja del Rio Landfill as well as then turn it over to Hank and Jill Holbert for an update on what's going on specifically in Santa Fe County. And again, some of you have seen parts of this presentation the other day. Currently, this is a chart representing the current volumes we're seeing at the Caja del Rio Landfill related to the piñon and just general greenwaste program. We started tracking this back in probably January. In January we were looking at about 50 tons a month. We're currently up to 3,000 tons a month of incoming greenwaste into the landfill, which, to be honest, I think is just the tip of the iceberg.

You can look at the map that was produced here by the State Department of Forestry. This represents some of the basic problem areas. The lighter areas represent 21 to 40 trees per acre. There's moderate areas here which are 41 to 60 and then the darker areas are 61 to 100 dead trees per acre. This map is representative of these areas. Forestry told me this morning, this area to the north, you don't see any shading here because they can't pick up the dead trees with their equipment because needles are already off the trees. So consider, Santa Fe North is already being barren and probably in that larger, denser, 61 to 100 dead trees per acre in the northern area of the city. What they expressed to me this morning was they're seeing a trend that is starting to push further southward out of the city limits.

So again, this just sort of represents the extent of the problem we're dealing with. It's not strictly a Santa Fe County problem and it's currently not strictly a part of Santa Fe County problem. It's endemic to the entire county. And again, the tonnages coming in show that dramatically. Looking back at August we were doing 103 loads per day coming through the scales out there at roughly 98 tons per day coming across those scales. And again, that got us about 3,000 tons in 3,000 trips. Our current operation is to manage this out there right now where we just were authorized to hire two more operators and purchase another grinder, another loader to manage it. Currently we're operating with one loader, one grinder and two staff positions.

Right now, alls we're doing is grinding the material. It's being -- size reduction is the main goal of the moment to be further processed which will go on in the composting, screening the material, and ultimately, potentially regrinding some of this material for a finer product. And here's just sort of an overview of the scope of what's going on out there.

I'll pass it over to Jill. Do you want to talk about County programs or I can certainly, since I was just recently with the County. I can address this pretty well as well. The County accepts greenwaste at two different transfer stations. First, the Eldorado station on 285. Jill has done some cursory studies of the material coming in. It's turning out to be about 50 percent of all incoming loads is greenwaste. And that's probably on an average of 100 loads a day? Two hundred loads a day. So it's 100 loads of greenwaste a day coming across those scales. Likely the load sizes are smaller. Again, on rough calculations, with 4.5 cubic yards per load equal to about a third of a ton per load. And I think the reason we're seeing such heavier loads at the landfill is it's just larger vehicles and larger trucks that come into our facility versus the County.

At the Jacona transfer station it's not as significant at this point. It's 15 percent of the loads, and again, the sizes are roughly the same as Eldorado. There's probably a number of reasons why you're seeing such a large impact in Eldorado and not Jacona, for various and sundry reasons. I think one of them being that Eldorado is a pretty compact community that's pretty much after the problem and there's an ongoing effort of all the residents out there whereas up north it's more scattered and interspersed with publicly owned lands, tribal lands. So you're not seeing as much of an impact. Here, I will definitely give it over to Hank and he can talk a little bit about what the Fire Department is doing.

HANK BLACKWELL (Fire Marshal): Mr. Chair, members of the Commission, again, thanks for spending time with us giving the report. We've met several times on the reduction task force. I do know that we're just touching the top of the problem but we've talked about a number of issues regarding short, mid and long-term issues. And just again to recap a few of those, as you remember, there were six pilot projects for the Fire-wise Community national project in North America. Santa Fe County was one of those six pilot projects. Test sites, we were one of the first to complete the test site and actually received a national award in the Hyde Park Estates and Aztec Springs communities.

They have continued on to become a fire-wise community and are still doing fuel mitigation. Obviously, again, this is just a small part of the problem, but as you can see, this is just an example, not all-inclusive of some of the neighborhood associations that either have participated or will be participating before the end of this calendar year in these communities, fuel reduction workshops and weekends.

The issue here becomes the amount of greenwaste and I've got, I'll pass a picture that gives you an idea of one of the Hyde Park events in terms of the amount of labor that the community puts forth. Now, Hyde Park, for example, I think their last one day, and this is after they have everything cut and they load it and bring it to the chippers and my guess is at least 100 yard of compressed chip material out of one community with 70 homes. And this is their fourth chipper day. And they still have many weekends to go.

So even looking at working with our neighborhoods on a small scale, which is very

effective, that program needs to continue. We need to look at personnel, we need to look at equipment for these neighborhood events because they're very positive and we get a lot of -- the hard work is done by the citizens. So we need to still promote that. One of the issues there is once they qualify for one of these programs, once they chip the material, the material has to remain in the community so that it doesn't go to the landfill. And I think one of the ultimate goals of this task force is to find how to reduce this waste and how to keep it out of our landfills and ultimately, in my opinion, keep it out of the transfer stations.

So a mid to long-range goal I think, in terms of being wise, is to look at this as a long process but one where we keep this whole activity away from our transfer stations and out of our landfills. Then we look at contracting with some of the other organizations, if you will. Each community that we've looked at here as well as other ones sponsor two to four events per year. The only community on that previous slide that hasn't begun in Nine-Mile Hill. We've actually got a date of November 15th for those people to begin that process.

We're using US Forest Service and County Public Works equipment right now. It's nowhere near the size or the magnitude or the capability that we need for the entire county program. The conveyor grinder is a welcome asset as is the equipment that Justin has out at the landfill. But in terms of being mobile to these neighborhood communities as well as looking at large-scale chipping and fuel reduction and biomass reduction, we need more. Right now, the US Forest Service has two small chippers and County Public Works as they're able to, assist us as well. But we really don't have anything dedicated to this program as of yet.

A recap -- the fire-wise model in terms of fuel mitigation, the only reason I add this is the model we've developed in Santa Fe County with the help of our experience and our residents, is unique to the United States. There's no other model like it and I think this is why it's so accepted among the citizens. And instead of looking at strictly fire risk mitigation, we actually have four values of equal worth in our model when we train these communities. One is fire risk, the other is the aesthetic value. Otherwise, why do people buy where they buy in the interface, and the aesthetic value also of visitors as well as future residents as well.

What's the functional value of the vegetation? We have to look at that before we cut it or thin it, especially live vegetation, in terms of erosion control, soil health, what have you. And then here, we also have a cultural value. And those are all of equal worth. We apply those four values when we train these communities, whether it's beetle kill or just thinning other vegetation. And then all of that comes under the umbrella that we have to improve the ecosystem and do no harm. So even those values, they're applicable only if we add value to the ecosystem or do it no harm. So that's how we're training people right now. The immediate needs of this program, we've discussed this before in our task force and before you last month.

One is, and again, we're having to think out of the box, but one is a committed labor force, whether that's salaried or temporary or volunteers or a combination, that's where we need to head. Equipment, obviously, and looking at the equipment, we're getting a few small grants and some small equipment but we need to think larger over the next three to five to ten years. And also the end market for the material. As you can see, we're just, we have the tip of the iceberg and that's about it as Justin iterated to you. The issue there is, right now, we're the

only county that has declared a state of emergency because of this event. That should help put us to the head of the line, hopefully, with the help of the governor's office and maybe even perhaps FEMA, and we're looking at those issues.

Secondly, because of that declaration, we might avail ourselves of agreements with contractors, private industry and maybe even the Highway Department for mulch or for erosion control material. And if we act quickly, if we've got those agreements in place now, before the market becomes flooded with other communities, we'll have an agreement in place to help take care of our issues. That will free up some time so we might be able to assist other communities in terms of applying our model. So that's what we -- we think we need to move rapidly.

The task force, and we don't have a really catchy name for it yet. I think the City's already jumped ahead of us on names for things, but hopefully, with your assistance we can find something worthy. But what we're doing is we're trying also to develop our public education and outreach program to facilitate all of the things we've talked about. In terms of a long-term approach, short-term, and also a multi-media effort. We're working now also with the Lodgers' Tax Advisory Board and they may be able to assist us with some public education in terms of some of the things they're doing.

So the message is this is a countywide issue and so we need the entire County and departments to help participate in this. I think that's the only way with resource scarcity that we're going to be able to accomplish some of these short-term goals at least.

Mulch and compost uses, as you can see, these are just a few that we're looking at in terms of restoration, in terms of public sales, commercial sales and even utility fuels. That's more of a long-term issue. But that's what we've discussed and begin to discuss in the task force. And again, there are a number of slides here that talk about this. You can see the test plot at Budighers, just outside of the county, and this is one of the things we're trying to do now is contact the Highway Department to see if this is somewhere where we can take some of that material because over the next five years or ten years, we're going to generate huge amounts. You're looking at 3,000 tons a month, just at the landfill, not counting the transfer stations, not counting what stays in the communities, not counting what ends up in the arroyos because people are trying to just get rid of it any way they can. So I think we really need to look at large-scale dissemination of this product.

I'll let Justin talk a little bit more about some of these other pilot projects which are so far very successful.

MR. STOCKDALE: Mr. Chair, members of the Commission, a lot of these slides are meant to sort of demonstrate the variety of approaches we're taking to the problem, and ultimately, the 3,000 a month coming across the scales, in a year's time that's 36,000 tons of chip that we have to find a home for and it's obviously not going to any one venue. So we're looking at multiple projects. This one is a really, I'd say a good opportunity for wood chip right now. As a matter of fact, I spoke with Jill and Paul Olafson of the Open Space Department this morning to coordinate county produced chip on this parcel, which is the Santa Fe River Park, down close to 599. I believe it's an easement with the State Land Office. They're currently using wood chip out there. It's a really good exemplary demonstration project for uses.

Utility fuel is something that's been talked about a lot recently. There was an article in the paper last week about a federal grant being awarded to a local company looking to use wood chips to produce hot water heat, etc. To let you all know that we are pursuing that relationship and to try to assure ourselves that we are available and capable of producing the products that they will need in their facilities in the future if and when they come on line. And again that's a very long-term approach to it and again, it's not going to consume everything today. So it's just one piece of the puzzle.

As Hank mentioned, public and commercial sales or give-aways, however that works out, I presume it will sort itself out. Currently the County gives away a lot of its chip and historically, at the Eldorado transfer station, we couldn't keep enough chip on site to actually have enough to give away. So it's a very viable market for material and the same goes in Jacona. We had a lot of concerns recently, I know, just before I left the County, that we didn't have any chip up there at the time for people to take. So we'll be able to move some of the material through those kinds of outlets, but again, it's not going to consume all of it.

A couple other things I would just sort of talk about real quick is just some other different management options that are available to us currently. The first one is air curtain burners. This is technology that the US Forest Service as well as State Forestry is offering as a potential solution to the problem. Essentially, you're putting in a mobile incinerator to burn the material. In a lot of cases it is the only option that you have in an isolated area where you have no access to a mulching operation or a composting facility. This is a very viable resource to use. I believe the Fire Department received on loan or through a grant from State Forestry to use in certain locations, again, where the production of chip is not a possibility.

As far as a countywide program, State Environment Department currently bans them on landfill facilities so it's sort of out of our reach as far as solid waste managers. One thing that's been brought up recently by some folks is firewood programs. At least from our perspective and I know Jill has a different look on this but at the landfill, the material that's coming in, and there's a couple of slides here that demonstrates the typical load that comes through. There's not a lot of burnable firewood in this material. The majority of this is coming from commercial contractors that are separating out the firewood long before it gets to us. I think that will change come spring and we're out of firewood season but again, at the moment, it's not a priority for us.

A final option would be the onsite grinding technology and this is just an example of a machine that can actually grind a tree as it stands. There's no cutting the tree. There's no removing the tree. It could essentially wander the countryside and grind up trees onsite. Which I think in some applications is very relevant technology, on specifically County open space, City open space, parcels of land where there isn't a lot of road access. You could put a machine on the ground that could save on labor as well as just the liability costs and a crew out there with chainsaws and chippers trying to handle the material.

So this is something I think long-term, when decisions are made is how to handle the open space issues. Do we want to even bother clearing those lands, which is still, I think, a question to be answered. Something to take a look at down the road.

And finally, contractual grinding services. This is a reality in today's market. You can contract out somebody to come to your facility and grind for you. And polling a few local ventures that do this kind of work, as a ballpark, it's about \$400 per hour to bring them on to your facility to grind. The biggest problems with it are you have to stockpile enough material to meet their minimum quantity to show up, as well as you could be waiting in line for six months to get them to come out to your facility. So that's sort of a back-burner, emergency case only scenario for us. It's not on the front burner at all. And again, costs at \$400 an hour, estimates on the grinders that we run at the landfill are about \$64 an hour to operate that machine. So again, \$400, there's a lot of room that we can make up on that. And I would stand for any questions from the Commissioners.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Justin, regarding the landfill at the Jacona, the transfer station at the Jacona site, although there's probably not a lot of the greenwaste that's coming in, you continuously see every other kind of greenwaste that goes, not necessarily the piñon that we're experiencing at the landfill. And the question that I have though is regarding the chipper, the equipment that we just recently approved through SWMA, the Solid Waste Management Authority, in terms of how can the Fire Department and will they be able to access that equipment for the types of activities that they have going on in the nine different communities right now.

MR. STOCKDALE: Mr. Chair, Commissioner Montoya, that's a real possibility. When we moved the original grinder to the Caja del Rio landfill, part of the arrangement was that the landfill would provide contractual grinding services to both the City and the County, at obviously a much reduced rate versus the \$400. And I think that's a reality. Unfortunately, at this point with the volumes coming in, that was under the assumption that we'd see 150 tons a month. At 3,000 it's a much different animal and I don't know that we would ever have the opportunity in the near future to break a machine away for any length of time to serve other events or other locations. I know currently that the new grinder at the County that was purchased in June I believe, or July, is currently operating, based out of Eldorado but utilized in Jacona on a rotational basis. It travels around. And I think it would be more likely, depending again on what the volumes do at the transfer stations that that machine may be able to be utilized on weekends. Because again I believe the County Solid Waste Division is only operating five days a week. We're currently running six and likely will be going seven days a week at the landfill.

