

SANTA FE COUNTY 11/17/2005
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SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

October 11, 2005

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC MINUTES
PAGES: 91

I Hereby Certify That This Instrument Was Filed for
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Deputy Valerie Espinoza Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

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

October 11, 2005

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:08 p.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

- | | |
|---|------------------------|
| Members Present: | Members Absent: |
| Commissioner Mike Anaya, Chairman | [None] |
| Commissioner Harry Montoya, Vice Chairman | |
| Commissioner Paul Campos | |
| Commissioner Jack Sullivan | |
| Commissioner Virginia Vigil | |

V. Invocation

An invocation was given by John Salazar of the Development Review Department.

VI. Approval of the Agenda

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

ROMAN ABEYTA (Deputy County Manager): Mr. Chairman, under item IX. Matters from the Commission, we added D. Discussion and possible direction on proposed RFP for a consultant for the adult and juvenile detention facilities. Then item XII. Staff and Elected Officials' Items we added B.1, Matters from the County Attorney, a resolution authorizing execution by the County Manager of the purchase and sale agreement with Macho Grande del Rio Grande, LLC, for purchase of real property with appurtenant water rights

known as the Top of the World Farms and execution of a real estate agency agreement with brokers of the said property. Mr. Chairman, that will actually be item number 2 under Matters from the County Attorney after executive session.

Then under XIII, Public Hearings, A. 1 has been withdrawn. A. 2 has been tabled and A. 8, 9 and 10 have been tabled. Other than that there are no further changes from staff.

CHAIRMAN ANAYA: Thank you, Roman. Any further changes from the Commission?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

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

VII. APPROVAL OF MINUTES : September 7, 2005

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

COMMISSIONER VIGIL: I have some clerical corrections, Mr. Chairman.

CHAIRMAN ANAYA: So there's a motion, with corrections. Do you accept that, Commissioner, and the seconder?

COMMISSIONER MONTOYA: I suppose so.

COMMISSIONER CAMPOS: Yes.

CHAIRMAN ANAYA: Motion with corrections. Any further discussion?

The motion to approve the September 7th minutes as corrected passed by unanimous [5-0] voice vote.

September 13, 2005

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Any more discussion?

COMMISSIONER SULLIVAN: I've got one clerical correction.

CHAIRMAN ANAYA: With the correction.

The motion to approve the September 13th minutes as corrected passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN ANAYA: If anybody in the audience would like to come forward and speak to the Commission if you could just state your name and let us know what you're here for.

WILLIAM BAXTER: Thank you, Chairman Anaya and Commissioners. My name is William Baxter. I live in Santa Fe in the San Marcos district and I'm here speaking on behalf of the San Marcos Community District Planning Committee. We are working presently on a community plan for the San Marcos district that we hope to bring before you with great help from Santa Fe County Planning offices in the very near future and I'm here today to ask you for a public hearing with respect to the New Mexico Department of Transportation plan for the Rail Runner, the light rail or inter-urban rail vehicle, the preferred route, known as the community line, recently being decided in the EZA, giving provisional approval toward. I would like to give you a letter that I will not read otherwise, to each of the Commissioners and the Clerk if I may, from the planning district, if I may. *Exhibit 1j*

In short, the New Mexico Department of Transportation went through an admirable, involved process to determine which of several possible routes for the inter-urban rail system would be most appropriate. A decision was finally rendered and I believe you're all familiar with that. The people in Santa Fe County, in the community where I live and my neighbors, have had no opportunity to comment on the ultimate final choice. And as things appear to be structured at the moment we will not have this. So we ask, please, that there be a public hearing available to the people in Santa Fe County, not just Santa Fe City itself and the EZA, to comment on the NMDOT choice.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Baxter, you want the County Commission to have this hearing, but this is an issue that came before the RPA-MPO the Metropolitan Planning Organization. I'm not sure what the appropriate forum would be to have a public hearing. There have been a number of public hearings over the last year or two as I understand it. You know, the decision, it seems to me if the Metropolitan Planning Organization's but maybe we could have some input from our staff.

MR. BAXTER: Commissioner Campos and Commissioners, it is true that there have been a number of NMDOT meetings that were to evaluate the pros and cons of each of the routes. There has been no possibility for the people that will be most immediately affected by the community line, specifically, which runs through the San Marcos planning district, to comment on that – what do I want to say? Top of the list. The NMDOT's consultant preference as the route of choice. Now that they've finally made that choice, the people who will carry the burden of it in terms of it going through our neighborhood have not had an opportunity to comment on that and we would like a forum to do that. That's what we're asking.

COMMISSIONER CAMPOS: You need an appropriate forum, maybe a forum

that will have some influence. I don't know. The MPO did have a presentation recently and did, I think, endorse that. I think there's four Commissioners and four City Councilors on that. There have been a lot of public hearings. That's my recollection.

MR. BAXTER: Commissioner Campos, I believe that is correct. The reason that I'm here at the moment is that the people outside of the EZA have not had the opportunity and it appears we will not have the opportunity to make any comments on this decision that's being imposed on us unless you or another agency, if you can suggest one, will give us the opportunity.

CHAIRMAN ANAYA: So, Bill, did they take – I know there was three routes that they were looking at.

MR. BAXTER: They finally narrowed it down to three I believe, and then two and then one.

CHAIRMAN ANAYA: So now the one route that they have picked is the one that goes through the Bonanza Creek Ranch?

MR. BAXTER: Correct.

CHAIRMAN ANAYA: And then that's for sure? They picked that already.

MR. BAXTER: Well, that's their preferred route.

CHAIRMAN ANAYA: Because of time frame.

MR. BAXTER: Exactly.

CHAIRMAN ANAYA: Okay. It was a 20-minute difference or something.

MR. BAXTER: On that order, yes.

CHAIRMAN ANAYA: And you're just saying that before they move forward that maybe – I know that the Mid-Region Council of Government is in charge of it, correct? They're the ones that are spearheading this rail. So I think what we need to do is maybe get a hold of Lawrence Rael from that Mid-Region Council of Government and ask him what their procedures are, and maybe say, Hey, before you decide – before that's decided, maybe we need to give the public an opportunity to come forward and express their opinion on it, or is it just we pick this and we're going to go forward no matter what? I don't know that.

MR. BAXTER: The reason I'm here now is you have characterized very well. I'm not here to shoot down any particular plan; I very much want my neighbors and myself to have the opportunity to comment on the plan that has been chosen. There is a small irony in the terminology here. The plan that has been chosen is called the community line and the irony is that it serves no communities. It bypasses them all. It's kind of like Enduring Freedom. It's Orwellian, almost. We need local service in some manner. My particular point of view would be to make some provision for that. I am not here to speak against or for the community line but I think my neighbors would like the chance to say something.

CHAIRMAN ANAYA: Okay. Gerald, what do you think?

GERALD GONZALEZ (County Manager): Mr. Chairman, Commissioners, the only venue that I know of that the County currently would have some input into where there have been recent discussions is the venue suggested by Commissioner Campos, which is the MPO forum. One thing that could happen is that the MPO, I suppose could invite DOT to

come do an additional presentation and take feedback from the folks out in that area. I know they've made a number of presentations. I don't know what requirements they have for satisfying public hearing requirements. We can call DOT and ask them, but I think you may be right. It may be the COG down there that actually is in charge of it and we can also make enquiry with them and see whether they're going to have any public forum to discuss this. I understand the concerns about not having community needs met or at least listened to in this process, particularly if the line's running right through the community and they'd like to be heard.

CHAIRMAN ANAYA: So I guess what I'm hearing, Gerald is you'll look into it and then we'll get back with Mr. Baxter. Would you be the contact person?

MR. BAXTER: Myself or Beth Mills, who is the County representative.

CHAIRMAN ANAYA: Yes, Beth, we'll look into it. Right, Beth? Okay. And then we'll keep you informed. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I gave a report on this at the last BCC meeting and based on my meeting with the Department of Transportation about this alternative, which then came up subsequently to the MPO, they had these three routings and one was ultimately selected. And that leads them to the next step, I believe, which is the corridor study. In that corridor study they can evaluate a wide range and even at our presentation, they mentioned the possibility of some sections of the line going up adjacent to I-25 rather than through the San Marcos area and then cutting back across. And all of that can be studied, and as a part of the corridor study, there is a series of public hearings to discuss all of the potential alternatives that relate to that corridor. So it is true that they decided for that general alignment versus the Lamy alignment or versus the I-25 alignment completely. But that doesn't limit them to that narrow swath that they showed on the map.