And again, it's hard to say. If 3,000 tons a month keeps up I would say most likely not. If that tapers off then I think it's more realistic that yes, we could break that equipment away.

COMMISSIONER MONTOYA: Okay. Then regarding alternative use for this, I just met with someone yesterday who is talking about doing -- I think he met with you as well. Bill Althouse.

MR. STOCKDALE: Yes, Bill Althouse. I've had ongoing discussions with him.

COMMISSIONER MONTOYA: So what potential is there and Commissioners, this is an alternative. It's biomass fuel is what he's proposing to do and looking to utilize this in a lot of different public entities, more than private. Looking at schools, City and County governments. And utilizing this, a lot of what can be harvested here for the biomass fuel and the production of that for cutting down heating costs for the County for example. Can you give me your impression on what potential that may have for us in the County?

MR. STOCKDALE: Yes, Mr. Chair, Commissioner Montoya, essentially I think that this is an extremely viable alternative. It seems that there are a lot of federal dollars being pushed in this direction currently. If Europe is any test there's been over 400 municipal communities in Europe right now where there are central heating plants that burn nothing but wood chip as a fuel source to heat cities and towns across Europe. Again, I think it's very viable. I think it's a bit early to say that it will happen in Santa Fe. Again, there is federal money being distributed in Santa Fe currently to study it and to design a system, but whether it would be up and running in two to three years, I would hazard to say it won't be. We're looking at a five to ten-year actual start-up.

I think in Mr. Althouse's case, he's looking on a smaller scale application where it would be in individual building which would be converted to this technology. And I think in that case, he could see something on line in the next year and again, we are working with him directly and I am in discussions with him ongoing to assure that I can produce a material that is usable to him. And likely, what will serve him will serve us as well in our processes, so it won't be a dedicated system to support his effort but it would support any effort of what we mentioned earlier.

COMMISSIONER MONTOYA: And it would reduce what we're currently getting, in terms of what he would be able to --

MR. STOCKDALE: It depends. He's discussed actually diverting material himself directly, as well as we've been in discussion recently, as well as we've been in discussions recently about him utilizing material that we're producing from the landfill as a feedstock for him, for his system. Again, it's hard to say how that will flesh itself out. I would say ultimately, again, I have a dilemma of trying to manage that kind of volume from the landfill and no one method is going to get rid of it all so whatever I can use and whatever different techniques I can use to manage that material I think it is in the best interests of all of us.

And ultimately, anything I can generate markets for the material from the landfill certainly serve Santa Fe County's operations as well. And that's my priority from that perspective is to make sure that I can support both County programs as well as City and whatever programs that I put together.

COMMISSIONER MONTOYA: Mr. Chair, I think what we're facing here is pretty -- I hadn't been down to the southern part until this past week but coming back, Lamy and all along the interstate. It's a matchbox waiting to go up and we really need to see what we can do to address it. I think it's certainly an emergency situation.

MR. BLACKWELL: Mr. Chair, Commissioner Montoya, I agree with you and

I think the fire danger is in itself one issue but I think the larger issue is the biomass. I think both of them go hand in hand but the biomass is what I think could be a catastrophic problem for is in terms of landfill and where we put it. So I think that's where we're trying to focus most of our attention, number one. I think some of the legitimacy that we need, number one, I think because we declared a state of emergency, part of what we need and I think need your assistance with, and we've already talked, both Commissioners Anaya and Duran are on the task force, in terms of contacting the governor's office and some of our congressional delegation to start getting their support with this declaration to see if we can get some assistance from them by any means. I think partnering is also another option.

So I think those are some of the issues we need to work immediately. I think there are some short-term problems in terms of some of these community weekends and the amount of the biomass we're receiving. That's where we need to work together and find out short-term, how do we start dealing with this issues so we don't get further and further behind the curve, constantly looking ahead. And I'm looking at this at not even a three to five-year process. It's probably a ten-year process. And I think if we look that far out then the way we plan and the way we behave because of that planning will be prudent.

One thing I would ask is that the next time we come before you and ask for equipment and labor force that I would politely and respectfully request that we be able to present our case before Susan and the Finance Report is given to the Commission. It's a hard act to follow when the Finance Director says we're out of money. So if we could get in there first and get you guys to commit to something before Susan got up here I'd be personally very grateful because it's a hard act to follow. The issue of resource scarcity is difficult but I think there are ways through grants, through partnering, that's where we have to look. It's a problem we have to deal with and we have to be creative and that's what we're asking your support for.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'm on the task force, and as we've talked, things have been popping into my head on things that we can do with the material. I think that we might want to check, use them on County facilities, County roads, maybe for erosion control. Put them in our County parks if we need them there. Open space. County housing development. You might want to check with Robert to see if he needs something over there. Maybe the Extension Office. And then I know, I talked with you all about checking to see if we could mix -- you wanted to mix manure with this and sell it or give it away and I mentioned the fact of trying to talk to the Pueblos to get that removed from the racetrack area. But then again, it's contaminated. It's been there a long time but that's something we need to talk about and maybe you've already talked to them.

Another thing that came up, Commissioner Montoya mentioned that you traveled down to the southern part and you saw everything in the Lamy area and then it clicked and I thought, well, the railroad goes through there. Do we need to set up something by the railroad yard. Maybe a chipping area and we could look to see if we could put it on the railroad and ship it to somebody that might need it. I know there's vacant land there. So that's another idea. But I

know the task force is working hard and we're all working hard and I certainly appreciate it and we're trying to deal with this. And if I have any other ideas I'm going to bring them forward.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I kind of like that onsite chipper. What does that thing cost?

MR. BLACKWELL: Mr. Chair, Commissioner Duran, it depends on the size of the chipper and the type of chipper, whether it's actually a chipper or a grinder. There's a multitude. There's some that are very small for smaller communities where we have limited access. That's a lot of hard handwork but they're very effective. There are other chippers that are available, even right now, the new conveyor grinder from Solid Waste is transportable and I might invite all of you, the first Saturday in November we're having another Hyde Park chipper day in concert with the City and there's going to be about five or six neighborhoods involved with that and we're actually going to do it at the old dog park off of Hyde Park Road.

We've already done one there but what we're doing is we're chipping and we're spreading the chips on site for erosion control, so that's a win-win, because we bring the chipper out and then when we're gone we leave the product behind. So some of these chippers start at about \$25,000 and they go up into six figures easily, depending on the type.

COMMISSIONER DURAN: It seems to me that if we use these chippers, these onsite chippers, we wouldn't have an issue of storage or transport. It all stays right there. So if we move in that direction, the only question I have is how can we take this machinery on to private land and use it on private lands. How would we do that?

MR. BLACKWELL: Mr. Chair, Commissioner Duran, that's a question we've been struggling with since we began these. Right now, what we do is if these communities that participate qualify, it has to be a recognized neighborhood, community association, acequia association, some kind of non-profit --

COMMISSIONER DURAN: Recognized by who?

MR. BLACKWELL: By the County, number one. Number two, it has to be a certain size. Number three, once they go through our training so we know that they know what to do and how to do it properly and we have a safety plan and we plan the event, at that point in time, again, then the waste has to stay, the biomass has to stay in the community. Those qualifications if you will, what that does is it helps us keep that material in the community for them to recycle. And we try to recycle it onsite.

COMMISSIONER DURAN: But this is different. We're leaving the chips where they fall.

MR. BLACKWELL: Correct. Where I'm heading with that is we put the chippers on public land, either on one of our substations or what have you. The difficulty is if we do it yard by yard or lot by lot, then again, there's clearly an anti-donation question and that I'm not sure -- we've talked about delivery and pick-up, similar to refuse, which would be a long-term issue, where people could leave the debris on their curb or what have you. But again, it's private property and that's a difficult issue. I don't know if that would be ordinance. I don't know if that would be more of a mid-term goal. Yes. It's a difficult question.

COMMISSIONER DURAN: Mr. Ross, could you do me a favor. It seems to me that just trying to move quickly on what's the best decision for us to make, it seems to me that this onsite chipper would be the solution and the only problem is I think that it's very similar to us going on to private land with some of our other equipment. Can you find out what we would have to do to use it, if we end up going in that direction, what we would have to do to change the laws that would allow us to do that? The anti-donation laws. A special emergency that we can get the legislature to pass. That's assuming that this Commission decides that that's the most effective way to deal with the problem.

MR. ROSS: Mr. Chair, Commissioner Duran, I'm not sure there's as much of an anti-donation issue with this kind of problem because it is a safety issue at this point. It's a risk of fire.

COMMISSIONER DURAN: Oh, I like that answer.

MR. ROSS: With respect to going on private property, we would of course need the permission of folks to do it, but your vision is a mobile chipper that would go through a neighborhood at the owners' request and they would bring their stuff out and we would chip it and move on to the next property.

COMMISSIONER DURAN: And leave it there. We wouldn't have to worry about it being transported.

MR. ROSS: I'm not sure that that's an anti-donation issue.

COMMISSIONER DURAN: Well, that's good news. Thank you, Mr. Chair.

MR. BLACKWELL: Mr. Chair, if I may, Commissioner Duran, again, I like that answer as well. The issue there becomes, if we're going to be effective, you're looking at a fleet of those mobile chippers and a labor force to do that. That's the size of the problem. You're looking at ten or twenty of those at a minimum to try to keep up with it. That's still a good start but if we can do that, that's --

COMMISSIONER DURAN: Well, which is the worst?

MR. BLACKWELL: If we can do that and leave it there, absolutely. That's the way to do it. Thank you.

CHAIRMAN SULLIVAN: Okay, other questions?

COMMISSIONER CAMPOS: Just a quick question. Mr. Blackwell, what is the fire risk with the piñons? What's that issue?

MR. BLACKWELL: Mr. Chair and Commissioner Campos, right now, in my opinion we have an elevated fire risk. We've already had an elevated fire risk because of drought, because of fire conditions over the last six years, as well as fuel density. A lot of this is because of not only drought but the trees are over-stressed; they're too dense. That promotes extreme fire behavior in and of itself. Now you have a mix of piñon and juniper in a drought and with extreme fire conditions that the live trees, the living trees are volatile in terms of the resin and the sap they produce. They're very explosive. Add to that the mix of a piñon that's dead that still has red needles, which is extremely flammable, as well as the fuel that's off the ground. And I think when you add to that mix you have even a more unstable situation in terms of fire behavior.

So I think that risk grows each year that we have more dead and down and more beetle kill and more red-needle piñons mixed with the live ones and the junipers.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Thank you, Hank and Justin and Jill. We appreciate that.

COMMISSIONER DURAN: I just have one quick question.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: If we chip on site and leave it there, what happens to the beetle?

MR. BLACKWELL: Mr. Chair, Commissioner Duran, I was hoping to get out without a hard question. That's a difficult question.

COMMISSIONER DURAN: Do they die?

MR. BLACKWELL: This issue is if the trees are at the point of red needle or if the needles have dropped, in almost every case, the larvae are gone. The tree is dead and there's no infestation. The colony has left the tree. So the issue is then we're reducing the fire danger by putting the biomass on the ground low and letting it decompose a little more rapidly than if it were standing. If the tree is still partially green when you chip the tree, there are several schools of thought, and all of them very true.

One is that you're actually killing some of the larvae but you're letting some of the larvae and the more mature larvae actually escape and fly, get out of the pupa stage and fly, as well as some of the healthy adults. There's also a thought that you release some pheromones in the trees by cutting them that actually attract the ips beetle.

COMMISSIONER DURAN: The live trees.

MR. BLACKWELL: Or the dying trees.

COMMISSIONER DURAN: Could we develop a policy that we only chip dead trees?

MR. BLACKWELL: We could, but I would suggest again that we go ahead and if the trees show infestation, even if they're green, those trees will die. There's nothing we have technologically that can save that tree. So it needs to get down. Part of this is to reduce that biomass and reduce those colonies. You may put the colony on the ground, but the colony, if you allow that tree to live that tree's going to die and that colony is going to mature and move to other piñons anyway. So in my opinion, if we can reduce the biomass and put it on the ground or get it out of there, we're going to start not only reducing the standing trees and some of the dying trees, then you also lessen the competition for the healthy trees. They have more water, they have more resources. And once you do that with a couple of good, wet years, you'll have more recovery with what piñons are left. Remember this is a landscape changing event. 80 to 100 percent of the piñons will go away in certain areas.

COMMISSIONER DURAN: It seems like every time we have a solution, more problems crop up. I think this is one of those cases where you don't eat an elephant in one bite and I think we need to figure out a way of dealing with the immediate problems and then as the other ones crop up deal with them then. But I don't think you're going to be able to find a

solution to the problem all at once, financially or resource-wise. It just seems like we need to come up with a plan and you need to give us some direction on it. It just seems that every time we come up with a solution there are ten more problems. And I don't think that's your fault.

MR. BLACKWELL: Whew. Mr. Chair, Commissioner Duran, I think it's more Solid Waste. It's their fault. No. I agree. It's a huge problem and that's why we came before you to say it is a problem. We need a task force so we can look at, with our resources, how can we deal with the immediate, and then how do we move on from there and at least deal with it the best we can. Remember, I think the last time we had a blight, maybe not even of this magnitude, but close to it, was 1958.

And again, so this is repetitive. The difference now is that we have more habitable occupancies, more human values in the interface than ever before. That's why the problem right now seems so severe, because it's affecting people that live in the middle of this, which wasn't the case in the 50s, wasn't the case around the turn of the century either and that's why it appears to be more pressing. But I agree. It's got to be incremental. We have to say, given our resources, what's the best bang for our resource now, in the next six months, in the next year, in the next five. And again, we appreciate you participating and backing the task force because I think that's the only way we're going to even take one bite out of the elephant.

CHAIRMAN SULLIVAN: Okay, thank you, Hank, again, and Justin and Jill, for that update.

XI. D. Project and Facilities Management Department

- 1. Resolution No. 2003-146. A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233), the State Special Appropriations' Fund (318) and the Arroyo Seco Teen Center Fund (250) to Budget Prior Year 2003 Cash Balances**
- 2. Resolution No. 2003-147. A Resolution Requesting and Increase to the State Special Appropriations' Fund (318)/ Various Projects to Budget Grants Received**
- 3. Request Authorization and Approval of 2003 Construction and Non-Construction Grant Agreements with the Department of Finance and Administration/Local Government Division for Various Projects**
- 4. Request Authorization and Approval of Grant #03-T-001, with the Department of Finance and Administration/Local Government Division for the Youth Shelters and Family Services Facility**

MR. FLORES: Mr. Chair, members of the Board, items 1, 2, 3, and 4. Instead of having items 1 and 2 put in the Consent Calendar, we requested those to be brought over to the department level because we needed some grant agreements approved prior to budgeting.

Basically, item 1 brings over last year's cash balances for projects into this fiscal year for expenditure. Item 2 increases the budget to reflect the monies that we've received through the legislative process, this past legislative cycle and also a special appropriation grant that we received from the governor's office in the amount of \$100,000 for one of our projects.

Items 3 and 4 deal specifically with the grant agreements that require approval by the Board and then the budgets are reflected in increases through the resolutions. So while they're listed as individual items and individual numbers, items 1, 2, 3, and 4 are all interrelated. I stand for any questions.

CHAIRMAN SULLIVAN: Questions for Mr. Flores?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, what would you like to approve?

COMMISSIONER ANAYA: 1, 2, 3, and 4.

CHAIRMAN SULLIVAN: Okay, we have a motion, I think, for approval of Resolution 2003-146. Resolution 2003-147 and a 2003 construction and non-construction grant agreement with the Department of Finance and Administration, and an authorization of approval of grant #03-T-001, with the Department of Finance and Administration for the Youth Shelters and Family Services facility. Those four items. Do we have a second.

COMMISSIONER DURAN: It was my motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Commissioner Anaya seconds, Commissioner Duran moves. Discussion?

The motion to approve agenda items IX. D. 1, 2, 3, and 4 passed by unanimous [4-0] voice vote. [Commissioner Montoya abstained from voting on these items.]

IX. D. 5. Presentation and request direction on potential donation of real property to Santa Fe County

MR. FLORES: Thank you, Mr. Chair. The County has been approached by the developers and real estates agents of the Las Soleras development, which is located off Cerrillos Road in the vicinity of the Santa Fe Outlet Malls, expressing their willingness to donate approximately 47.81 acres to the County. What we are requesting today is direction from the Board on whether we would like to investigate or determine if this is a feasible acquisition of property through the donation process. Putting all other issues aside, merely for direction on whether we proceed with the investigation or not. And I stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So you're saying they want to give us property but we want to know why.

MR. FLORES: Mr. Chair, Commissioner Anaya, in a nutshell, yes. They would like to donate the property to us. What we're asking for is if the Board is interested in accepting this donation, allow staff to go back, review the offer, look at all the issues or potential issues that may arise of questions that the Board may have if we accept the property.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, were you --

COMMISSIONER ANAYA: I wasn't done.

CHAIRMAN SULLIVAN: He still has the floor. Then Commissioner Campos.

COMMISSIONER ANAYA: Mr. Chair, Tony, so in other words, there might be a catch, or they're giving us property for something?

MR. FLORES: Mr. Chair, Commissioner Anaya, yes, and that's what we'd like to investigate is all those issues that may pop up when we go through the offer. I don't want to call them catches or issues, I want to call them areas that we can look into to make sure that we have a solid recommendation that I can bring forward to the Board.

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, what is the catch? I understand that they want to give this is we build something on that piece of property. Is that right?

MR. FLORES: Mr. Chair, Commissioner Campos, again, I don't want to use the word catch. I think the issues revolve around their offer, they would like open space credits if they donate the property to us. They would like to use the County's tax-exempt financing to be able to construct roads. There are issues on water and utilities to the site. And again, all I'm asking for is direction so we can investigate those items before I bring you back a recommendation.

COMMISSIONER CAMPOS: Have you evaluated in any way, just the -- it's hard to say yes or no without you evaluating somehow, giving some direction.

MR. FLORES: Mr. Chair, Commissioner Campos, we have. Staff has requested assistance from the Utilities Department, Finance Department, Public Works and Land Use to evaluate the offer. We have had preliminary discussions with Land Use as early as yesterday to find out any issues that they could see, potential concerns that could be raised with this. So we have started the evaluation. I cannot though at this time, Mr. Chair, Commissioner Campos, give you a recommendation whether this is a good deal for the County or not.

CHAIRMAN SULLIVAN: Anything else, Commissioner?

COMMISSIONER CAMPOS: No.

CHAIRMAN SULLIVAN: I had a question, Tony. This particular parcel is in the County, is that correct?

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

CHAIRMAN SULLIVAN: But some of the discussion with regard to it talks about Las Soleras development and that's projected for annexation into the city, based on the density they're talking about, isn't it?

MR. FLORES: Mr. Chair, Las Soleras has gone through the City process for

general plan amendment, correct? Let me get Linda Tigges up here from the development. She can address that.

CHAIRMAN SULLIVAN: Let me finish my question then we'll get to you. It's gone -- I understand, because we had a presentation made to us a while back as I recall, it was either to the BCC or the RPA that indicated that it was moving forward and was just an advisory type of presentation and that you were going to be annexed into the city in order to achieve the densities you wanted. Otherwise you'd be at 2.5 acres per unit. Did you want to respond to that, Ms. Tigges? I was just a little confused on the sequencing here.

LINDA TIGGES: At this time we have proceeded with a general plan amendment which would provide for the various types of land uses if it were to be annexed into the city, but we have not initiated an annexation, partly because we wanted to review the various options that the two jurisdictions provided.

CHAIRMAN SULLIVAN: Another question I had was there's a discussion in a letter from Mr. Siebert which we received a copy of about a requirement being that the land would be considered open space, which I understand it is now, as a part of an overall Las Soleras development and I wondered why, number one, how we could consider it open space if it was a city development, but number two, how you could consider open space land that we would build a County complex on. That would seem to be very heavily developed.

MR. FLORES: Mr. Chair, I think we agree with that and those are some of the issues that we need clarification on as how we move forward on this offer.

CHAIRMAN SULLIVAN: And of the site, do you or does Linda know, a large portion of it has a 265-foot setback on the highway corridor. How many acres does that comprise?

MR. FLORES: Mr. Chair, we don't have that answer for you at this time.

CHAIRMAN SULLIVAN: From the picture it looks like about half the site.

MR. FLORES: It's about a third of the site, I believe.

CHAIRMAN SULLIVAN: About a third. Okay. So maybe 15 or 20 acres or something of that nature.

MR. FLORES: It's in that range.

CHAIRMAN SULLIVAN: And that would still, of course remain open.

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

CHAIRMAN SULLIVAN: And the question I had for you, Tony, not Ms. Tigges was I'm really anxious and concerned about completing the Public Works facility which we already have under design and which my understanding is we're about \$3 million short on. What's the status of that? Is that where we are on that, or is there any hope on the horizon?

MR. FLORES: Mr. Chair, we're actually \$4 million short.

CHAIRMAN SULLIVAN: Okay, we're gaining then.

MR. FLORES: Yes, we're moving up on the shortfall. We have completed 80 percent of the construction documents and stopped the architectural firm based on the last statement of probable cost, which indicated our shortfall. We are working with the Finance Department, looking at suggestions on how we can fund that budget shortfall to complete the

new Public Works facility. We have completed, as I indicated in the past Board meetings, we've completed the environmental assessments of the property and we've also received back an MIA appraisal for the existing property. So we are working on developing a strategy, so to speak, to complete and identify all the funding sources for the new facility.

CHAIRMAN SULLIVAN: And what's the property cost, roughly, that we're dealing with on Public Works?

MR. FLORES: Mr. Chair, that property is leased from the State Land Office through a long-term lease. I think the current lease payment is about \$16,000 a year. That escalates each year. There is also a time frame of when development can occur. So there's a base rent, plus improved costs that go along with those leases. I don't have the exact numbers here but it's an escalating cost after development.

CHAIRMAN SULLIVAN: Would there be any option to put the Public Works facility on this site?

MR. FLORES: Mr. Chair, the offer has types of County administrative offices and other similar functions of local government on this. I think that would be an area that we would have to evaluate.

CHAIRMAN SULLIVAN: Have to look at that. And my last question was, another one of the components of the offer or the conditions as I read it was that they want the County to build the water lines into the site that would serve not only this property but would serve future adjacent commercial sites to be developed. Is that your understanding?

MR. FLORES: That's my understanding.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran.

COMMISSIONER DURAN: I'm just a little confused. All this stuff is your understanding.

MR. FLORES: Mr. Chair, Commissioner Duran, it's based upon the offer letter.

COMMISSIONER DURAN: But you haven't had the opportunity to sit down and discuss this with the people that are making this request?

MR. FLORES: Mr. Chair, Commissioner Duran, we have.

COMMISSIONER DURAN: You have.

MR. FLORES: Yes.

COMMISSIONER DURAN: So why can't you tell us today what it is they're proposing. Or you haven't had the time to --

MR. FLORES: Mr. Chair, Commissioner Duran, we are telling you what they're proposing. What I'm telling you is that we as staff, with all the various departments that may be affected by this offer have not completed their evaluation of the offer. Therefore, I cannot render a recommendation to the Board.

COMMISSIONER DURAN: So then, but I haven't heard you tell me what it is they're proposing. I know it's in the report, but I thought that you were going to explain to us that they want us to consider extending the water system to the site. They want to contribute x-amount of acres to the County for us to consider using for any future need that we might have

and then, what's the other one? And then allowing them to go forward with a bond to pay for the road that's in the development. Is that what it is?

MR. FLORES: Yes, Mr. Chair. As I indicated, they would like open space credits, they want the County to extend water lines there for County development and also provide water usage for adjacent commercial development. They will transfer, purchase and transfer water rights to a point of diversion that we accept. There are still issues on whether we go with the City water or County water. There are issues on what we would do with sewer line. And all that's spelled out on the offer of what they're looking for. They're also asking the County to use their tax-exempt status to go forward on a bond that they would issue, technically no liability to the County. However, questions are raised as if the roads are built, who gets the roads? The County would get those roads is my indication, so then we would be maintaining roads.

So those are the types of issues that they've spelled out on their offer that we're asking for time to look at before a solid recommendation.

COMMISSIONER DURAN: So Tony, basically then, the item as it's presented to us, presentation and request direction on potential donation, what you're telling us is that you need a little bit more time to discuss this donation and the conditions of the donation with them before we give you direction? Because obviously, we're not going to be able to give you direction if you haven't had the time to analyze it and advise us as to what you think would be the best thing.

MR. FLORES: Mr. Chair, Commissioner Duran, I think the direction is whether the County is interested in this type of offer. If we're interested in this type of offer. If we're interested in that type of offer, then allow staff to go in and evaluate it and then bring back a recommendation. If the County is not interested in this type of offer then we won't go down that avenue.

COMMISSIONER DURAN: What kind of direction are you looking for from us?

MR. FLORES: Mr. Chair, Commissioner Duran, if the Board directs me that we are interested in accepting this property, for whatever use, then we will go forward with that evaluation. That's the direction we're looking for, is, Tony, we're interested in the offer. Go evaluate it and bring back us back a recommendation.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, it's really a threshold question of do we take the next step with the offerors and explore in more detail the nature of the offer and what we could use the property for, or does the Commission want to just let it lie.

COMMISSIONER DURAN: Well, how could we say no without knowing more about it?

MR. GONZALEZ: Well, we didn't want to say that no without presenting it to the Commission. Or yes, either way.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: Okay. Let's just go down the -- Commissioner Montoya.

COMMISSIONER MONTROYA: Mr. Chair, Tony, I'd be interested if you go back and do a little more research and specifically, around the transfer of water rights. How many are we talking about? That's kind of unclear. The other piece was this revenue bond that's going to be financed, how much are we talking about in terms of that revenue bond? It says we're not going to have any liability. Do we really know that we're not going to have any liability on that? And then in terms of the open space credits, how much are they looking for there again? And I think just that and any additional information that you could give in terms of some of the issues that you brought up, in terms of the sewer, utilities, all of that, I think any more detail would help me. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: And Tony, I would add to that the time frame as an issue because were this to move forward for whatever purpose, I understand the offeror wants to bring water rights in for their facilities, whereas the County has to bring its own in, but that's not wet water. So until we have a source of wet water as a function of the San Juan/Chama diversion project, a function of other negotiations, water rights and transfers that are ongoing. So that would be an issue also to think about is the time frame over which this might take place.

MR. FLORES: Mr. Chair, I would like to be able to bring this back up at the first meeting of October. The preliminary discussions I've had with staff and the different departments I've identified as having a role in this, we can get that evaluation done if that's the Board's pleasure by the first meeting of October. We may not have all the answers for you but I think we'll have enough answers at that time whether I can base my recommendation to you to move forward on accepting the property.

CHAIRMAN SULLIVAN: Are we skipping a meeting in October, Gerald?

MR. GONZALEZ: That meeting we're skipping is in November, Mr. Chair.

CHAIRMAN SULLIVAN: A November meeting. Which one is that?

MR. GONZALEZ: The November 11th meeting.

CHAIRMAN SULLIVAN: November 11th? Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, yes, I'd like to see you look into this, Tony. I know that we're throwing around the possibility of a new courthouse and combining everything. This might be a good spot for that. I like the fact that the Chairman brought up the Public Works Department. Maybe we need a little more property than 47 acres and maybe you can negotiate that and see if we could put in the new County facility there along with the Public Works Department. So those are just some of the issues, some of the things I'd like to see when you bring this forward and come back. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, did you have your hand up?