And I brought that up to them and in fact, and we're going to propose a broader swath to show a larger area within the corridor, but their environmental people said we can't change, at this point, in the selection of these alternatives because this is what the people have been shown to date. So that alternative has to be shown in this narrow swath. But I was assured, and I will make sure that they're good to their word, that within the discussion of the corridor alignment, we have a broad leeway to talk about a number of alternate ways of getting there, and certainly there will be public hearings, I've been told, at which point the people in the San Marcos area and anywhere can make their concerns known. So I think the venue is still with them. Now, certainly, if that doesn't happen, then I think it's every bit our concern and we can just hold our own public hearing and decide that we want to talk about this and everybody that's concerned can come and express their opinion. But I think under the corridor study, they're required by federal law to hold a series of pretty well documented and recorded public hearings. And that's the point they're at now.

CHAIRMAN ANAYA: Okay. Thank you, Commissioner. So what I'm hearing I think, should staff continue to at least look into it? And Commissioner Sullivan is saying that they're required by law to have the public hearings anyway. But just to be on the safe side, I think we should still have staff look into it to make sure.

MR. BAXTER: Commissioners, if I may, 30 seconds. Thank you for your time for listening. The emphasis here is that a process what gone through properly and admirably by NMDOT and their consulting firm to determine the advantages to various routes. And that's great. And we have now a choice. I think it is appropriate and it sounds like we may have a venue for this for the people who are most directly affected by that choice to then have the chance to comment on that choice. We've not had that so far. And it will dramatically and perceptibly impact Santa Fe County more than, in my neighborhood at least, Santa Fe City. Thank you very much.

CHAIRMAN ANAYA: Thank you, Mr. Baxter. Go ahead and come forward.

MARILYN WALKER: My name is Marilyn Walker and I live at 6 Estambre Court in Santa Fe, which is in Eldorado, and I've come here today at the request of Sandra Vreeland, who is the Neighborhood Watch coordinator in Eldorado. She asked me to come and follow up on issues that were addressed in a letter from Commissioner Sullivan to Gene Klein, the president of the Eldorado Community Improvement Association. The letter was dated August 10th of this year and there are some issues here that we have not had communication about that we would like to follow up on. But first of all, I wanted to mention to Commissioner Sullivan that Neighborhood Watch in Eldorado is being reactivated. It has not been very active for some time and in our last meeting we had a number of people that came who expressed concerns and who are willing to be block captains, so we're working to strengthen Neighborhood Watch in Eldorado and it sounds like there's considerable concern and interest in doing that.

First of all, I'd like to thank Commissioner Sullivan for the driver feedback signs that you helped put in place. One of them I see is in place. I think there are some others yet to come. If I'm mistaken on that you can correct me. But they're the signs that tell you how fast you're going when you come reeling around the corner and then everybody hits the brakes. Speeding is evidently becoming more and more of a problem in our area. So the letter mentions that you are contacting the Sheriff's office about a trailer that had one of those signs on it and I wondered where we stand on that.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We have the trailer now. And in fact we inaugurated it out on Eldorado, on Avenida Vista Grande a couple of months ago, and I stood out there while they handed out tickets to everybody who was driving westbound towards the school. That is being rotated now, that trailer is being rotated amongst the Commission districts to provide safety in other areas, and my understanding from the Sheriff is that they're also – the trailer is a part of the Sheriff's Department – that they are also applying for grant funds to be able to purchase additional ones.

MS. WALKER: Okay. How often does it rotate into Eldorado?

COMMISSIONER SULLIVAN: They haven't given us a schedule on that and that's left up to the Sheriff based on what they feel their need is and the accidents and so forth. But we can certainly find out. We can ask him and have him give us a rough idea of how often

it's there.

MS. WALKER: Okay. That was one of the questions that came up at the meeting, so if you could let us know on that I'd appreciate it.

MR. GONZALEZ: Mr. Chairman, Ms. Walker, actually you just juxtaposed two interesting issues, and here's James Lujan who can verify it, but some of our feedback signs have in fact been vandalized in neighborhoods, so if you could get the Neighborhood Watch to keep an eye on our speed signs that would be most appreciated at the County level.

MS. WALKER: Okay. We'd be happy to do that. I'll talk to them about it. They vandalized the sign?

MR. GONZALEZ: They did, as I understand it somewhere in the neighborhood of \$6,000 to \$7,000 damage to one of our signs recently.

MS. WALKER: Do you know if that was in Eldorado?

MR. GONZALEZ: It was not in Eldorado.

COMMISSIONER SULLIVAN: Yes, it was in Eldorado.

MR. GONZALEZ: Was it in Eldorado? Okay. Because there was another location that also had a damaged sign.

COMMISSIONER SULLIVAN: It was the Eldorado one.

MS. WALKER: Okay. Well, I guess that emphasizes the need for Neighborhood Watch in Eldorado to get on the ball.

COMMISSIONER SULLIVAN: It was vandalized two days after it was put up.

MS. WALKER: Okay. The third issue is crossing guards and the letter you had made some efforts on our behalf to get crossing guards at the elementary school there on Vista Grande and I wondered where we stand on that.

COMMISSIONER SULLIVAN: We talked - Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We talked with the school district about that and I believe Jennifer Jaramillo is here and followed up on that and perhaps she could give you the current results if that's okay, Mr. Chairman.

CHAIRMAN ANAYA: Sure.

JENNIFER JARAMILLO (Constituent Liaison): Mr. Chairman, Commissioners, Marilyn, in my conversations with the public schools, the crossing guards are actually for the Santa Fe Public Schools and with Eldorado, they're not currently on a crossing guard program with Santa Fe Public Schools, but the Public Schools is going to look into getting a crossing guard out there, but it was just a matter or really budget was the reason for those, for the public schools not getting one out there in the past. And I have made a few attempts to contact the principal out at Eldorado and I have not heard back from that principal.

CHAIRMAN ANAYA: So isn't Eldorado part of the Santa Fe Public Schools? No?

COMMISSIONER SULLIVAN: They are, but I think what Jennifer is getting at is they don't have an agreement for the crossing guard the way the other schools do. It's partially funded by the schools and partially funded through I think grant proceeds if I'm not

mistaken. What Jennifer has been trying to do is to encourage them to latch on to that agreement and the agreement is with the City of Santa Fe, and because they are not in the City of Santa Fe -

MS. WALKER: They had a memorandum of understanding and they were asking that we be included with that and that's what the letter in August was discussing.

COMMISSIONER SULLIVAN: Right. And Jennifer has been working on it and as she indicated, we haven't heard back from the principal.

MS. WALKER: Okay. We'll follow up on that.

COMMISSIONER SULLIVAN: You might want to follow that up with the principal.

MS. WALKER: Definitely.

COMMISSIONER SULLIVAN: And if that's not the appropriate venue to do it, through this agreement, this memorandum of understanding with the City then perhaps we might want to look into some other venues since obviously, Eldorado is not in the City of Santa Fe. I think that's the problem is that this was done for the schools within the city.

CHAIRMAN ANAYA: So I guess what I'm hearing is the City probably hires the crossing guard?

COMMISSIONER SULLIVAN: They pay, I think it's half.

CHAIRMAN ANAYA: They pay the schools to pay the crossing guard?

COMMISSIONER SULLIVAN: Yes. They pay half the freight of it and the school pays the rest of it. So it's really not a County function to provide crossing guards and we don't want to get into that business. But we certainly don't mind expediting and facilitating the dialogue with the schools and to try to work out something.

MS. WALKER: Okay. I'll definitely follow up with the principal if you never heard back from the principal. And the last issue that was quite an issue is increased law enforcement presence. Partly, people are concerned about the new development that's going to be taking place in Eldorado, and as things stand now, people feel that there is not much law enforcement presence in Eldorado. That's partly why people speed, because they know they can get away with it. And with the new development coming in people have even more concerns about this. I guess there's been increased vandalism around Halloween in certain areas of Eldorado and we don't see the Sheriff's Department there at all. In fact, some of the people think that the people that are doing this know very well that the Sheriff's Department is not there and we do have a local security patrol but they don't have the powers to arrest people. So they're starting to damage people's property and there was quite a bit of concern about law enforcement presence. So I don't know if you can help us with this but if, Commissioner Sullivan, there is anything you can do about this, we would greatly appreciate your help.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We have, and I don't see any representative - oops, yes, I do. I see the deputy sheriff back there, so he can come forward and give you an update on where we are on that. I know he's been to some of the community meetings about

this very issue and I know they've restructured some of their districting as a result of some of those meetings. But let me turn it over and have you hear from the expert.

RON MADRID (Deputy Sheriff): Mr. Chairman, Commissioner Sullivan, we have, with our restructuring of our districts, we have an officer assigned each shift to the Eldorado area. Within the last three weeks we've had two enforcement projects, traffic safety enforcement projects where we issued over 250 citations in the Eldorado area. I personally have called - we have a traffic division and we have a traffic officer that takes the trailer out there in the mornings. We've done it at least once a week within the last three months where we have it out in specific areas in Eldorado. The reason is we've been receiving quite a few complaints like you were talking about. So I can tell you I've seen them out there and I see the citations because I get the calls, the complaints.

CHAIRMAN ANAYA: So we have had some presence but why don't you tell us, Major, how many deputies do we have to cover the whole entire county in a certain day or a certain 24-hour span?

MAJOR MADRID: We have eight deputies per shift and two deputies - there's ten, actually because there are two that are DWI enforcement and traffic enforcement. If we don't have any deputies off, we have no lower than five a day. And the districts are the Eldorado district is assigned one. Edgewood district is assigned one. Santa Fe district is assigned two, and then we have the north district, Chimayo, we assign another deputy. So they have quite a bit of area that they have to cover but we have been focusing quite a bit on Eldorado because of the complaints.

CHAIRMAN ANAYA: Thank you.

MS. WALKER: Those are the main issues that Neighborhood Watch is concerned with and I just wanted to ask Commissioner Sullivan for any support you can give the Neighborhood Watch group. That's I think really - there's a whole new group of people out here that I think are more interested and they're very interested in partnering with the Sheriff's Department in any way we can. We'd like to be their eyes and ears and help them. So if there's anything that you can do to support us we'd very much appreciate that. And I will follow up on the items that you mentioned. Thank you very much.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER SULLIVAN: Thanks for coming.

CHAIRMAN ANAYA: And maybe what we could do, while the Major's here, is if you all are re-establishing your Neighborhood Watch, get the Sheriff over there and the major and let him know that you're doing that and they can coordinate with you. And we can also deputize Commissioner Sullivan and he can help patrol the area there.

MS. WALKER: That would be great. We did invite the Sheriff to come to our meeting last night but nobody came. I don't know what happened.

COMMISSIONER SULLIVAN: Invite them again. They'll go.

MS. WALKER: I'll invite them again. Thank you very much.

COMMISSIONER SULLIVAN: Okay. Thank you. Thank you, Jennifer. Sir.

WALTER WAIT: My name is Walter Wait. I am the president of the San

Marcos Association. We're here today also to request that the County Commission hold a public hearing to discuss potential impacts of the proposed preferred alternative community line on Santa Fe County. We believe that there is sufficient evidence that many of the assumptions used to base both the expected time, the expected costs and the impacts are flawed in the engineering design study. At least flawed or ill conceived. We seek this public hearing to allow the County Commissioners to hear evidence that will either prove these points or prove that the community route is in the best interest of the county.

We would seek the support of the County Commission to publicly oppose this preferred route if we're convincing. That's why we would like to have this type of meeting. Thank you very much.

CHAIRMAN ANAYA: Thank you, Walter. So I guess we'll wait and see what kind of data we collect from Beth and the Manager and see where they're going with their public hearings and if we don't feel that it's sufficient enough then maybe we'll have our own public hearings. Is that okay with the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: That would be, I think, good direction as far as I'm concerned. I would suggest one other thing too, since we had some testimony here this afternoon, if we could have the staff, once the minutes are prepared, provide copies of that testimony to the DOT representatives so they can respond directly and clarify what the hearing process will be to the San Marcos Association. I know they've dealt with that and the association and I know they've made presentations out there but there seems to be a disconnect here as to the public participation process, which is really quite lengthy and quite detailed and they're just now getting into it. But what we're hearing is people that feel they haven't been a part of that process. So if we could get the minutes over to DOT, that will become a part of the hearing record on this project. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: I think that's a good idea, so if we could do that. Okay. Thank you all for coming. Is there anybody else that would like to speak under Matters of Public Concern? Thank you all very much for coming and expressing your concerns to the Commission.

IX. MATTERS FROM THE COMMISSION

A. Resolution No. 2005-164. A Resolution Dedicating County Road 101-D El Rancho Bridge as the "Robert (Bobby) Trujillo Bridge" (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. This is the request we had when you may recall Shirley Roybal from El Rancho came requesting this naming of the bridge. And I'll read the resolution quickly.

Whereas, we honor all who served the United States of America during the

Vietnam War and thereby acknowledge the historical comment of the entire nation; and
Whereas, Robert Trujillo was born and raised in the community of El Rancho, New Mexico and served in armed forces during the Vietnam War; and

Whereas, Robert Trujillo was a staff sergeant in the army for the First Cavalry Division and began his tour of duty in January 7, 1968; and

Whereas, Robert Trujillo was listed as missing in action during the Vietnam War and was a casualty on March 27, 1978 in Quang Ngai, South Vietnam; and

Whereas, Santa Fe County and El Rancho Community would like to honor, recognize and memorialize the life, service and sacrifice of Robert Trujillo in the community where he was raised; and

Whereas, it is fitting and proper to honor Robert Trujillo and all veterans living and deceased in the El Rancho Valley who fought for freedom and memorialize their spirits, sacrifice and commitment to their country as exemplified by their selfless service.

And now therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe that the El Rancho Bridge, located on County Road 101-D, also known as Evergreen Road in El Rancho, New Mexico is hereby dedicated and shall henceforth be known as the Robert "Bobby" Trujillo Bridge, named in honor of Robert Trujillo and all veterans living and deceased in the El Rancho Valley who fought for our freedom.

Passed, hopefully, passed, approved and adopted this 11th day of October 2005. Mr. Chairman, just to let you know, Shirley did her homework. We have over 400 signatures from people living in the El Rancho Community in the valley there who signed the petition in favor of memorializing this bridge after Bobby Trujillo. And with that, I would move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Thank you, Commissioner. There's a motion and a second. Discussion? I think that this is appropriate and right thing to do with this bridge. It's important that we never forget our distinguished people that fought so hard for this country.

The motion to approve Resolution 2005-164 passed by unanimous [5-0] voice vote.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. And just to let the Commission know, on the holiday upcoming for Veterans Day. That will be the dedication of the bridge. So I'd like to invite all of you to be there on I believe it's November 11th.

CHAIRMAN ANAYA: What time?

COMMISSIONER MONTOYA: We haven't set the time yet but more than likely it will be in the afternoon.

CHAIRMAN ANAYA: In the rain?

COMMISSIONER MONTOYA: Before the rain.

IX. B. Resolution No. 2005-165, A Resolution Supporting the Efforts of Women's Health Services to Obtain and Secure a Permanent Site (Commissioner Vigil)

COMMISSIONER VIGIL: Mr. Chairman, thank you. I bring forth this resolution, and it's similar to one that was brought forth for Esperanza, just identifying our statement of support for helping Women's Health Services locate a permanent site. Many of you are familiar with the issues that this organization has gone through with regard to locating a permanent site. Actually they had a meeting with staff and state legislators and City officials several weeks ago and our staff has been openly working with Women's Health Services and trying to assist them in any way they can and I appreciate that. Our Project Facilities and Management staff have been working with them. In lieu of reading the entire resolution, Mr. Chairman, I'll just state that the County staff shall work with Women's Health Services to assist Women's Health Services to obtain and secure a permanent site. County staff shall support to the extent permitted by law Women's Health Services' efforts to secure state and/or federal funding in support of a permanent site. County staff shall provide a report to the Board of County Commissioners within 60 days on the progress made with Women's Health Services in obtaining a permanent site.

And with that, Mr. Chairman, I'd like to move for approval.

CHAIRMAN ANAYA: Okay, there's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Any more discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Yes. We had a discussion last BCC about having too many things on the plate of staff and having priorities. When you talk about "work with" in the three subparagraphs, how much time are you intending or what are you looking at? What do you think they're going to be doing and how much commitment of County staff are you looking to get?

COMMISSIONER VIGIL: Good question, Commissioner Campos, and I think I'm going to defer to Joseph. Joseph has actually been working with them and this whole project came on board, or the County has been working on this even before Joseph took over that position that he currently has now. So could you give us an idea of the sense of workload this might provide for you?

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioner Vigil, Commissioner Campos, my interaction with Women's Health has been working with them on numbers in terms of what it would cost to purchase the building that they're in. The County currently has an appropriation of \$525,000 that came from the legislature in 2005. Those dollars are good until 2010. So basically, just working with different scenarios, different percentage rates and looking at rents that they have and rents that might be available. So it's been pretty much a financial plan at this point. That's my contribution at this point. So it hasn't been a lot of time so far. And I think their plan is to go approach

the legislature for additional dollars.

COMMISSIONER CAMPOS: So that's going to be what they do. You're talking about the \$500,000 appropriation, how to use this amount of money to purchase –

MR. GUTIERREZ: Ideally, they would like for the County to purchase the building. We're looking at a financial model that would make it revenue neutral for the County at this point, meaning that the County would limit its financial dollars to the purchase of the building.

COMMISSIONER CAMPOS: Most money coming from the state legislature?

MR. GUTIERREZ: Exactly. That's right.