COMMISSIONER DURAN: No, I'll just wait. You're my hero. I just wanted to know why we weren't getting information here and I understand you haven't had the opportunity to discuss it with them.

CHAIRMAN SULLIVAN: Who's your hero?

COMMISSIONER DURAN: Tony. He's my hero.

CHAIRMAN SULLIVAN: Tony's your hero. I thought you were saying I was.

COMMISSIONER DURAN: You're second.

CHAIRMAN SULLIVAN: Okay, does that give you sufficient direction, Mr. Flores?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Ms. Tigges concerning the annexation plan before the City. If the County should be interested in this and going this direction, would that be a significant factor in your calculations, as to what you want to do as far as annexation or not?

MS. TIGGES: Certainly and obviously it would be a consideration. It would not be the final one. We would still have to consider a lot of other factors other than that.

COMMISSIONER CAMPOS: When do you think you're going to finish your analysis, your assessment as to what you want to do?

MS. TIGGES: By the end of the year.

COMMISSIONER CAMPOS: Okay.

MS. TIGGES: This wouldn't sway us one way or the other is what I'm trying to say.

COMMISSIONER CAMPOS: Okay. Thanks.

CHAIRMAN SULLIVAN: But certainly we'd want to know, because if you were annexed, and even if this parcel wasn't annexed, then obviously the open space issues, we can't commit the City on open space requirements. So it's kind of a chicken and egg thing to deal with here. Commissioner Duran.

COMMISSIONER DURAN: Linda, I have a question. The Soleras plan, has that been approved under the City's general plan?

MS. TIGGES: Yes.

COMMISSIONER DURAN: It has.

MS. TIGGES: Yes.

COMMISSIONER DURAN: Okay. So if you decide that you wanted to pursue some development in this particular area, would that not fall under the commercial node concept? Isn't it a commercial district right now, based under current zoning?

MS. TIGGES: Yes, there are two as I recall. Certainly there's one on Cerrillos Road, because that's where the factory stores is and that's a County commercial large-scale, regional commercial node. I believe there may also be one over on -- but I'm not too sure about that. There may be one over on Richards but I'm not too sure about that one. There could be. That has the potential for being a commercial node as well because of the intersection.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: Okay, Tony, it sounds like the consensus is to try to get as many answers as you can and see what the staff's recommendation might be.

MR. FLORES: Thank you, Mr. Chair. Indulge me for one minute while I put up the next presentation.

XI. D. Presentation and request direction on the 2004 Community Development Block Grant (CDBG) application

MR. FLORES: Thank you, Mr. Chair. This is one of the items that again, staff was looking for direction on. We received the new Community Development Block Grant application guidelines on September 16th for this new funding cycle. This is one of the branches, so to speak of our 2004 funding strategy and before I can complete that and bring back to the Board phase 2 of that strategy I need to put all the pieces in place and this is a major piece. Basically, the program -- and I'll go through the presentation first and I'll come back and discuss the memo on what I'm looking for today.

Again, we received the rule on September 16th for the CDBG program. We'll go through a brief presentation here. The program objectives for the CDBG, which is funded through HUD is to assist communities in providing essential community facilities, provide decent housing, promoting economic development and maintaining a suitable living environment. National and state objectives deal with specifically with there has to be a benefit, principally to low and moderate income families. There has to be the prevention or elimination of slums or blight and meet other community needs of recent origin and basically on an emergency basis that threaten health and welfare of the community.

Eligible activities for the program deal with real property acquisition, construction, rehabilitation in the areas of water, wastewater, municipal utilities, roads, street, highways, curbs, gutters, street lighting, parking facilities, solid waste facilities. It also will deal with housing, which includes acquisition, rehab, clearance, demolition, facilities that increase housing opportunities, temporary relocation and historic preservation activities. The one the County seems to fall in the most is in the public service, capital outlay, which deals with specifically community facilities, including real property acquisition, sheltered facilities, handicap facilities, senior services, those types of services.

Economic development, which the County has never applied for, it assists communities in promotion of economic development and it also provides funding for emergency projects.

Ineligible activities, and this is an important one, we can't use CDBG monies for existing facilities, such as courthouses. We can apply to CDBG to rehab this building or build new ones. We cannot apply to CDBG for income maintenance or even for housing payments. These requirements are important because when I come back to the memo this will tell us where we need to be going. Basically, the process, it encourages citizen participation in any of the areas that we've talked about, housing, capital infrastructure, those types of areas. It also provides citizens with reasonable and timely access to local meetings, information and records. It also provides the County to provide technical assistance to groups that would be requesting assistance from us in any of the program areas. And lastly, it provides public hearings to obtain citizen input and participation. That last one is the important one.

If the Board directs staff to open up this application period, we will be conducting two public hearings before the Board in October to take testimony on potential projects, and then we will ask the Board to select a project to begin the process, and I'll tell you about that in a

second. The requirements that each of these have to meet, the first one is low and moderate income levels. Basically an activity or a project as identified has to benefit 51 percent or more individuals of lower and moderate income. So if the Board directs staff to open up the application period and we identify projects, you will be required to conduct surveys of the area where the project will be located. Within that project area or survey area, 51 percent or more of the persons in that area have to be of low or moderate income. And there's rates established through HUD and through DFA that tell us what those levels are. So it will be important upon us if we identify this as a process to open up of where we're locating a project and how we go about doing the survey methodology.

One of the other things that they're going to look at is again the prevention or elimination of slums or blight and how that project will benefit or address this issue. And the last thing is an activity identified as meeting a community development need or urgency. So that will all be through the process.

Again, under this process we conduct public hearings. There will be a time when we'll select a project by resolution. After that project is identified we'll conduct the surveys and then we'll submit the application to DFA. The evaluation criteria are very specific. It's all a competitive process, points assigned to each of the areas. We'll evaluate under description and need, how the benefit and low to moderate appropriateness is met, leveraging, which means how much money are we or the entity going to bring to the table. As you all know, there's a ten percent cash match requirement for this project. So maximum funding is \$500,000, it has to be matched at ten percent of hard dollars, not in-kind services.

We can use in-kind services to leverage the match, however, somebody, and in my opinion it would be the project applicant would have to come forward with that match. Planning, how the project has gone through and participated in the ICIP process and where it ranks on the listing, and the most important one in my opinion is feasibility or readiness. Do we have a site? Have we secured professional services? Have we completed construction document plans? Have we done all the up front environmental work? If we can take a project up to DFA that shows that we are ready for construction, not ready for design, but ready for construction, we would benefit in the point scoring and our project will be ranked highly.

They look less favorably on projects at a lower rating if a project is not ready. If we're not sure if we have a site, we haven't started any of the preliminary environmental assessments or archeological reviews prior to taking it up. So it's always been a plan of ours, even through the ICIP process, that we identify projects that are ready or there's a readiness for a project.

And then the last thing is a cost benefit. They want to know of the people that we survey, within that area, that survey area, if there's a cost benefit that's appropriated or prorated over the number of individuals that we surveyed. And the higher the number that we surveyed based upon the project dollars, the higher score we're going to receive. So these are all the criteria that they'll be looking at.

Now, although they gave us the rule on September 16th, applications are due January 9th, so we basically have a three-month window with holidays to be able to go through public hearings, to be able to have the Board adopt a project by resolution, to have staff undertake the

surveys and then to complete the application. So three months is not a long time to be able to get this process completed. However, if the Board directs us to open up the application period, we have already started working internally and identifying team members and each of us take a role in how we can move the process along. And then money would be brought forward in March. I assume from there we would receive any type of grant agreements in April or May, right at the time that we're budgeting for the next funding cycle.

Past CDBG projects that the County has undertaken over the past five years, of course, La Familia Medical Center in the Agua Fria park, the Arroyo Seco Teen Center, phase 1, and our recently completed and in the process of being closed out, Youth Shelters and Family Services facility, phase 1. I am recommending that based upon the fact that we have lost a site for our current CDBG program, and let me back up a little bit. The Board in 2001 approved by resolution the Big Brothers/Big Sisters facility as our next CDBG project. And that was based upon the fact that we had secured a site for that facility, which was Agua Fria Park. Since then the Bureau of Land Management who the County leases that through a patent has denied a change in use in the park based upon the Public Purpose and Recreation Act. Basically, the administrative facility did not meet the guidelines of public purpose.

So with that in mind, and for the first time in two years the County has the ability to apply for CDBG, I'm recommending that we reopen the process up, take citizen participation, conduct the public hearings, have the Board look at all options that are presented, either by the community or staff, select a project and then let us get going on the survey methodology. We have already been approached by the City of Santa Fe. They would like to be the recipient of our program this year, basically for the west side library, and I believe that if we open up the process, they would have the ability basically to have us listen to their testimony, listen to their project and consider their application.

So that's where we are. I'm looking for direction on opening up the process to begin the public hearings which will happen in October. We'll be conducting two of them. And then at that time, come forward, the first meeting of November and ask for the Board, after evaluation and our recommendations, select a project so that we can begin the surveys. I stand for any questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner

Duran.

COMMISSIONER MONTOYA: Mr. Flores, Tony, do you -- I received some letters today from different people in the city, apparently. Did we approve some funding earlier today for the Tierra Contenta Library?

MR. FLORES: Mr. Chair, Commissioner Montoya, we did not. That, Mr. Chair, Commissioner Montoya, if I may clarify, that request that I refer to as the City, that's where that library is located. The south side library. I'm sorry. That is in the Tierra Contenta.

COMMISSIONER MONTOYA: These letters are essentially saying open up the process, even though they're saying approve the funding, but we don't have any funding to approve, right?

MR. FLORES: Mr. Chair, Commissioner Montoya, that's correct. We have no funding at this time.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think it's important that Big Brothers/Big Sisters couldn't pull that thing off because it definitely would have helped the community. But I would like, my vote would be to give Tony direction to open it up and let's see what organization out there has a worthy plan or a plan that's worthy of the CDBG grant.

COMMISSIONER ANAYA: I agree.

COMMISSIONER MONTOYA: So do I.

CHAIRMAN SULLIVAN: One thing, since there have been discussions, I guess Tony, with the City, as a part of their presentation you might, with regard to the south side library, you might ask them to be a little more specific on a couple of the issues that you've brought up. Number one, the cash match and number two, the survey. These low and moderate income surveys are extremely time-consuming. And in the letter that I received and the Commission received from the Mayor, they talked about securing already \$4.8 million for the library and they need an additional million, and that apparently some of that money has been secured through the CDBG process. So I'm thinking that they may already have that survey, either under way or they may have the data for it.

I am just concerned about the commitment of staff time that goes into those surveys because they used to take the statistics from the census and now for some reason they've got an entire manual, essentially going door to door and asking people how much money do you make. That's even a tougher sell than asking people to vote for you. So, you know, people say it's none of your business how much money I make. So they have a strategy for how to do that and statistics as to what kind of response rate that you get, but it's extremely time consuming and this is a large area. So just a suggestion, again, to try to work with the City if we open it up so that they're presentation would address some of these issues.

MR. FLORES: Mr. Chair, as part of the technical assistance in opening the process up, I'm inclined to use the same evaluation criteria to bring forward to you as DFA uses for us. In other words, if a non-profit, a City or anybody else comes up to request consideration of a project, I think we should in some way, not to the same detail, but in the same way that the state is going to evaluate the County, is use the same criteria. Do they have the leveraging dollars? Is the project ready? Have the surveys been completed or is there an area identified for surveys? Use the same criteria that we're going to be evaluated on, because I think that will assist us in having the better application to the state, because we've done that homework up front.

And part of the technical assistance when we start getting these proposals and I assume after we get this direction we'll be getting calls on it, that we can start setting that up so that when they come forward, we can have a checklist for you. After they give you their request, we can also address they do need this, they are ready for this. The surveys have to have been completed. So it's an even playing field for all potential applicants.

CHAIRMAN SULLIVAN: I would certainly like to see us work with the senior centers and the seniors. Eldorado has been coming in the past to talk to us about their needs, but I doubt that they would qualify under the low-mod criterion.

MR. FLORES: Actually, Mr. Chair, for clarification, senior centers are permitted and senior centers do not require a low to moderate income survey.

CHAIRMAN SULLIVAN: Oh, really? That's interesting. So they are permitted?

MR. FLORES: Yes.

CHAIRMAN SULLIVAN: Well, that certainly would be another one to add to the list for consideration. Commissioner Duran.

COMMISSIONER DURAN: Tony, I was just wondering, if the Commission decided that they wanted to bail the City out and contribute to the west side library, doesn't that mean that basically what we would do is give up our -- wouldn't we transfer that CDBG funding process to the City? Which means that we wouldn't be involved in it, because then it would be a City project. Isn't that correct?

MR. FLORES: Mr. Chair, Commissioner Duran, I have spoken to DFA on that issue on a previous project about a joint application. The City is in a different position because they receive CDBG directly. The County doesn't. We get one project, basically. There would still be some ownership on the part of the County as far as how the CDBG's money is not only applied for but administered. So it would be an interesting scenario if we joint-apply for our project. And I'm not quite sure --

COMMISSIONER DURAN: Would we want to do that? That's tough to answer.

MR. FLORES: Mr. Chair, I think if we open it up and they come out as the project that the County elects to sponsor, I think we will work out the logistics of how we apply and administer the grant.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: Other questions for Mr. Flores?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Any other projects in the air? Any significant projects out there that are being discussed by groups?

MR. FLORES: Mr. Chair, Commissioner Campos, I think staff has identified projects that could potentially meet the CDBG program guidelines internally, through the ICIP process and projects that we're working on. The only one that we've been contacted on is the City program.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Tony, so we could possibly use this money for the County Extension facility?

MR. FLORES: Mr. Chair, Commissioner Anaya, are you referring to

Stanley's?

COMMISSIONER ANAYA: No. Santa Fe.

MR. FLORES: Oh, for the fairgrounds? Again, it can't be used for County administrative functions.

COMMISSIONER ANAYA: Oh, okay.