CHAIRMAN ANAYA: Okay, so the question that I guess I'm hearing is that if we were to approve this, Commissioner Campos' concern is how much time the staff would be involved in this and we're concerned about time. And the answer was not really that much.

MR. GUTIERREZ: At this point it's been putting together a financial package. If the dollars don't come through from the legislature then I think you have to revisit the scenario at that point.

CHAIRMAN ANAYA: Okay. Any more discussion?

The motion to approve Resolution 2005-165 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Let's go back to item VI. C, Consent Calendar withdrawals. Was there any? Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the Consent Calendar, item X.B.1, having to do with the professional services agreement pertaining to the Fire Department. There were no materials in the packet for that. So if we're going to approve that I think we need to look at something, and maybe the intent was to pass it out.

CHAIRMAN ANAYA: Okay, so we'll go back to the agenda, if that's okay, and remove X. B. 1. So that we can maybe get some information on that. Is that okay? Okay. Thank you, Commissioner Sullivan. Do we need to make a motion?

COMMISSIONER SULLIVAN: I would move that we would amend the agenda, Mr. Chairman, to move item X. B.1 from the Consent Calendar.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to remove item X. B.1 from the Consent Calendar passed by unanimous [5-0] voice vote.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: We're still going to discuss that matter or are we going to take it completely off the calendar for today?

COMMISSIONER SULLIVAN: My motion was just to see what we have to show us, to discuss - if there's an emergency involved, if - I don't know. There was nothing in the packet so I can't answer that.

CHAIRMAN ANAYA: Gerald.

MR. GONZALEZ: I was just going to say, my packet does have a memo, so I don't know where -

CHAIRMAN ANAYA: Why don't you tear it out and give it to Commissioner Sullivan.

COMMISSIONER SULLIVAN: Does anyone else? Mine says no materials.

COMMISSIONER VIGIL: Mine has a memo.

COMMISSIONER CAMPOS: I don't have one.

MR. GONZALEZ: Why don't we run off copies.

COMMISSIONER SULLIVAN: Mine says no packet material for this item.

CHAIRMAN ANAYA: Okay. We'll come to that Consent Calendar. When we bring it up we'll talk about it.

**IX. C. Discussion and Possible Direction on Federal Lobbyist RFP
(Commissioner Anaya)**

CHAIRMAN ANAYA: The reason I put this back on was I thought that the Commission had given clear direction to staff to start working on an RFP to out for a federal lobbyist. And I think staff, you didn't get clear direction and you would like clear direction?

MR. ABEYTA: Mr. Chairman, yes. I don't believe we did get clear direction. I had sent an e-mail to all of the Commissioners and some raised a really big concern regarding the amount of money that we'll be spending and what the results would be that we got back. Because we've done this before and we didn't really get anything for our money at the time. And so that's why I wanted to have a discussion with the Commission to see if the Commission does want to go forward with this. We've spoken with some firms that do lobbying and we're looking at around \$120,000 for anybody. Those are the prices that they've been giving us. So we thought we should have a discussion with the Commission before we go out and obtain a firm.

CHAIRMAN ANAYA: Okay. I thought - now this is what my opinion was - I thought that we had given clear direction to go out for an RFP and that's what we were doing. And in terms of polling the Commissioners after a decision was made, I don't personally think that's the proper way to do it. I think the proper way to do it, after holding another BCC meeting then we could address that issue. I don't know how it

happened but maybe I am wrong from the beginning by saying we had clear direction. Gerald.

MR. GONZALEZ: Mr. Chairman, Commissioners, what I recall was, in the last discussion that we did have, the direction that I understood was to prepare the RFP and bring it back to the Commission for further direction. The RFP has been prepared so we're back asking for the additional direction from the Commission.

CHAIRMAN ANAYA: Oh, okay. That puts a whole new spin on it. Commissioner Campos.

COMMISSIONER CAMPOS: In addition, Mr. Chairman, it wasn't that we had decided to do the RFP. We had asked staff to evaluate it in the process and maybe make some suggestions to see if this was worth our time. I think that was our discussion. Certainly it is an issue I've always raised with the federal lobbyist - when this federal lobbyist issue comes up. So I don't think there was clear direction to just go out and do it.

CHAIRMAN ANAYA: Okay. So what is the pleasure of the Board? Do we want to, now that we have an RFP in hand, what does this Commission want to do? Do we want to go out or do we not want to go out or what has staff come up with? Is it a good idea or is it a bad idea?

MR. ABEYTA: Mr. Chairman, we should certainly go out with the RFP and then report back to the Commission and tell the Commission what we've received in the way of response and then maybe at that point the Commission can tell us, okay, then let's go forward with respondent A or B, because that looks like it's a pretty good proposal. We could handle it that way.

CHAIRMAN ANAYA: Okay. Any other comments? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to know more from staff. We had a terrible experience several years ago when we had a big push to get a federal lobbyist and it netted us nothing. We lost money. And to just say now, all of a sudden, we need a federal lobbyist, if anybody on the Commission is advocating for that I'd like to hear a strong argument and justification for it, because there's less and less federal dollars available. A lobbyist can come and give us a great presentation and say, look, I'm going to get you all these dollars and at the end of the year, you know we haven't had that experience. So I'm skeptical. And I'd like to have more of an evaluation from staff as to whether we need it. We have a tight budget. The next questions asks for a consultant on the adult and juvenile. We're adding to the budget drastically. So I would just suggest that we keep that in mind.

CHAIRMAN ANAYA: No, I completely agree. From your past experience you've had a bad experience.

COMMISSIONER CAMPOS: Yes, sir.

CHAIRMAN ANAYA: And those are things that we can talk about. But I'm all for going out and listening to see what they have to offer for us. If we spent \$120,000 on a lobbyist, and they bring us \$500,000 back, I think that's a pretty good deal.

But I don't know what they have to offer.

COMMISSIONER CAMPOS: But that's what they'll tell you. And the question is our bad experience is that they didn't do that.

CHAIRMAN ANAYA: And what – in my argument – do you know the lobbyist – you had a bad experience with a past lobbyist, but what about the ones that we're going after?

COMMISSIONER CAMPOS: I don't know who you're going after, Mr. Chairman, but I have no one in mind.

CHAIRMAN ANAYA: Okay.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm going to temper the discussion a little bit with some of my experiences with the federal lobbyists. Actually, to my knowledge, the County has had two experiences in particular with federal lobbyists. One of them did bring some funding and the second one, I believe it was with the O'Connor firm, actually that contract was cancelled before it was completed so we didn't pay the contract in full price and don't recall why that contract was cancelled. But one of the experiences we had, and I guess there's different judgments as to whether or not it was successful, but we did receive a \$300,000 grant and I believe that grant was fashioned to assist a water project up north. We had at least some benefits from it.

I think I'm inclined to look at the possibility of seeing what federal lobbyists may be able to provide. My particular concern at this time would be whether or not we're in the appropriate time line for the allocation from our federal government. But I'd certainly like to see the RFP go out. I'd like to see what kind of responses we get. I'm a firm believer that we don't really tap into federal resources as much as we possibly can and I think I'd like to see how lobbyists might be able to help us do that.

CHAIRMAN ANAYA: Any other comments? Commissioner Montoya.

COMMISSIONER MONTOYA: I agree with Commissioner Vigil.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to see a copy of the RFP before it goes out, to see exactly what we're asking for and what the structure of that is. Because typically, when we send out RFPs, the respondents don't come back to the Commission; they go to the staff and the staff then makes the recommendations. So we only see one firm. So if we're going to structure this a little differently, we may want to short list three firms and then require that each of the three firms make a 20-minute presentation to the Commission. Something of that sort rather than going through the staff committee process. I think this is a little different. There are pros and cons to doing this. I'm not necessarily in agreement or disagreement. At this point I don't have enough information.

CHAIRMAN ANAYA: Okay. So before the RFP goes out, could you get a copy to the Commissioners? And I am in agreement to send the RFP out and see what they

have to offer. So are we pretty much clear on that part?

MR. GONZALEZ: I think so. What I heard is that there's a consensus to 1) provide copies of the RFP to the Commission so that you have a chance to review it before it goes out and give us your comments and your feedback, and 2) put it out there and see what we get back by way of responses and then at that point we can decide whether to proceed further or whether we cancel the RFP/

CHAIRMAN ANAYA: Is that what you - Commissioners? I know you're against it, but -

COMMISSIONER CAMPOS: I'm just saying that when we do the evaluation we do the budgetary evaluation. How is this going to affect our budget? We have \$120,000 we could do a lot of positive things with. Do we spend it here? Do we gamble it on maybe a risky venture?

CHAIRMAN ANAYA: I guess that's going to decide on what comes back from the RFP and we'll look at it and say, do we want to do that? Do we want to gamble that money?

COMMISSIONER CAMPOS: Yes, that's what the question is.

CHAIRMAN ANAYA: And if not, we'll put it in District 3 or something.

COMMISSIONER CAMPOS: I don't think so.

CHAIRMAN ANAYA: So, Gerald, you got it?

MR. GONZALEZ: Got it.

CHAIRMAN ANAYA: Okay.

IX. D. Discussion and Possible Direction on Proposed RFP for a Consultant for the Adult and Juvenile Detention Facilities (Commissioner Anaya)

CHAIRMAN ANAYA: Commissioner Montoya and I wanted to bring this forward because we kind of have - it's kind of like a check up on what exactly we're doing at the adult and juvenile. And this would be a way to kind of reaffirm what our task force is doing. Not saying that they're doing a bad job, we just want to kind of put it out there and see how the Commission feels about hiring a consultant to check up on things. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I think you hit the nail right on the head. I think what's important is that we determine the direction that we're heading in is the right direction. I also had a conversation with Judge Barbara Vigil last week and the concern still being that the potential exists that the removal at least at the youth development facility, the removal of the Bureau of Prisons, for lack of a better term, inmates there, may be removed still. And that the resolution has not been settled between the federal judges. Therefore that potential still exists and at least from some of the discussions that she's had.

I think to eliminate that she has proposed that for that particular facility, that AMI, which is I believe the American Marine Institute, could provide that technical assistance. We

would probably be looking at picking up the cost of the travel only, not any other costs other than travel.

As far as the adult facility, again, I think what I'm proposing here is that in order to prevent getting in any sort of predicament the way we have with the youth development facility that we also take a look at a consultant services. That would be probably separate and would cost a little bit more than just travel, I'm sure, for the individual or individuals of the company, whoever would get that contract. But again, there, I think what would be good is to have an objective, outside assessment in terms of the direction that we're heading. Are we implementing programs that need to be implemented in order to keep the accreditations that we have in order to eliminate losing any prisoners? That's why I along with Chairman Anaya we suggest that we take a look at least putting out an RFP and seeing what we get back in terms of costs and then take a look at how we would move forward at that point.

CHAIRMAN ANAYA: Thank you, Commissioner Montoya. Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to have a response from staff, from Mr. Gonzalez. An evaluation that talks to all five of us, not just to the proponents of this resolution for discussion.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, Commissioner Montoya's suggestion actually parallels conversations that we've had internally at the staff level and Roman and I have already begun to move in that direction because it's been our feeling that this is a critical transition that we're going through. It's imperative that we do it well and that we do it right, and as you know, we're also facing the issue of ameliorating the other concerns that have been raised about the juvenile facility. So I would support the suggestions.

COMMISSIONER CAMPOS: Give me specifically, what would you support?

MR. GONZALEZ: With respect to the juvenile facilities I know that a number of individuals including Judge Vazquez, have mentioned AMI as a resource. I know that Greg Parrish, the director of the Corrections Department also has a good working relationship with those folks and would welcome them coming in and taking a look at the facility. They've provided us with some support in the past and I think that would be helpful.

With respect to the adult facility my suggestion would be we go out to RFP, do a small contract with someone who has the expertise that they could bring to the adult facility just to make sure that the transition is working in a way that's appropriate. One, that the training needs are being satisfied. Two, that staffing needs are proceeding well. Three, take a look at the medical aspects to make sure that we're coving those bases and perhaps provide some additional suggestions about where we might want to either bolster staff or maybe make some organizational changes because we are modeling our revisions on what we've seen in other places but each facility is also different and if we had somebody who had a broad knowledge of how other facilities operate it would provide us some additional insight and support, I think, to move forward with the transition.

COMMISSIONER CAMPOS: Are you looking at this as an interim, a short term, a long term, and what costs are you looking at?

MR. GONZALEZ: Initially, I would think of it as a short term, probably looking at a six-month kind of period. In terms of costs, I'm hopeful that we would keep it below \$20,000 but that's just sort of my rough guesstimate.

COMMISSIONER CAMPOS: And that's for both?

MR. GONZALEZ: I think we could do both for under \$20,000.

COMMISSIONER CAMPOS: And AMI too?

MR. GONZALEZ: American Marine Institute, and they're the folks who have run the program up above Ruidoso. I forget the name of the juvenile facility there. But I know that both Judge Vigil on the state district court and Judge Vazquez on the federal level have both indicated that they have some confidence in the programs that they've operated there.

COMMISSIONER CAMPOS: Thank you. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: What, Gerald, some of these things sound like functions of the Corrections Advisory Committee. I haven't heard much from the Corrections Advisory Committee lately. What's their role in this?

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, their role is a little broader in terms of taking a look at the overall operations of the facilities. The kind of support I'm thinking of would take a look actually at much more detail. Day-to-day operations. How shift changes occur, for example. How the staffing occurs at night versus staffing during the day. Are we effectively using the 12-hour shifts in the way that we should? Are we providing the appropriate support in terms of recordation of the inmates' histories medically and behaviorally. Those kinds of things, which I don't think is the kind of detail that we've asked the jail folks to get into.

On the other hand, I think that it would be important to get feedback from them and to involve them in the process. I would foresee whoever we brought on board meeting with those folks to get their perspective on how things have operated in the past and what changes they feel are appropriate for the future.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, one reason I ask is because I recall the Corrections Advisory Committee made a fairly detailed report about the medical tracking at the adult corrections facility. And it involved a great deal of time and I thought it was pretty comprehensive. Long before we got the audit that pointed out that we had record documentation problems at the adult corrections facility. The point being that nothing was done about it. So maybe that's because we had a private contractor at the jail at the time and now we're doing it ourselves. I'm not sure. But the problem doesn't seem to be in the identification of the problem; the problem seems to be in the remedy for the problem.

I'd want to be a little more clear as to what that linkage would be. We seem to be getting lots of reports and lots of advice. We don't seem to take it.

CHAIRMAN ANAYA: But now we're taking over the jail.

COMMISSIONER SULLIVAN: I know. So maybe, now that we are taking over the jail, maybe that makes it a different environment.

CHAIRMAN ANAYA: Instead of the person saying what's wrong and telling

the contractor, now he's telling us. We've got to get it done. That's what you're saying?

COMMISSIONER SULLIVAN: That would seem to be the case. But I wonder. I still am a little unsure about that linkage. We tend to put the responsibility for monitoring on the consultant. That's sometimes a way to remove that problem from the front of our desk. And then suddenly the consultant comes in and says I told you six months ago that this was your problem and you haven't done anything to correct it. So I guess I'm suggesting some thinking that maybe this consultant would make reports to the Commission as to what he or she is seeing. That there be some kind of a scheduled monitoring or reporting mechanism that we can evaluate what's going on, not just the staff.

CHAIRMAN ANAYA: We'll make sure we're in the loop.

COMMISSIONER SULLIVAN: Exactly.

CHAIRMAN ANAYA: So we can do that, right? Commissioner Montoya.

COMMISSIONER MONTOYA: I totally agree with Commissioner Sullivan. I think that's kind of why I'm suggesting we do this and look at this at this point, because I feel like I wasn't totally informed about what was going on at the youth development facility until all of a sudden, Wham. We're hit with this potential loss of Bureau of Prisons adolescents and I don't want the same thing to happen with the adult facility where we're not being apprised. And I think having an objective outside consultant look at what's going on, and then reporting to us, I think I would feel better about that.

CHAIRMAN ANAYA: Okay. So is that clear direction, to go forward with the RFP and make sure that the Commission is up to speed on the issues at the jail. And there was one comment that Commissioner Campos said earlier that if I don't know if to take offense to it or not. To address the rest of the Commission, not just Commissioner Montoya and myself. Is there - I want to get it on the table. Do you feel like you're out of the loop on certain issues and if so, we always try to be as open and honest here at the Commission and not try to - there's five Commissioners up here and we want to be on the same page.

COMMISSIONER CAMPOS: Mr. Chairman, I don't want you to take offense. It wasn't intended to be offensive. It was simply, sometimes I get the feeling that if there's been one Commissioner, two Commissioners working on an issue really hard that sometimes staff tends to slant that perspective without giving everybody a full assessment there of what their opinions are. That's what I wanted.

CHAIRMAN ANAYA: And I have the same concerns that you do and I think that if we talk about these issues up here at least you get your chance to voice your opinion, no matter which way the decision goes.

COMMISSIONER CAMPOS: Exactly.

CHAIRMAN ANAYA: So there is no - any decisions that are made are made up here by the majority of the Commission to move this County forward.

COMMISSIONER CAMPOS: I simply don't want a situation where there's somebody really active on some issue and staff kind of just takes that position without giving us the full assessment. That's the only thing.