MR. FLORES: It would be my recommendation that we keep it -- that's what the guidelines say and that's one of the issues we'd have to deal with with the City if we joint apply for those dollars. I think that would be something we would have to look at and identify, go through the process to see if it meets the guidelines or not. My preliminary indication is that it would not, but I haven't done the evaluation on it to say for sure.

COMMISSIONER ANAYA: And that would be the same for the Stanley one, too, right?

MR. FLORES: Mr. Chair, Commissioner Anaya, that one there, I believe that could potentially meet the guidelines. My concern is the survey methodology that would complete that, but it is a possibility.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: If we do it, if the County gets involved, if it gets to be the one that we decide to sponsor, we do have a match issue to deal with, right?

MR. FLORES: Mr. Chair, Commissioner Duran, we have a ten percent hard match requirement.

COMMISSIONER DURAN: Hard match. Is that cash or could it be --

MR. FLORES: It's cash. It's cash or other appropriations that we receive, but it's hard dollars. It's not in-kind services.

COMMISSIONER DURAN: It couldn't be real estate. Like for instance if we decided to do something on our ten acres on Rodeo Road.

MR. FLORES: The guidelines require a hard match, which is cash. We would use the donation of properties or in-kind services as soft match to increase the amount of leveraging we have for the project.

COMMISSIONER DURAN: But definitely ten percent hard cash.

MR. FLORES: Mr. Chair, Commissioner Duran, that's correct. \$50,000.

COMMISSIONER DURAN: Okay. Peanuts. Thank you.

CHAIRMAN SULLIVAN: Questions for Tony? Okay, it sounds like the consensus, Tony, is to start the process. That is your recommendation, I take it.

MR. FLORES: That is my recommendation.

CHAIRMAN SULLIVAN: And let us see what kind of projects come forward in the hearings that would fit into this funding source. Is that -- is there any opposition to that? Okay.

MR. FLORES: Thank you.

CHAIRMAN SULLIVAN: Thank you.

COMMISSIONER ANAYA: Thanks, Tony.

DRAFT

XI. F. Utilities Department

1. Resolution No. 2003-148. A resolution approving and adopting a new water service rate schedule for customers of the Santa Fe County Water Utility

CHAIRMAN SULLIVAN: Mr. Roybal. Is this a public hearing, or this is a resolution, right?

MR. ROYBAL: Mr. Chair, before you is a resolution approving adopting the proposed rates that were brought before the Board July 29th. Basically, what they are, it's a rate adjustment to the residential, non-residential commodity rate from \$3.94 to \$4.09. There's a new water service availability rate schedule that's included in there and that's \$15 per month per residential lot and the Commission had expressed some concern or a comment regarding lots that are commercial or not residential, and what I've done is I've amended the rate schedule to include a \$15/month per quarter acre-foot for a commercial lot. Therefore, if there's a commercial lot that fits under this category and say, has a water service availability of one acre-foot, it would pay a \$60 water service availability fee and not a \$15 fee.

The other rate schedule that was proposed in this is a new meter installation fee, \$300. That would be for a new meter going to provide service to a customer where there is no meter. That would cover the cost of the meter and the labor to install that meter.

Also included in the resolution and in the rate packet schedule is the water service agreement fee of \$500 that was approved last year by the Commission. The resolution includes all the rate schedules for the Utility Department. I have done this for administrative ease so that this resolution will rescind the previous resolution adopting the original rate schedules for the Utility. This way all the rate schedules are kept in order as we move forward and if there are any changes, the entire rate schedule packet is changed at the same time. With that I stand for questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: First of all, I'd like to recognize the assistant Commission of Public Lands, Jerry Keene who has joined us. Mr. Chair, I've got a question to Gary. You've got \$15 per month, right, per meter?

MR. ROYBAL: The meter availability fee? Yes, sir.

COMMISSIONER ANAYA: And then on page -- well, it's not numbered, but the fourth page. You've got meter size. This one here was 5/8" meter -- I believe it was 5/8. Is that 5/8? What does that mean?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, which rate schedule are you looking at?

COMMISSIONER ANAYA: Okay, on the first page, it's the Santa Fe County Water Utility should be serviced with a 5/8" meter?

MR. ROYBAL: Excuse me. I'm trying to find the same page you're on and the location.

COMMISSIONER ANAYA: I guess it's the first page.

CHAIRMAN SULLIVAN: That's the diameter of the waterline, the 5/8.

MR. ROYBAL: Are we on a rate schedule?

CHAIRMAN SULLIVAN: I think he's on the residential water service schedule one.

MR. ROYBAL: Rate schedule one. Meter size, yes. 5/8" meter. That's the standard size for a meter that would be installed for domestic use for a residential customer.

COMMISSIONER ANAYA: Okay, my question is, you had a \$15 per month fee. And then, on the third, fourth page, under the schedule, it says 5/8" and the fee is \$12.42.

MR. ROYBAL: Rate schedule one, first revised rate schedule one, at the very beginning of the packet is our service fee. In other words, there's a \$12.42 per month fee for a 5/8" meter, and then you pay \$4.09 for 1000 gallons used. This is for a customer that's actually taking water off of our system and from the utility. The water service availability fee, which is rate schedule --

CHAIRMAN SULLIVAN: Three.

MR. ROYBAL: Rate schedule 9. Are we on rate schedule 9? That's toward the back of the packet.

COMMISSIONER ANAYA: I'm sorry to confuse you, Gary, but I'm confused. You were charging \$15 per month per meter, 5/8".

MR. ROYBAL: That was on the memo. The memo says 5/8" meter and that was just for a residential lot. What I've done on the actual rate schedule itself is just changed that to a residential lot. What happens is is that every residential lot that comes in is allocated a quarter acre-foot of water service. And there was a comment brought up by the Commission when these rate schedules were brought up, what do we do when we have a one-inch meter or a 1 1/2 inch meter. So instead of trying to adjust it on an equivalent meter basis, I just set it at a residential lot, \$15. Commercial lots are the ones that will use more than a quarter acre-foot or may have more than a quarter acre-foot of water service availability, so I changed that so that for every quarter acre-foot of water service availability, it's a \$15 fee.

COMMISSIONER ANAYA: But then on the third page, you have a fee there of \$12.42 for a 5/8" for a monthly customer service fee.

MR. ROYBAL: That fee is for water service actually taken from the utility. When you're a customer of the utility, you pay \$12.42 plus whatever you use for water.

COMMISSIONER ANAYA: I got you.

MR. ROYBAL: If you're not a customer of the utility but you have a water service availability contract with us or if you have water service availability from the County, but you're not taking service and you don't have a meter on your property, you would pay the \$15.

COMMISSIONER ANAYA: Gottcha. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I think the confusion, Gary, is in your memo. In your memo you say, "For example, a residential or non-residential customer that has a quarter acre-foot of water service availability from the Santa Fe Water Utility would be serviced with a

5/8" meter and would pay \$15 per month. They only pay \$15 a month until they get the meter, then once they get the meter, then they pay \$12.42 a month.

MR. ROYBAL: Mr. Chair, Commissioner Anaya, I see where your confusion is.

CHAIRMAN SULLIVAN: If they don't have a meter, they pay \$15 a month. When they do have a meter, they pay \$12.42 a month, plus a gallonage charge.

MR. ROYBAL: Mr. Chair, you're correct and Commissioner Anaya, I understand your confusion. You're correct. That is confusing. It is per-lot and the 5/8" meter shouldn't have been included in that explanation.

CHAIRMAN SULLIVAN: Okay, other questions or clarifications. This is Resolution 2003-148. What's the wishes of the Commission?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Duran, seconded by Commissioner Montoya. Further discussion?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question. Sinking fund. You've talked about the need for a sinking fund to address future infrastructure needs and perhaps other needs associated with the Utility Company. What are your thoughts now? Do you have any time lines or plans for that? Because that would affect the rates, right?

MR. ROYBAL: Mr. Chair, Commissioner Campos, yes, it would. We need to undertake a rate study analysis if you will, and develop a rate plan that would accommodate all the costs associated with providing service. One of them is a sinking fund. As we develop the San Juan diversion project and other sources, those will include costs also that would need to be recovered. So the time line is probably in the next 12 months or so we should be looking at having a study performed and completed.

COMMISSIONER CAMPOS: Are you looking for someone or how are you going to do that? When is staff going to take action to initiate the study?

MR. ROYBAL: Mr. Chair, Commissioner Campos, we haven't taken any action yet but it is on our radar screen. It is one of the things that we have on our radar screen and it is right now, not the top priority that we're looking at but it is one of the items we do need to accommodate within the next 12 months.

CHAIRMAN SULLIVAN: Other discussion on the motion?

The motion to approve Resolution 2003-148 passed by unanimous [5-0] voice vote.

XI. F. 2. Resolution No. 2003-149. A resolution approving and adopting water service policies and procedures for customers of the Santa Fe County Water Utility

MR. ROYBAL: Mr. Chair, Commissioners, this resolution is brought to you also with our July 29th request to include the water conservation policy into our service rules and regulations. What I have done is I have tailored the County's conservation ordinance to a water policy. I've used that as a framework. I've edited it and tailored it to the service requirements and operations of our customers and the utility, and I've also again included all the service rules and regulations in this resolution. This resolution will rescind the previous one that adopted our service policies and regulations. And I stand for questions on this one.

CHAIRMAN SULLIVAN: So the main thing you've done here is you've added in the water conservation policies. Is that correct?

MR. ROYBAL: Mr. Chair, that is the only thing we've added on this.

CHAIRMAN SULLIVAN: Questions for Mr. Roybal.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval of Resolution 2003-149, motion by Commissioner Montoya, seconded by Commissioner Anaya. Discussion. Commissioner Duran.

COMMISSIONER DURAN: Mr. Roybal, do you think you could communicate or provide the State Engineer with these resolutions, or this particular resolution? I was at a townhall meeting last week and they talked about how they might be able to put some requirements to limit the use of this resource. And I mentioned several times that Santa Fe County has some ordinances and some resolutions that we've adopted that kind of guide the public on how to better manage these resources. And I think we are really one of the few communities that have adopted these kind of ordinances and resolutions. I'd like for you to deliver this to the State Engineer as an example. And I can meet with you later to perhaps define a cover letter, so that they're aware of what Santa Fe County has done relative to water conservation and as pertains to ordinances we've adopted and resolutions.

MR. ROYBAL: Mr. Chair, Commissioner Duran, I'd be happy to do that. And I'll also add the ordinance, conservation ordinance.

COMMISSIONER DURAN: Because I really think that if other communities made a similar kind of effort that it could have an impact on this resource.

MR. ROYBAL: We'll do it.

CHAIRMAN SULLIVAN: Further discussion?

The motion to approve Resolution 2003-149 passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this vote.]

XI. D. 3. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #24-09 for Legal Services for Santa Fe County

DOUG SAYRE (Water Director): Thank you, Mr. Chair, Commissioners. We have before you a request by the Utilities Department to award a professional services agreement on RFP #24-09 for legal services for Santa Fe County. Primarily dealing with water matters. We solicited proposals. I think we sent out 11. Three showed up to a pre-invitation conference and we received one proposal from Sheehan, Sheehan and Stelzner. That's the firm that's presently working for us on water matters at this time. We find this proposal to meet all the requirements that we look to in the proposal and based on that, it was the highest offeror to present. He was also the lowest offeror to present, so there's good news and bad news on that part. After reviewing all the fees and services and comparing them to other services we find that they're certainly fair and reasonable. We certainly have gotten satisfactory performance from this firm, primarily John Utton who's doing a real commendable job as far as serving the County in various capacities as far as water issues. So therefore we request authorization to enter into another professional services agreement with Sheehan, Sheehan and Stelzner for a maximum amount of \$100,000 for the next year. Thank you.

CHAIRMAN SULLIVAN: Questions for Mr. Sayre. Commissioner Duran?

COMMISSIONER DURAN: Mr. Sayre, we currently have a contract with who to provide these services? The same company?

MR. SAYRE: Mr. Chair, Commissioner Duran, yes, with the same firm.

COMMISSIONER DURAN: And John Utton is the one that's been advising us, correct?

MR. SAYRE: Correct.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Have the rates changed from the last contract?

MR. SAYRE: Mr. Chair, Commissioner Campos, yes they have, slightly. Both the owner's rate went up slightly, I think from \$135 to \$150. The partner's rate went up from \$110 to \$135, and the other ones that were of concern were probably the paralegals went from \$55 to \$75 and the law clerks went from \$55 to \$75. So those are the primary ones. Considering that these fees were set back four years ago, which would be, what? 1998 or '99, we thought that the increase in rates was reasonable.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Okay, other questions for Mr. Sayre? If not, what's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: We have a motion from Commissioner Duran and a

second from Commissioner Campos. Any further discussion?

The motion to approve the PSA with Sheehan, Sheehan and Stelzner passed by unanimous [5-0] voice vote.

MR. SAYRE: Thank you, Commissioners.

XI. F. 4. Request Direction and/or Approval of a Proposed Wholesale Water Service Agreement Between Santa Fe County and the City of Santa Fe

CHAIRMAN SULLIVAN: Also known at some points in time as the wheeling agreement. Mr. Roybal.

MR. ROYBAL: Thank you, Mr. Chair, Commissioners. I would first of all like to say I don't want to associate this with the wheeling agreement.

CHAIRMAN SULLIVAN: Okay. We'll not use that term anymore. Just so the public has some context of what we're talking about here.

MR. ROYBAL: The proposed water service agreement before you is a document prepared by the County staff in cooperation with the City staff, who provided technical assistance, and also with John Utton, who's a lawyer under contract with the County. Earlier this year, the RPA directed the County staff to develop a proposed wheeling agreement or another agreement that would supercede or take over for the existing wheeling agreement between the City and the County. It was further directed that this proposed agreement be brought forward to the RPA after the Santa Fe County Commission approved this proposal.

So before you is this proposal that has been in the works for several months, and I'll just go briefly through it and hit the highlights of the proposal.