CHAIRMAN ANAYA: And every time that that's happened, they need clear

direction, we put it on the agenda and bring it up and talk before the Commission to move that item forward or not.

COMMISSIONER CAMPOS: Not always.

CHAIRMAN ANAYA: Always. So Gerald, are you set with that?

MR. GONZALEZ: I believe so, Mr. Chairman. Events will determine whether I appropriately heard what the completion of the direction was.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Just a couple of informational pieces. I am this Board's appointee to the multi-line pool with the Association of Counties and most recently two items were acted on at our last meeting. Number one, I'm happy to report that our request to be a part of the insurance pool for our jail was acted on unanimously. We will be receiving some information with regard to specifics of that. I'm not sure - Steve Ross has that, but it will be positive.

The second item that we took action on, and I'll be bringing this to the attention of our risk management, is generalized vehicle safety policy that was quite comprehensive and had been worked on quite diligently by the risk management division of the Association of Counties. And I know we have some policies set in place here at the County but this one was quite more comprehensive and would create a huge benefit for us to consider adopting in Santa Fe County.

The other piece of information I have is one that has come to me from witnessing the special session at the state legislature and also listening to some congressional hearings on energy and the issues we currently have with energy. I am looking to propose a resolution towards creating a benefit for Santa Fe County on energy from the conservation perspective. Our state legislature is struggling with the issue of energy through rebates and there has been some discussion about alternative energy measures. At a congressional hearing, Senator Pete Domenici said last week that if our entire county lowered their thermostats by two degrees the enormous amount of energy that would be saved our entire nation would be baffling. There are some estimates that that would be up to 50 percent of energy saved.

So with the crisis I think at the apex of our society I will be sponsoring a resolution at our next meeting providing alternatives to energy conservation. And that's it, Mr. Chairman. Thank you.

CHAIRMAN ANAYA: Thank you. If I lowered my thermostat two degrees it probably wouldn't kick on. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. Just one item. In our regular County Commission on September 13, 2005 we reviewed the US 285 South Highway Corridor Zoning District and it was approved. A part of that motion for the approval of the ordinance, and I'll quote, was, "I include in my motion that the water supply and use

section be set aside and that our County staff continue to work with the Eldorado water utilities division on creating a resolution to protect the aquifer.” And my question is what have we done in that regard?

CHAIRMAN ANAYA: Okay. Do you have an answer, or do we need to –

COMMISSIONER SULLIVAN: And if we haven’t done anything, just say nothing, and then I have a suggestion of what can be done.

CHAIRMAN ANAYA: Nothing.

COMMISSIONER SULLIVAN: Well, staff might have done something on that. But if we haven’t done anything, let me suggest that we create a small working subcommittee that would include the utilities director, Mr. Wust and Mr. Ross, the County Attorney and the president of the Eldorado Water and Sanitation District to take a look and to come up with some concepts that we can look at on a long-range basis to protect that aquifer. We have a lot of data; we’ll be getting more data, but I think we need some type of ordinance structure. This could ultimately be something that would roll into our Code amendment work, or it could be whatever it could be. I don’t have a preconceived notion. But I think that would be a way to at least start it if we haven’t done anything yet.

COMMISSIONER CAMPOS: Question for Commissioner Sullivan. I just didn’t quite catch your intro. Are you talking about the Eldorado aquifer? Is that what you’re talking about?

COMMISSIONER SULLIVAN: Yes. I’m talking about the aquifer that’s within that whole basin, of which Eldorado is a part. That Galisteo Basin, which is a very constrained, reduced, limited aquifer. And that is the reason, that is the need for transferring water rights in that aquifer as opposed to simply approving developments with free water. That provision that I brought forward wasn’t made a part of the ordinance but a part of the motion that was approved with regard to that ordinance, included that language that I just read to you. So we have, I think clear direction to the staff as a part of that motion to initiate this effort.

MR. GONZALEZ: Mr. Chairman, it’s not dropped of staff’s list. But it’s one to add to the list and I apologize, between the last hearing we had on 285 where we adopted the ordinance and now, where we haven’t been able to propose anything immediately, but it’s the time constraints. And I understand it would be helpful to form the committee. We’d be glad to do this but I don’t want the Commission to expect that we’ll be back here at the next meeting or the same meeting next month with something to bring forward. I think it’s going to take more time than that. Obviously, we also have the schedules for the folks out at Eldorado to consider and their availability. So I just don’t want to create expectations that we can’t meet.

CHAIRMAN ANAYA: Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: And I just would like to remind the Commission that we had a discussion at the last BCC meeting that staff’s overburdened, that we have to set priorities. One of our big priorities is the Land Use Code. We’ve got to free up some time for the Legal Department to get to it so we can get moving on it. And if we resolve the Land Use Code issues we’re way ahead. But if we start adding and adding and adding more and more things with more and more priorities, things aren’t going to get done. So we really need to

prioritize.

CHAIRMAN ANAYA: Okay, so what I'm hearing is maybe we'll give this to the Manager, let him put it on the prioritization list and then come back to the Commission.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, I think in order to get something done, the first criterion is to start. And it does not appear that we have started. So I have no problem in something taking a little longer because something else came up. I do have a problem where we don't start. And I think we need to start on this and I think – and remember Commissioner Campos made a series of very good comments during that 285 hearing about this is an issue that we need to address right away. I can read those comments also if you like. They're on page 75 and 74 of the minutes. I'll be glad to read those to you and I agree with them wholeheartedly.

But I think that's a suggestion. I have talked with the Eldorado Water and Sanitation District, with the president, Mary Raynard. They are available at any point in time to meet with us on that issue and to discuss it. And it was I think an important part of the motion that put the ordinance in place. So I think it has the force and effect of an ordinance in its constitution. So I think it's important.

CHAIRMAN ANAYA: If we find some starting fluid we might spray it on that issue.

COMMISSIONER SULLIVAN: Good. And I'll be glad to –

CHAIRMAN ANAYA: Do you have any more issues?

COMMISSIONER SULLIVAN: No. That's the most important one right now for me.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. I just have a question regarding those driver feedback signs. When have they been up north? Maybe Major Madrid, in the northern part of the county in my district. Have they been up there?

MAJOR MADRID: Mr. Chairman, Commissioner Montoya, yes, on County Road 84, we've had them up there several times on County Road 84 and in the Tesuque area. We had them in the Tesuque area. I know that the Sheriff's been trying to rotate them as much as we've had them down south as up north. But if there's any special areas that you've had complaints, just relay that to us and we'll take care of it.

COMMISSIONER MONTOYA: Okay. Yes, there are a couple. 113 and probably 84-C. There's a few, so yes. If maybe I could get a schedule of where they're going to be and when they're going to be there.

MAJOR MADRID: Okay. We'll do that.

COMMISSIONER MONTOYA: Okay. Thank you. And then, Mr. Chairman, just the other thing. Former Commissioner Marcos Trujillo lost his dad this past Friday and I just wanted to maybe have a moment of silence on behalf of Gerry Trujillo who was Marcos Trujillo's dad.

Thank you, Mr. Chairman, and he was buried this afternoon at the national cemetery.

CHAIRMAN ANAYA: Thank you, Commissioner. Our condolences go out to

the whole family. Commissioner Campos.

COMMISSIONER CAMPOS: Yes. Commissioner Vigil, I e-mailed Roman Abeyta about how the County itself can in the management of its buildings or its automobiles reduce energy consumption and they're working on it. I think Roman is, and Joseph Gutierrez who's going to be looking at our buildings. Maybe we should start working together on this and I think we can accomplish a lot more.

COMMISSIONER VIGIL: But I think, Mr. Chairman, just to respond to that, I totally agree with the inertia going towards energy-efficient and green building and alternative energy. But the resolution that I propose in terms of energy has to do with residences and businesses and their behavior and their habits with regard to energy conservation with current utilities that we have. And I think they are parallel tracks, so I'm happy to work with you in whatever way.

COMMISSIONER CAMPOS: The second issue is the courthouse. Now that we've gotten beyond the petition on the GRT, do we have any time line on this? What's going on?

MR. GONZALEZ: With respect to the courthouse issue on the revenue side, the new tax would be imposed beginning in January so we'll start to see a flow of revenues at that point. I'm not sure where we are on the schedule for meeting with the architects. Joe Gutierrez may have an update there, but that's where we are on the revenue side. Obviously we got through the initial petition process, so that puts us on a more solid footing with respect to bringing something back to you.

COMMISSIONER CAMPOS: Absolutely. And we need to get that on our list.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, we also need to take a look at the GRT projections, given what's going on with the legislature and everything else. So that's something else. I know that the other counties across the state are watching closely just to see what comes out of the session and where we end up with revenues.