The term of this agreement will coincide with the term of the San Juan/Chama project water lease agreement with the Bureau of Reclamation. In other words, for as long as we have a lease agreement or some type of agreement with the Bureau of Reclamation to access San Juan/Chama project water, this agreement will remain in effect. The agreement provides for 500 acre-feet of wholesale water supply to be delivered to the County by the City. In other words, this is a wholesale water service agreement that would provide up to 500 acre-feet of water at wholesale rates to the County. Now, this is where it differs from being a wheeling agreement. This is not wheeled water; this would be an actual wholesale transaction between the City and the County.

The delivery of the 500 acre-feet would be ratcheted over the next two-year period. In other words, the County would agree to take no more than 350 acre-feet of water through the year 2004, and beginning in the year 2005 we would take up to the full 500 acre-feet deliverable from the City. The rates to be charged for this wholesale transaction would be \$736.72 per month per meter, and we have three meters in which we take delivery right now,

and it would be \$2.92 per thousand gallons.

The agreement paragraph 5 also allows for a rate adjustment of these rates as time goes forward. The City and the County would agree that they would both agree on a consultant to look at the rate structure and do the rate study. The County and the City would share equally in that consultant's cost. But only for that portion associated with determining the rates for the County. The County would also have 180 days to dispute the cost study and the dispute would be handled under the dispute resolution provision contained in this agreement.

The agreement also recognizes that the County acknowledges that the City is currently undertaking a rate study. They have a consultant on board. It is anticipated that the study would be completed by August 31, 2004. So we could be expecting the rate change some time next year. There's also a provision for conditions of delivery and there are some operational provisions in this paragraph, but the provision I think that is most, that is critical to this and to the Commission is when there is a water shortage due to drought, that the County would share proportionately or on a pro rata basis of that shortage that the City is experiencing. For instance, if the City experienced a 20 percent drop of supply or loss of supply due to drought, the County would reduce its takes from the City by 20 percent. Now that reduction would be based on a scheduled delivery that would be provided to the City in January at the beginning of the year so that the City would know what kind of delivery schedule they would have. They would expect to deliver to the County over that next period, and that pro rata reduction would come off of that schedule.

There's also another provision in there that talks about or addresses the issue of the allocation of San Juan project water between the City and the County. The agreement would recognize that the County and the City agree to an allocation of the San Juan project water between the City and the County and that would be that the County would agree to 375 acre-feet and the City would agree to the 5230, I believe is the other number. And that would resolve that dispute.

There's also a paragraph that would recognize and acknowledge the development of a transfer and delivery agreement between the City and the County. Now this would be what I would consider a classic wheeling agreement. This would be that the County would have the opportunity to transfer to points of diversion on the City's system, up to 600 acre-feet and the City would deliver those 600 acre-feet to the County at its designated points of delivery. And that too would be ratcheted over a period of time.

There's another provision in there that recognizes and acknowledges the establishment of a corresponding agreement for the Rio Grande diversion project. This agreement would be a satellite agreement to this as the transfer and delivery agreement. This agreement would address the maintenance, operation, funding, and other aspects of the Rio Grande diversion project and the associated facilities that go with that.

Another important factor of this agreement is that this agreement is the instrument that would allow the Commission to disperse its County gross receipts tax, its County capital gross receipts tax to the City for the capital expansions that the City has undertaken and will undertake into the future. For instance, the Buckman wellfield. There's approximately \$1.5

million that have been budgeted, that the RPA budgeted towards that project. There's another additional million dollars that were budgeted to enhancement and rehabilitation of the City wellfield and also for their storage and transmission facilities. And there is an additional, I think there was \$1.6 million that was allocated to the Buckman diversion project. But before the County disperses those funds to the City, it is required that an agreement be in place between the County and the City to address the operation, maintenance, of those facilities, and the ownership of those facilities. This agreement would meet that requirement and would allow that transaction to move forward.

Some of the benefits that I see out of this agreement is that it provides certainty to the County and the City on how it's going to move forward in the future on its delivery and production of water supply between the City and the County. The agreement also resolves the allocation of the San Juan/Chama project water. And finally, this agreement also will allow for the disbursement of the gross receipts tax as I just discussed with you just now. And finally, this agreement establishes the transitional framework for future agreements and cooperation between the City and the County. I'd like to thank all the staff people and everybody who put a lot of effort in this and I present this to the Commission for your review and I stand for questions.

CHAIRMAN SULLIVAN: Questions for Mr. Roybal? Commissioner Duran.

COMMISSIONER DURAN: Gary, paragraph number ten, water rights that would be transferred to the Buckman system. When the diversion project is on line, do those then get transferred to the diversion project?

MR. ROYBAL: Mr. Chair, Commissioner Duran, that's correct. This agreement, the transfer and delivery agreement, the term of that agreement would be in place only until such time as the Rio Grande diversion project comes on line.

COMMISSIONER DURAN: So are we talking about two separate transfer applications? One for the Buckman wells and another to the [inaudible]

MR. ROYBAL: The way we have transferred, the way we transferred the Socorro water rights that we transferred just recently, we put the proposed diversion project as a potential point of diversion and that was accepted by the State Engineer. So that will not require that we do a second transfer on that, and that's how we would approach our water rights transfers.

COMMISSIONER DURAN: So future transfers would be to the diversion project?

MR. ROYBAL: Also. That's correct.

COMMISSIONER DURAN: Although until it's built they would be providing -
- water would come from the Buckman wells.

MR. ROYBAL: That's correct. Or other sources that the City may deem appropriate for points of diversion.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos,

COMMISSIONER CAMPOS: Mr. Roybal, the life of this agreement is contingent upon having a San Juan/Chama water right release?

MR. ROYBAL: Mr. Chair, Commissioner Campos, the term of it is parallel with that, yes.

COMMISSIONER CAMPOS: Now, that affects the wholesale aspect of this agreement.

MR. ROYBAL: Commissioner, that's correct.

COMMISSIONER CAMPOS: Because initially I thought you were going to propose a wholesale agreement of indefinite duration.

MR. ROYBAL: Mr. Chair, Commissioner Campos, that was one of the items I considered but we reverted back to just keeping it parallel with the San Juan/Chama project water.

COMMISSIONER CAMPOS: What's the analysis on the reversion? Or the change of mind?

MR. ROYBAL: Well, I think the analysis is is if we lose the San Juan/Chama project lease, we lose a significant source of supply and it's very doubtful that the City would be able to provide us with the 500 acre-feet anyway.

COMMISSIONER CAMPOS: That would be basically the Buckman well water?

MR. ROYBAL: At this point, yes.

CHAIRMAN SULLIVAN: Gary, then we'll get to Commissioner Montoya and Commissioner Duran. One minor item at the beginning of your agreement in the whereas, on page 2, halfway down, where you say, "The City and County participate cooperatively in the Regional Planning Authority which has budgeted..." and down below that you say, "which has budgeted..." I'm a little uncomfortable with that terminology, because it's really, it's the County Commission that has budgeted the funds and the Regional Planning Authority has approved the use of those funds under our County resolution. So the money doesn't actually rest with the Regional Planning Authority. It rests with the Santa Fe County Commission. Is it possible to wordsmith that a little bit to say, "which has approved the expenditure of \$1,516,000 towards the construction of..." And likewise, there's one below, "which has approved the expenditure of..."

COMMISSIONER DURAN: Yes, I like that better.

MR. ROYBAL: If I could read this back. "Whereas, the County and City participate cooperatively in the Regional Planning Authority which has approved the expenditure of \$1,5616,000 towards the construction of supplemental Buckman wells 10 through 13."

CHAIRMAN SULLIVAN: And likewise with the one below.

MR. ROYBAL: I will certainly change those two accordingly.

CHAIRMAN SULLIVAN: For the one million that the Regional Planning Authority also approved for the rehab of the City wellfield and enhancement of conveyance and storage facilities, benefiting the City water system. Commissioner Montoya, then Commissioner Duran.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Roybal, how does this

compare with our current rates in terms of the acre-feet per year on paragraph i, and then paragraph 3, the delivery, 500 acre-feet, and then j, 600 acre-feet. Where are we in terms of these numbers and where the current agreement is at?

MR. ROYBAL: Right now, under the existing agreement between the County and the City, we have 500 acre-feet of wheeling deliverability as it's been termed. Under this agreement, what we get is we get 500 acre-feet of wholesale water delivery, that is water delivered on a wholesale basis to the County for resale. The 600 acre-feet then becomes a true wheeling transaction whereby the County would provide the 600 acre-feet, transfer 600 acre-feet of its own water rights to the City's points of diversion. The City would then produce and deliver those to the County. So it's actually an expansion of the 500 acre-feet, an additional 600. Or it gives us 600 acre-feet of wheeling capacity. But we need the water rights to be able to do that. If we don't have the water rights, the 600 acre-feet of capacity is there but we just don't get any wet water delivered into our system.

COMMISSIONER MONTOYA: And we have the water rights? The 600 with San Juan/Chama?

MR. ROYBAL: Mr. Chair, Commissioner Montoya, we're working on getting those 600 acre-feet. We don't have them right now. And you bring up a good point, which I just didn't mention and I should. The 375 acre-feet that we agreed to as the County's allocation cannot be used as part of the 600 acre-feet of wheeling. Those 375 acre-feet would only be applicable to the diversion project or any other uses that we may want to use them for during this time period. But we couldn't get those 375 acre-feet and transfer them to the Buckman wellfield as part of the 600 acre-feet. So we can't use that 375 San Juan/Chama project water as being part of the 600 acre-feet.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair. Thank you, Gary.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Gary, we're talking about 500 to 600 and 375.

MR. ROYBAL: Mr. Chair, Commissioner Duran, they're not --

COMMISSIONER DURAN: Let me rephrase that. That's the amount of water that we will ultimately be able to withdraw from the diversion project. The 600 and the 375 will come out of the diversion project and the 500 will come out of the service agreement?

MR. ROYBAL: Mr. Chair, Commissioner Duran, that's correct. The 500 acre-feet will be a wholesale transaction between the City and the County. The 600 acre-feet would then be moved, once the diversion project comes on line, would be moved to the diversion project. Let's say for instance the County did acquire the full 600 acre-feet in addition to the 375 San Juan/Chama. We would have 975 acre-feet of diversion capabilities at the diversion project.

COMMISSIONER DURAN: So then our total, the total amount of acre-feet that we would be able to distribute to customers would be what? Just what we're talking about right now.

MR. ROYBAL: Commissioner Duran, with the Rio Grande diversion on line it

would be 1475 acre-feet.

COMMISSIONER DURAN: That's not factoring in any other points of diversion.

MR. ROYBAL: And Commissioner Duran, we also have 1700 acre-foot capacity at the diversion project, so we would still have available to us about 725 acre-feet of capacity that we could fill with additional water rights.

COMMISSIONER DURAN: Okay. This is my last question. The City made application to the Bureau of Reclamation to extend the San Juan/Chama water rights. Do you know what the Bureau of Reclamation's position is on that?

MR. ROYBAL: Mr. Chair, Commissioner Duran, I believe that it was sent to the Interstate Stream Commission. The Interstate Stream Commission sent the letter back saying that it was okay to move forward. I'd like Doug to kind of just update the Commission on that because there was a meeting just recently on that that he attended.

MR. SAYRE: Mr. Chair, Commissioner Duran, recently we had a discussion with Ken Maxie regarding this. He had been waiting for direction from I think the Interstate Stream Commission about proceeding forward on this. We received a letter I believe approximately two weeks ago on this matter and the Interstate Stream Commission said the City and County contract could be proceeded with to divert that from a service type contract to a perpetual type contract.

COMMISSIONER DURAN: Right.

MR. SAYRE: Within the guidelines of what BOR has to deal with. Meaning that that could be just an environmental assessment regarding this, or it could mean an environmental impact statement to do with this. We have not had any additional discussion with Mr. Maxie with the BOR at the present time but that was the idea that we would proceed and see how he saw this. In discussions he has advised us that he thought it would be an environmental assessment type situation to assess.

COMMISSIONER DURAN: Could that further complicate the process that we're under on the diversion project right now. Would it add another level of a report to it?

MR. SAYRE: Mr. Chair, Commissioner Duran, I don't believe so. I think that's -- we have this ongoing contract that we presently have. I think what we see is it's a conversion type situation and I don't believe it's a complication with it. I suppose if they determine that we can't, that they can't convert that contract, then we would have to see how that contract could be extended in 2016, is the way I view it.

COMMISSIONER DURAN: Thank you.

MR. SAYRE: Any other questions regarding that?

CHAIRMAN SULLIVAN: I had a question for Gary. And just a clarification on the 375 acre-feet, understanding that that can't be transferred to the 600 wheeling acre-feet, but we could use that 375 acre-feet before the diversion project is built, could we not, as perhaps offsetting water rights, the way the City does with it's San Juan/Chama water rights.

MR. ROYBAL: Mr. Chair, we couldn't use -- I'm not sure what you mean by offsetting.

CHAIRMAN SULLIVAN: Well, that's what the City uses for the Buckman wells. They use San Juan/Chama water. That's the reason they pay for it is that they use it to offset the pumping of the Buckman wells from the San Juan/Chama water rights. Could we do the same thing for a well that we would drill somewhere?

MR. ROYBAL: Mr. Chair, it doesn't preclude us from drilling our own sources of supply and using that water. It precludes us from using their wells and their system for it, for wheeling.

CHAIRMAN SULLIVAN: I understand. But if we were to drill a well, and if it was in an impact area where we needed to, in that same basin, which it most likely would be, since that's where the water is, then could we use the 375 acre-feet of San Juan/Chama water to offset the pumping of that well?

MR. ROYBAL: Yes.

CHAIRMAN SULLIVAN: Now, understanding that we might have to bring other water rights to that at a later date if we were using that 375 as actual San Juan/Chama surface diversion water in the future.

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

CHAIRMAN SULLIVAN: So we've got some flexibility to use -- we don't have to wait until San Juan/Chama diversion project is up and running until we could use that 375 acre-feet for something.