COMMISSIONER CAMPOS: On the district court, I've talked to several attorneys and they cite the metropolitan court in Bernalillo County as an example of a well designed courthouse, so I'd just like to pass that on to Mr. Gutierrez. They're saying they learned a lot from the construction of the district courthouse and the district courthouse learned a lot from the construction of the federal courthouse. So metro court may have finally refined it and debugged it. I think that may be a place we want to look.

MR. GONZALEZ: That could be. The metro court also self-imposed additional fees in order to help fund the courthouse. It would be too bad if the district court doesn't have that ability here.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Campos. Condolences go out to Socorro Ojeda. She lost her mother-in-law and Nick Contreras lost his mother, the same lady. So our condolences. Socorro works for IT and Nick Contreras works for the Public Works Department.

One issue that has been arising is the four-wheeler – and I don't know if the

Commission has the same problem in their districts, but we've gotten a lot of noise from the four-wheelers. People are putting racetracks in their backyards and I'm getting a lot of calls in terms of dust, noise. And I don't know. I've talked to the Major from the Sheriff's Department to try to see what we could do about it. So we're just trying to come up with some ideas. The neighbors are complaining and there's really nothing we can do at this point in terms of land use issues.

Can anybody buy 2.5 acres and build a racetrack or five acres and build a racetrack or however many acres they have and put a racetrack facility into it? And at what point do they require a permit? I've seen some where they just put a couple humps in there and they've got a five-year old kid and they're racing around with their little bike. It doesn't get bad until the kid starts growing up and gets a bigger bike and the racetrack gets bigger.

So I just wanted to throw that out and see what kind of - maybe from the Commission, if you've heard of anything or any ideas or what is our Code in terms of land use issues?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'd just like to comment about the responses to that. Number one, it's really difficult because we do not have really jurisdiction over private property. What we do have jurisdiction over I think we do have the capability at least to - it is an ordinance that was enacted through our Fire Department and when it comes to four-wheel drivers. And I don't know that Stan is around, but it's one that is effectuated during the Fourth of July. I think one of the other things that I'm looking into and doing a lot of research right now is a nuisance ordinance. I think a nuisance ordinance is something that this Commission needs to consider going forth with because we don't have any kind of capability of capturing those kinds of activities that have become very disturbing to residents unless they rise to a criminal level. And under those circumstances, even if they are a misdemeanor, our Sheriff's deputies cannot issue a citation unless they are in the presence of the violation.

So it becomes really difficult. These kinds of difficulties aren't really captured either through our criminal code or through our Code Enforcement currently, so I have been researching a possible nuisance ordinance that might be able to capture some of these activities that we might be able to protect the citizens of Santa Fe County. That's a long time down the road, Mr. Chairman, but it's something that I think we need to evaluate, discuss, and take action on.

CHAIRMAN ANAYA: So Commissioner, what about land use. Let's say somebody tears their yard up into a racetrack. Is that okay?

COMMISSIONER VIGIL: I don't know that our Code currently provides for enforcement of terrain management with regard to someone who has purchased property and then ultimately decides to make a racetrack, but I see Wayne ready to respond to that.

WAYNE DALTON (Review Division Director): Mr. Chairman, Commissioners, our Code doesn't really get into racetracks on private property. As soon as somebody would actually be moving six inches of dirt or more on their property they would actually have to come in and apply for a building permit and address terrain management and

dust control on their property.

CHAIRMAN ANAYA: So you're saying that if somebody moves six inches of dirt - by what?

MR. DALTON: Six inches or more. It doesn't matter.

CHAIRMAN ANAYA: Below grade?

MR. DALTON: Below grade. Yes.

CHAIRMAN ANAYA: They need a permit?

MR. DALTON: That's correct.

CHAIRMAN ANAYA: So that could be digging a post hole.

MR. DALTON: No. It would have to be something disturbing the terrain.

CHAIRMAN ANAYA: So is it appropriate to send Code Enforcement out to those places where the dirt tracks are?

MR. DALTON: Mr. Chairman, Commissioner Anaya, Commissioner Vigil, we have sent out Code Enforcement in certain issues.

CHAIRMAN ANAYA: And what is the response? Have you looked at the one I'm talking about?

MR. DALTON: That's the one in Edgewood?

CHAIRMAN ANAYA: Yes.

MR. DALTON: I believe Code Enforcement has not gone out to that site.

CHAIRMAN ANAYA: Oh, you haven't. Okay. Maybe we can look at it. And I think what you're - nuisance, that would be pretty good.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: And there were, and there have been some policies adopted in different - Gerald, some of the counties in rural parts of America that have done some of that stuff and I don't know if it was shared with the Sheriff or Land Use or - but I think it's addressing what Commissioner Vigil is looking at also.

MR. GONZALEZ: Mr. Chairman, Commissioners, I think that's one of the issues that we're actually looking at in conjunction with the Code rewrite. But this discussion is helpful for us to think about how to move forward with that. And the other option I suppose would be doing some kind of a noise ordinance. I don't know if the complaints are noise, dust or traffic or what. It sounds like they're multiple complaints surrounding these kinds of locations. So maybe as we bring forward the rewrite for the Code that's something that we can all stay focused on and make sure that we have something in there to address it. We don't want to eliminate rodeo grounds though.

CHAIRMAN ANAYA: No. Okay. Thank you. I just thought I'd bring that up and maybe we can look at the Edgewood area and see what's really happening out there.

I met with Patricia Hodap, the director of libraries for Santa Fe Public Libraries, and she is looking for some people, two people from the county to be put on the operating policy board. And I believe there's one person, Christy Montoya, who's already had an interest and we'll probably appoint her later on this month, but we're also looking for a second person so I

wanted to bring it before the Commission to see if they know of somebody who would be very interested, or persons interested that we could pick from on being on this library policy board. If you do have a person, then we can call Patricia at 505-955-6788, and get your application in so that we can fill this, and this is a county person that would be on there. That's all I have, so let's move on to the Consent Calendar, item X. B.1.

X. B. Professional Service Agreements

- 1. Request Authorization to Award Professional Services Agreement No. 26-0807-FD/FS to Ruth Ann Grueling, to Provide Assistance in Facilitating Required Meetings, Multi-Party Participation and Cooperation between the Santa Fe County Fire Department, the Partners for Forest Restoration, Interested Participants and the USDA Forest Service as Required by Grant 04-DG-11031000-03, Collaborative Forest Restoration Program for Santa Fe County from the Date of Execution to December 31, 2006 for an Amount not to Exceed \$20,000 (Fire Department)**

SUSAN LUCERO (Finance Director): Members of the Board, Mr. Chairman, this professional service agreement is considered a small purchase. It's less than \$20,000 and the Fire Department has requested this agreement for the purposes of conducting and facilitating meetings between various interest groups whose mission is to treat and deal with problems concerning the ecological landscape in the Santa Fe area. This is funded through a grant, I believe that comes through the United States Forest Service and the intention is to promote and foster cooperation between about four different groups, one of which is the US Forest Service.

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: It says here that the County Fire Department has requested this. Did they apply for the grant? Again, I'm looking towards the issue of manpower and personnel. Is this some kind of an issue that is impacting them somehow? And if so, how?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, the grant is through the – it's a federal grant. It is one that they applied for and did receive and it is budgeted. I believe in the absence of having someone internally on board to do this facilitation, the choice is to contract out for the services.

COMMISSIONER SULLIVAN: Okay, I understand that, but what's the problem? What problem is this facilitation addressing?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, the only background I have is that something similar was done at the state level through Energy and Minerals Department, so I'm assuming it's part of that ongoing effort and this is the local government's responsibility portion. This is our portion of that entire mission, but I can't speak to the actual program issues.

COMMISSIONER SULLIVAN: Do we have someone who can?

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, I seem to have some recollection that it had to do with our dead pinon problem and bringing the parties together to help address that from an ecological standpoint, bringing together the wildland folks, the Forest Service, the State parties and coordinating the efforts so that they aren't all out there doing different things.

COMMISSIONER SULLIVAN: Why doesn't the Forest Service do this?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I believe this is their way of getting it done. They're contracting with us as we're subcontracting with someone else.

COMMISSIONER SULLIVAN: Why doesn't the Forest Service just do it? Why don't they hire Ms. Ruth Ann Grueling?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I'm assuming it's for the purposes that Gerald mentioned, in an effort to try to bring collaboration between the community as well as the regulatory agencies like ourselves and the Forest Service.

COMMISSIONER SULLIVAN: Are there any funds in the grant allocated to Santa Fe County itself for admin, for our time? Or is all of the money to go for the contractor?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, I believe there is a portion allocated to our staffing which is primarily within the Fire Department. I think it's a portion of Assistant Chief Blackwell's time, but it may be considered our matching portion as well, I don't know exactly without pulling the detail in front of me. I couldn't tell you.

COMMISSIONER SULLIVAN: I just think - I know when we do the Maternal and Child Health program and some of those other grants we're very careful, it seems to put in funds that pay our either our employees or our contractors for the time that we're spending on these things. And I have concern where we apply for these grants and we become the conduits for them just like we do for legislative appropriations and we're never compensated for the staff time we put into these things. And while they are I'm sure, useful and beneficial, we spend a great deal of staff time and accounting time and we're never compensated for it and it just seems like it's a way that the Forest Service gets it off their hands by putting it on our hands. Unless we have a vested interest in it, it seems like unless we're addressing cutting trees in Tesuque or something like that that caused direct County involvement - I'm just always concerned about entering into these grants where we have to monitor them and document them and essentially, we're doing someone else's homework. But I understand you don't have the background as to what the real need for this is.

MS. LUCERO: I don't.

COMMISSIONER SULLIVAN: It seems like a nice thing but I'm still not clear what it's for.

COMMISSIONER CAMPOS: Is there a time line? Emergency?

MS. LUCERO: Mr. Chairman, Commissioner Campos, I believe this expires, this contract expires December 06, and I believe that's the same time the grant expires as well. So a year and two months from now.

COMMISSIONER CAMPOS: Is there an urgency to enter into this contract today or approve this today?

MS. LUCERO: Mr. Chairman, Commissioner Campos, I can't speak to that. I don't know what the program's concerns are. I would assume, as the nature of the beast is here, there probably is a time constraint.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion? So, Commissioner Sullivan, you're not comfortable with it because we've received a grant, we're having to do all the paperwork for the other agency and we're not getting compensated for doing all that?

COMMISSIONER SULLIVAN: Well, we may not be compensated according to Susan. And I'm not comfortable because I don't know what this is for. It says participation between the partners for forest restoration and interested participants in the Forest Service. I'm just really not clear – maybe they should just sit down and have coffee and talk to each other and it wouldn't cost us \$20,000.

CHAIRMAN ANAYA: Do we want to maybe table this until we get some clarification from Stan? Maybe we can get him over here today. Do you want to just hold off on this until we get someone here that can answer some questions.

COMMISSIONER SULLIVAN: If he can come a little later we can maybe get it done in two minutes.

CHAIRMAN ANAYA: Yes. Let's do that. Let's go ahead and just –

COMMISSIONER SULLIVAN: We have a motion on the floor.

COMMISSIONER MONTOYA: I withdraw my motion.

COMMISSIONER SULLIVAN: I move to table till later during this meeting at a time convenient to the chair.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Okay. Motion and second. Any more discussion?

The motion to table item X.B.1 passed by unanimous [5-0] voice vote.

XI. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2005-166. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff to Budget a Grant Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006 \$6,480.00**

(Sheriff's Office)

- B. Miscellaneous**
- 1. Findings of Fact - LCDRC Case # MIS 04-5420 - Vallecitos de Gracia Development Plan / Approved (Land Use Department)**
 - 2. Resolution No. 2005-167. A Resolution Requesting Funding Through the 2005/2006 New Mexico Department of Transportation's Local Government Road Fund Program (Public Works Department)**
 - 3. Request Authorization to Accept and Approve Project Agreement 06-ID-63-091 from the New Mexico Department of Transportation/Traffic Safety Bureau \$6,480.00 (Sheriff's Office)**

CHAIRMAN ANAYA: Is there a motion to approve the Consent?

COMMISSIONER VIGIL: So moved

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Any discussion?

The motion to approve the Consent Calendar passed by unanimous [5-0] voice vote.

XII. COUNTY BOARD OF FINANCE MEETING

A. Finance Director's Report of Santa Fe County's Foreseeable Cash Flow Requirements

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I move that we go in right now as the Board of Finance.

CHAIRMAN ANAYA: There's a motion to go into the Board of Finance. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and second. Any discussion?

The motion to convene as the Board of Finance passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: We are now the Board of Finance.

MS. LUCERO: Mr. Chairman, members of the Board, the purpose of course of convening as Board of Finance is in order to comply with the investment policy,

we meet at least once a quarter to review cash flow requirements and investment plans as brought to you through the investment committee, of which the County Treasurer is a member, I myself am a member, as well as our County Attorney, the Deputy County Manager and you, sir. So therefore, the whole issue here and the purpose of my report is to give you an analysis of the trend of the County's cash flow requirements in anticipation of the future and in order to best determine what cash is available for investments for long term.

Right now the County has the majority of the cash invested in the overnight pool through the State Treasurer's office, as well as funding or cash within our fiscal agent which is First State Bank. So I'd like to direct you to the very last page, which is the chart that depicts the history and then gives you a picture of the future. The first few line graphs starting with the yellow color all the way up through the orange are the last four years of cash flow requirements. As you note, you'll see a low, a dipping of the line graph in the months of July through October, October being the month with the lowest possible cash balance, and that's because we're anticipating property tax revenue which comes in in the months of November and December. You can see how the cash has a dramatic upswing and peaks in the month of December, and then begins to taper off and level during the months of January through April, and then once again picks up in the months of May and June, because this represents the second half of property tax collections. And because property tax is our largest flow of revenue, of course this would make sense.

Now, you'll notice how cash flow has grown over the years. If we compare our high in fiscal year 2002 of approximately \$48 million, to our high in fiscal year 2005 of approximately \$90 million, it's a rather dramatic change in cash and that's due to mainly two things. One, the implementation of new gross receipt tax increments, the capital outlay GRT, the Correctional facility GRT, as well as a very steady growth in property tax revenue since fiscal year 2003. So we have an accumulation of cash over and above where we were a few years ago, but we're also going to anticipate an increased need for cash.

Therefore, I want to draw your attention to the dark green lines. This is a high and low projection for fiscal year 2006. And what's shaded in the middle, the very light green, is basically the range that we can work with as far as what's available for investments. And you can see how the fiscal year 2005 line, as far as what actually occurred, is very close to the anticipated row line of the green illustration showing how low the cash needs might be or how low our balance might fall. What this basically says is in anticipation of new requirements this fiscal year, the operation of the jail, more long-term capital needs such as purchasing the Paramount property, additional capital planning that needs to continue for judicial and administrative County complexes, also a need for water right and water system acquisitions, the anticipated Aamodt settlement, new construction of the Public Works property - these are all items that are going to anticipate quite a bit of cash flow.

This isn't budget; this is cash flow. So in that respect, the County could still maintain an ultimate low cash balance of \$40 million before that impairs our cash flow needs for day-to-day operations. So my recommendation in investing additional cash right

now in longer term instruments would be a maximum of \$35 to \$40 million. I stand for any questions.

CHAIRMAN ANAYA: Any questions of Susan?

COMMISSIONER VIGIL: Susan, would you clarify that last statement for me? You're recommending \$35 million invested. Are you recommending that be invested in the overnight pool, or just that we look for a return on that amount?

MS. LUCERO: The Treasurer will go into more detail as to what he's proposing in terms of the investment instruments. My point was with the cash flow report was just to indicate to you that you're in a safe situation to invest as much as \$35 to \$40 million.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER MONTOYA: However we choose.

COMMISSIONER VIGIL: Within the statutory guidelines.

COMMISSIONER MONTOYA: Right. That's what I meant.

COMMISSIONER CAMPOS: Ms. Lucero, you also mentioned long-term instruments. You're saying that we need to not invest all our monies in long-term instruments because of our cash needs?

MS. LUCERO: Right. And that's something that I have worked very closely with the Treasurer on and we're still continuing to do so and we convene pretty much monthly, Investment Committee, we convene and we talk about these kinds of issues. So the idea is to try to spread it out so we're not - we don't have too many items that are too long term or too many items that are short term, but just to spread it out evenly.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, you mentioned that we have some of our investments in the out of the State Treasurer's. How much, what percentage are we investing there?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, right now, that is the largest portion that is invested there. Our available cash, about 90 percent is at the State Treasurer's office, and I'm sure you have questions regarding that and the Treasurer can address those as well.

COMMISSIONER MONTOYA: Okay. Is that the highest yielding potential for investment that we could make?

MS. LUCERO: Mr. Chairman, Commissioner Montoya, given certain factors like liquidity as well as risk, it is a very good rate if you want to invest something that you need immediate access to within 24 to 48 hours. It is still a little better than what we were getting 60 days ago at First State Bank. But it may not be as good as something you'll get in another institution if you were willing to keep it there for a longer period of time.

COMMISSIONER MONTOYA: Okay. And then the other ten percent, how is that spread out?

MS. LUCERO: That portion – that’s primarily in First State Bank, the other portion. We have other funds that are invested right now but they’re not included in this picture. This is just to show you what’s available for investing.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN ANAYA: Any other questions, comments? Thank you, Susan. Victor. So are you adding to item A or do we need to make a motion of some sort? We’re okay?

XI. B. County Treasurer’s