MR. ROYBAL: That's correct, Mr. Chair. The best way to put that is we can't use those 375 on the City system but we can certainly use it on our own system.

CHAIRMAN SULLIVAN: We can use it on our own system if we were to drill a well and supplement our existing system.

MR. ROYBAL: That's correct.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: One last question. Gary, so in the months that have passed you have negotiated with City staff with this agreement and my understanding from you is that City staff is in agreement with this proposal. Is that correct?

MR. ROYBAL: Mr. Chair, let me clarify that. We have been working with the City staff and they have been providing us technical assistance. I, after discussions with them, I don't want to put them on the spot and say that they're in agreement with this and this is a joint City and County issue. They have provided us their input and what they believe are the technical capabilities of the system and what may work on the system. I would not go as so far as to say that they are in support or they are in full agreement with us, it's just that they've provided us with the technical background that helped us formulate what we believe is a comprehensive agreement that addresses the issues that were before us.

COMMISSIONER DURAN: So are you going to be at the City Council meeting on Wednesday?

MR. ROYBAL: Mr. Chair, Commissioner Duran, no. My next step is to take it to the RPA and I don't know what the next step would be from that process.

COMMISSIONER DURAN: I thought this thing was going to go to the City Council on Wednesday.

MR. ROYBAL: Mr. Chair, I'm not sure if it's going to go to the City Council or what the City is going to do with this at this point.

COMMISSIONER DURAN: I must have dreamt it. So then the next step is you're going to bring it to the RPA for their consideration?

MR. ROYBAL: That's correct, Commissioner Duran.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: Questions. If not, what's the wishes of the Commission with regard to the direction requested for the approval of this proposed wholesale water service agreement?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'd like to make a motion that we approve the proposed wholesale water service agreement and give Mr. Roybal direction to take it to the RPA for their consideration, and to deliver a copy of this to the City Council with a letter signed by you asking them to consider this as the agreement between the two parties.

CHAIRMAN SULLIVAN: Motion. I'll second that motion. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Would that include the two amendments to word changes?

CHAIRMAN SULLIVAN: Okay, including the amendments to the two whereases.

COMMISSIONER DURAN: Yes.

CHAIRMAN SULLIVAN: So we have a motion and a second. Further discussion?

The motion to approve the wholesale water agreement passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: It's unanimous. Good job.

COMMISSIONER DURAN: Thank you, Gary. Good work.

COMMISSIONER MONTOYA: Good job.

CHAIRMAN SULLIVAN: You can quit now.

MR. ROYBAL: I'd like to thank everybody. I was just one part of it. There were a lot of people involved in this. And I'll leave them with the headaches.

MR. GONZALEZ: I'll have ankle bracelets on everybody.

CHAIRMAN SULLIVAN: Maybe I should say "retire." I won't say "quit." I'll

say "retire."

COMMISSIONER ANAYA: Don't leave yet.

XI. F. 5. Request Expansion of the Santa Fe County Water Utility Service Area

MR. ROYBAL: Thank you, Mr. Chair. Before you is a request to expand the utility service area up in the northwest sector. The request comes from Suerte del Sur, LLC, who has some property located contiguous to our existing service area. What I have just passed out to you is a map of the utility service area. [Exhibit 3] The red square that's outlined in your map that I just provided to you is the proposed expanded service area. The Suerte del Sur, LLC incorporates most of Section 24 and it does also overlap into our existing service area. They have requested service from the Utility Company. We have not -- we have advised them that they're outside our service area and that we can't provide them service, that it would require an extension of our existing service area.

I looked to see what kind of criteria processes or procedures would be necessary for an expansion of the service area. I couldn't find any, so I bring this request before you to get your direction and instructions on how to proceed. The applicant is present today to address any questions you may have on this request and I stand for questions.

CHAIRMAN SULLIVAN: Questions, let me just clarify. So I see two things here. One is a request to expand the service area which would include not only this subdivision but possibly areas for other subdivisions. It's not just the area in the subdivision. Your staff request was to include the whole section, correct?

MR. ROYBAL: That's correct. If you look at the actual map that was attached to your packet, and it says "site." It's this right here. You'll see that the top left hand corner of Section 24 is the only portion of that section that isn't covered by this request. So we just felt it would be administratively efficient to just include the entire section.

CHAIRMAN SULLIVAN: The second part of the request is the one that may be a little premature in my opinion, and that is the request to provide water service, the way I read it in here, because we have, I believe this subdivision hasn't gone through the approval processes and hasn't received the Utility Department's review and we would rely on that, obviously, for a request for water service and a water service agreement. So I'm just a little concerned that some of the language in here would not be taken to mean that this is a commitment to water service. The request here is one to expand the service area. Is that what we're looking at?

MR. ROYBAL: Mr. Chair, that's correct. This is -- before the Utility Department can entertain or address a request for service, they have to be within our service area. So this would just give the Utility the opportunity to look at a water service agreement.

CHAIRMAN SULLIVAN: To look at an agreement for a development to go through the process.

MR. ROYBAL: That's correct. And there would be no guarantee that we would provide the water at that point. That's in accordance with our resolution on line extension policies.

CHAIRMAN SULLIVAN: Okay. That clarifies that. Commissioner Duran.

COMMISSIONER DURAN: Gary, why wouldn't we just include the section just south of it and then just east of the one just south of it? So I think it's 16, 25 -- why wouldn't we include those at the same time?

COMMISSIONER CAMPOS: 25 and 30?

COMMISSIONER DURAN: Yes, 25 and 30. And the reason that I'd like for us to maybe consider that is just below the area you're requesting to be included is Piñon Hills and there might be a move at some point to provide them with water and then to the east of that is residential and half of it is pretty much undeveloped. And none of it is serviced within the City's service area. Would there be any problem with approving those two sections, pull them into the service boundary?

MR. ROYBAL: Mr. Chair, Commissioner Duran, at this point I don't see any real problem. I guess administratively, I think it would be more burdensome to be addressing these issues without any request for service in that area. And I know there's a subdivision that the County Manager just brought up. There's already existing development in there --

COMMISSIONER DURAN: In where?

MR. ROYBAL: I believe the Piñon Hills and on the other section that you talked about I believe it's just west of Section 24.

COMMISSIONER DURAN: Puesta del Sol.

MR. ROYBAL: Yes. So there's already development taking place in that place and we haven't had any request for service in that area. So I don't see any real problem other than maybe some administrative externalities that may occur from this, people wanting water service and us not being able to get to it there because they're a lot further away from our service area. I think if we took it steps at a time -- because Section 24 is contiguous to our service area that would be the logical first step to take, and then as we move the system in there, we could then take the next steps and probably get the other three sections that all meet at that one corner right there. So we could do it in steps or we could do it in one full sweep. It's really a decision of the Commission.

COMMISSIONER DURAN: It just seems to me that if we're truly interested in protecting the aquifer and if we can provide water to these areas through a system, we can get people off their wells and manage that resource a little bit better. That's why I thought it might not be a bad idea to take all three sections at once. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions for Mr. Roybal?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner Duran, what sections are you talking about?

COMMISSIONER DURAN: This is Piñon Hills.

COMMISSIONER ANAYA: So 24, 25 and 26?

COMMISSIONER DURAN: Thirty.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I would agree with Commissioner Duran. I think if we truly are looking at setting up and working on a water system as you indicated during my short time here, short time left, is that we really need to look at developing this type of a water system to not only offer potential development but to offer existing residents that opportunity as well. So I think this may be a way as well of beginning to get some of that infrastructure in that area.

COMMISSIONER DURAN: It's one step of the process.

COMMISSIONER MONTOYA: Yes.

MR. ROYBAL: And Commissioner Montoya, if I may add, the Rio Grande diversion facilities will be coming right contiguous to these areas also, so it makes sense that we would be looking at this. The question is whether you want to do it now or you want to do it later. It makes perfect sense to move in that direction.

CHAIRMAN SULLIVAN: Gary, a question I would pose is, as you indicated, would designating those sections within the water service area imply any requirement on our part to provide water? We're talking about two miles away from our waterline. If someone were in Section 30, a couple of miles from Santa Fe County, within the water service area, by designating it in the water service area, does that imply an ability to serve it?

MR. ROYBAL: Mr. Chair, I'm looking for the language in the line extension policy right now. That addresses that issue.

CHAIRMAN SULLIVAN: Okay. While you're looking for that, I bring that up because my experience has been that when we designate a service area, we designate it on the basis of our ability, either through pressure or flow or topography or facilities in the ground to serve that area. I don't know whether we have that ability. We may have.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Your question was that if we make it a service area that we have to supply the water?

CHAIRMAN SULLIVAN: Yes. If it's within our service area. Just like if you're within PNM's electric service area you apply to PNM and you expect them to

provide them with electric service. That's what a utility does.

COMMISSIONER ANAYA: Not all utilities, because I don't have a phone line at home.

CHAIRMAN SULLIVAN: Well, they have requirements and that's what I'm saying. Do we have some stipulations on the record that would say, when it becomes feasible, or when the economies permit it.

MR. ROYBAL: Mr. Chair, our waterline Resolution 1998-13, a resolution adopting waterline extension policy to serve new customers of the Santa Fe County water utility, paragraph 3, terms and conditions of water utility extensions. The Utility shall only consider requests for line extensions within its service area. Inclusion within the service area does not guarantee water service by the utility.

CHAIRMAN SULLIVAN: Sounds clear.

COMMISSIONER DURAN: I'd be more than willing not to -- it doesn't matter to me. I just thought I'd bring it up.

CHAIRMAN SULLIVAN: We were just discussing it to see what the pros and cons of it were.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Could you read that again?

MR. ROYBAL: Sure. If I can find it again.

CHAIRMAN SULLIVAN: Everyone in Puesta del Sol is on wells, right? So they're not going to connect in until their wells run dry.

COMMISSIONER DURAN: Right. Which is what I was thinking.

CHAIRMAN SULLIVAN: Which might happen.

COMMISSIONER DURAN: I might have a problem here too. I might have a conflict of interest on this. I just looked on there and I think I might have to refrain from any further discussion on this. Sorry. I looked at the map and recognized that as a potential problem.

COMMISSIONER ANAYA: You own Section 30 or what?

MR. ROYBAL: Mr. Chair, Commissioner Anaya. I'll read that over again. "The Utility shall only consider requests for line extensions within its service area. Inclusion within the service area does not guarantee water service by the utility."

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Other questions, comments. Okay, what would you like to do, gentlemen?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Okay, this is approval of what?

COMMISSIONER MONTOYA: Of the Utilities Department looking at granting an expansion of the service area for the entire Section 24, Township 17 North, Range 8 East.

COMMISSIONER DURAN: Second. I don't have a conflict there.

CHAIRMAN SULLIVAN: Okay, motion and a second for approval of the service area. The one section that staff has recommended, and a second by Commissioner Duran. Questions, comments, discussion.

The motion to expand the water service area as recommended by staff passed by unanimous [5-0] voice vote.

MR. ROYBAL: Mr. Chair, a point of clarification, do you want me to bring this forward as a resolution or is it --

COMMISSIONER MONTOYA: Whatever the next step would be, if it's to bring a resolution.

CHAIRMAN SULLIVAN: I guess you need to figure out what your service area extension policies and procedures are. That's all we can do for you, Mr. Roybal.

MR. ROYBAL: I'll take it from there, Mr. Chair. Thank you very much.

XI. G. Matters from the County Manager

1. Request Authorization to Accept and Enter into a Memorandum of Understanding with the City of Santa Fe for Provision of Services for Fiscal Years 2002 and 2003

CHAIRMAN SULLIVAN: this was not in the packet but I believe it should have been hand delivered to you all. Did everyone receive this? Everyone is indicating they have. Mr. Gonzalez.

MR. GONZALEZ: Mr. Chair, members of the Commission, this is the proposal that we have basically negotiated with the City for covering a variety of services which we've traditionally paid for. Para-transit services, the senior services and parking services. And this has been worked out actually over a period of several years. Some of the negotiations that took place preceded my taking over as County Manager so it took a little while to reconstruct what had occurred in terms of the negotiations but what you have before you are the elements of the agreement which we finally came to with the City after going back and forth over several meetings. The jail services of course were previously negotiated and agreed to separately. And still outstanding is an agreement having to do with EZA services.

CHAIRMAN SULLIVAN: I had a question, Gerald, on the senior citizens services. Over the years we've expanded our senior citizens programs, which the City has managed for us. We have some seven different senior service centers, which are open Monday through Friday. Are we getting to the point where this program should become a County program, rather than a City program? And another reason I bring that up is that we're going from fiscal year 01/02 from a reimbursement to the City of about \$162,000. Two years later, fiscal year 03/04 to a payment of \$281,000. So it's going up quite

rapidly. Are we getting to a point where we should be applying for these funds ourselves because a lot of these funds that the City acquires for this are federal funds which we're in essence reimbursing them for. Should we be doing this ourselves or thinking about it?

MR. GONZALEZ: Mr. Chair, members of the Commission, it's probably worth looking into, although our initial assessment is that we probably could not at this point provide the services even for the -- may not be able to provide the services for the amount that we're paying for because of deficiencies that are obtained by having consolidated facilities in the current senior services program. It's a little difficult though to assess that because we don't have all the numbers that I think we need in order to make sure that we feel comfortable with evaluating the costs and the benefits.

So what we have discussed internally is that for the next step in the process, that is, the next agreement down the road, that we get harder numbers that will allow us to assess what the costs are of those programs, where the revenues come from and what the County might possibly be eligible for.

CHAIRMAN SULLIVAN: Another reason that occurs to me is that I understand that the lady who runs the City program -- her name escapes me --

MR. GONZALEZ: Rita Maes.

CHAIRMAN SULLIVAN: Rita Maes is retiring. She's been with the program for many, many years and has of course conducted a very successful program, which we're thankful for, but maybe the time is now or near now.

MR. GONZALEZ: We're certainly prepared to and have already started the process of looking at that. We'll be requesting additional information, as I said, from the City for the next round and certainly we'll come back to the BCC with some recommendations after we've had a chance to evaluate those revenues, the costs and what it would take to operate the County programs. So obviously, these are growing over the years, as you pointed out and we need to think down the road a little more long-term view, just as we discussed at the retreat over last week. Long-term view in terms of where we're headed for and what might be in the best interests of the County.

CHAIRMAN SULLIVAN: This agreement goes through FY 03/04. That means it goes through June 30th of 2004?

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

CHAIRMAN SULLIVAN: So in essence, not even a year left to go.

MR. GONZALEZ: Less than a year.

CHAIRMAN SULLIVAN: I certainly think we should give some hard thought to that and would ask that you direct staff to begin talking about that seriously. I just think that when you grow into a certain level you should -- because there's issues. I know in Edgewood there have been some issues with the level of program support and issues about vehicles and a number of things which I always had a hard time responding to because we didn't have control of the program.

MR. GONZALEZ: That's correct. And there probably has been some benefits to the program just from the established relationship that Rita Maes has with the

state level officials who also provide funding for the program. But with her leaving, it may, as you suggest, provide some opportunities for re-examining what the County's role is there and we will do that.

CHAIRMAN SULLIVAN: Other questions for the County Manager?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Gerald, are we still looking into the Hot Meals program or expanding that program to the southern part of Santa Fe County?

MR. GONZALEZ: That question was raised during our discussions with the City and with the folks from the Senior Services program. Of course there's costs associated with that so we can continue to look at that and maybe work that into our examination of what the County's role might be in the future. At present, under this agreement, there's no such expansion built in. It still leaves the option open for the Senior Services program nevertheless to go ahead and expand services in that area and seek funding from other sources. The state, for example, would be an alternate source of funding for the program and they do get a significant amount of their funding from the state.

COMMISSIONER ANAYA: So we're still looking into seeing if we could find some other funding to improve that?

MR. GONZALEZ: I believe that Rita Maes is doing that but I have not had a report back indicating that they've found funding for that purpose. We will pursue that question with her and see what her intention is there, and report back to the Commission.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: And one other clarification, Gerald. My understanding is from this is that this only covers services, that the County is nonetheless still obligated to provide the physical maintenance of all the senior centers that it addresses.

MR. GONZALEZ: That's correct, Mr. Chair and that's one of the costs that we think needs to be accounted for next time we sit down to take a look at where we are in this process. One concern that I have and I know it's shared by staff as well from our internal discussions is that we've seem to sort of bootstrap into creating new centers and then thereby having to provide funding for the services and I'm not sure that we always have left hand talking to right hand when we go through that process.

CHAIRMAN SULLIVAN: But the City doesn't have any obligation to maintain those. Are there any centers here in this agreement that are also used by city residents?

MR. GONZALEZ: Not that I'm aware of, Mr. Chair.

CHAIRMAN SULLIVAN: These are all county.

MR. GONZALEZ: Right.

CHAIRMAN SULLIVAN: Commissioner Montoya had a question.

COMMISSIONER MONTOYA: Just a question on Cuarteles. That should be a C instead of a Q.

MR. GONZALEZ: You're correct and I appreciate that.

COMMISSIONER MONTOYA: Otherwise I think it looks good and I would move for approval on the MOU between the City of Santa Fe and the County of Santa Fe.

CHAIRMAN SULLIVAN: We have a motion on the floor.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Anaya and moved by Commissioner Montoya. Discussion?

The motion to approve the MOU with the City on provision of services passed by unanimous [5-0] voice vote.

MR. GONZALEZ: One other quick item, Mr. Chair, members of the Commission. The County Assessor just asked me to let you know that we've received a preliminary certification of tax rates from the state. We have not yet received the certified rates, but as soon as we do, within five days we'll have to have a Commission meeting to approve those and depending on the timing we may have to have a special Commission meeting. So I just wanted to alert you to that fact.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Before we move on, Gerald, I just want to commend you and staff on what I thought was an excellent retreat, strategic planning retreat. I really want to thank you and the effort that went in. I should have mentioned it earlier during Matters from the Commission but I think it certainly has given us a good map to begin looking forward in terms of what we need to do to better serve everyone. So thank you.

MR. GONZALEZ: I appreciate that and I certainly appreciate the hard work that you all did as well as staff. Without that work it wouldn't have been successful. So thank you for your input as well.

XI. H. Matters from the County Attorney
1. Executive Session
a. Pending or Threatened Litigation

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


[The Commission met in executive session from 4:10 to 5:30.]

Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Duran seconded. The motion passed by unanimous voice vote.

ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 5:30 p.m.


Approved by:


Board of County Commissioners
Jack Sullivan, Chairman

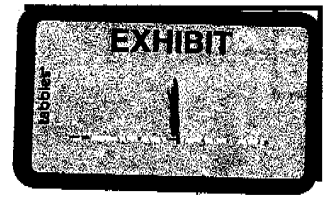
Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

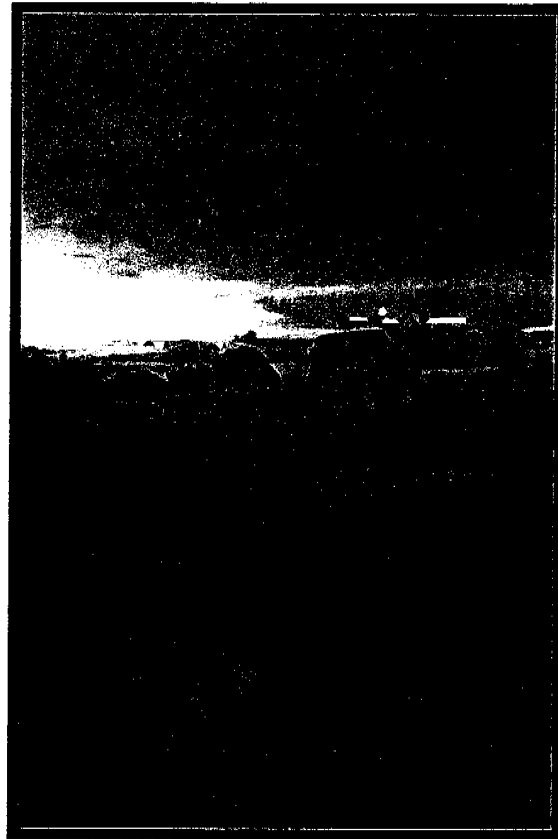

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK





GRIP

Investing In New Mexico



New Mexico DEPARTMENT OF
TRANSPORTATION

MOBILITY FOR EVERYONE



Governor Richardson's Investment Partnership

PROJECT	DISTRICT	COUNTY
I-25	Tramway to Bernalillo	3 Bernalillo
I-25	Bernalillo to Santa Fe	3, 5 Sandoval / Santa Fe
I-40	Coors Interchange Reconstruct	3 Bernalillo
US-180	Texas State Line to Carlsbad, enhanced improvements	2 Eddy
US-491	N of Gallup, Tohatchi to Sheep Springs, enhanced improvements	6 McKinley
US-491	N of Gallup, Sheep Springs to Shiprock, enhanced improvements	5 San Juan
US-491	Shiprock to Colorado State Line, enhanced improvements	5 San Juan
US-54	Tularosa to Carrizozo, enhanced improvements	2 Otero / Lincoln
US-54	Carrizozo to Corona, enhanced improvements	2 Lincoln
US-54	Corona to Vaughn, enhanced improvements	5, 4 Torrance / Guadalupe
US-54	Vaughn to Santa Rosa, enhanced improvements	4 Guadalupe
US-64	Raton to Clayton, Reconstruct to 4-lanes	4 Cofax, Union
I-10	Lordsburg to Jct NM146, Reconstruct	1 Hidalgo / Grant
I-10	Texas S/L to Las Cruces, Existing 4 lane - reconstruct to 6- lanes	1 Dona Ana
I-40	Newkirk to Tucumcari, Reconstruct various sections	4 Quay
I-40	W of Gallup, Reconstruct	6 McKinley
I-40	Thoreau East, Reconstruct	6 McKinley
I-40	ABQ, Carlisle to Juan Tabo, Reconstruct, interchange improvements	3 Bernalillo
I-40	E of ABQ, Carnuel to Sedillo, Reconstruct, 4 & 6 lanes, Interchange	3 Bernalillo
I-40	ABQ, 9 Mile Hill, Central to Coors, Reconstruct	3 Bernalillo
I-40	Laguna to ~ Mesita, Reconstruct and Rehab, 6 locations	6 Cibola
I-40	Canoncito to Rio Puerco, Reconstruct	3 Bernalillo
I-40	Moriarty ~ West Interchg to East Interchg, Reconstruct	5 Torrance
NM-11	Columbus to Deming, Reconstruct to Enhanced 2-lane	1 Luna
NM-128	Jct NM31 E thru Jal to Texas S/L, Reconstruct Enhanced 2-lane	2 Lea
NM-234	Eunice East to Texas S/L, Mill & Inlay	2 Lea
NM-26	Deming to Nut, Reconstruct & Rehab, various locations	1 Luna
NM-209	West of Grady, (Clovis area), Rehab	2 Quay
NM-45	ABQ, Coors, Jct I25 N to Central Ave., Reconstruct	3 Bernalillo
NM-8	Eunice North to Jct US62 W of Hobbs, Mill & Inlay	2 Lea
NM-83	Lovington E. to Jct NM132, Reconstruct & Rehab	2 Lea
US-180	Texas to Hobbs, Reconstruct/overlay	2 Lea
US-180	West of Hobbs, 37 miles, Reconstruct/overlay	2 Lea
US-285	Encino to Clines Corners, 2 lane Reconstruct existing 4-lane for 18 Mi	5 Torrance
US-285	Clines Corners to Lamy, 4 lane construction	5 Santa Fe
US-380	W of Tatum E to Texas S/L, Reconstruct	2 Lea
US-380	Capitan East for 7 Mi., Mill & Inlay	2 Lincoln
US-380	Lincoln to Hondo, Mill & Inlay	2 Lincoln
US-380	West of Tatum, Reconstruct/overlay	2 Lea
US-56	Springer East to Abbot, Reconstruct	4 Cofax
US-60	Abbo to Willard, Overlay, 3"	5 Torrance
US-64	Rio Arriba C/L E. for 20 Mi., Reconstruct	5 Rio Arriba
US-64	W. of Dulce, Reconstruct and Rehab	5 Rio Arriba
US-64	Dulce East to Jct US84, Reconstruct	5 Rio Arriba
US-84	Pojoaque Corridor, Espanola to Pojoaque	5 Rio Arriba
US-84	S of Romeroville, Reconstruct	4 San Miguel
US-84	N of Ft. Sumner to Santa Rosa, Reconstruct	4 Guadalupe

This list does not indicate priority of projects DRAFT 9-23-03

Governor Bill Richardson Unveils Innovative Partnership to Improve New Mexico's Highways

SANTA FE (August 22, 2003) - Governor Bill Richardson, joined by Transportation Secretary Rhonda Faight, and the New Mexico Transportation Commission, today announced a bold, innovative new plan to upgrade and improve highways throughout the state of New Mexico.

"The exciting, new program I am announcing today is called G.R.I.P.- Governor Richardson's Investment Partnership.

Since signing legislation creating the New Mexico Department of Transportation, I have insisted on the development of a broad based, intermodal transportation plan which includes, light rail, commuter rail, park and ride, airport improvements, bike paths and hiking trails.

The decisions we make in the next year will impact the potential economic development and quality of life for decades to come. That is why I have called for balanced approach that invests in multiple transportation alternatives.

The central part of GRIP is a \$1.4 billion funding program that utilizes bonding, pay-as-you-go and other financing programs to pay for 41 highway reconstruction projects statewide over an eight-year period. This is the initial work product of my finance council, which I established months ago to develop finance strategies for the challenges we face.

This is a well-researched, comprehensive, statewide highway reconstruction plan that addresses the critical infrastructure needs throughout New Mexico. My plan benefits all New Mexicans from Farmington to Carlsbad to Raton to Lordsburg; from Portales to Gallup to Chama to Las Cruces. Virtually every county in New Mexico is touched by this plan.

I want to stress that this is not just a highway reconstruction plan. This is an investment plan to move New Mexico forward and make us competitive economically in the region and in the global economy.

Under this plan, we have identified several priority projects that need immediate attention. They are:

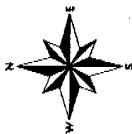
- *Reconstruction of the Coors Interchange along I-40 in Albuquerque.*
- *Adding a third lane to I-25 on both directions from Albuquerque to Santa Fe. This is especially vital to accommodate the future growth in Albuquerque and Santa Fe. We don't want to see traffic gridlocks during peak hours. We want to look at the Santa Fe- Albuquerque corridor. Park and Ride, commuter rail and a third lane are all being evaluated.*
- *Four-lane US 64 from Raton to Clayton.*
- *Improving US 491, formerly US 666, from Gallup to the Colorado border. We renumbered this highway and now it's time to make it safe.*
- *Improving US 54 from Tularosa to Santa Rosa.*

EXHIBIT A Santa Fe County Utilities Service Areas

LEGEND

Water Supply Systems

- Existing SFC Water Utilities Service Areas
- Community Water Systems (Location Approximate)
- Private Community Water System Service Areas
- Incorporated Water Service Area (Sangre de Cristo Water Co.)
- Water Service Area Extensions (Sangre de Cristo Water Co.)
- Proposed City Water Service Area Extension (July 1997)
- Proposed City Utility Service Areas (July 1997)
- Traditional Villages (County Zoning Designation)
- Traditional Historic Villages (State Statute Designation)
- Main Water Lines of SFC Utilities Department
- Roads
- Bypass Alignment (NM 599)
- City of Santa Fe Incorporated Boundary
- Extraterritorial Zoning District Boundary (2 Mile EZ)
- 5 Mile EZ Boundary (5 mile buffer)



REDUCED COPY SUBJECT TO SCALE

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, when necessary.



July 06, 2002

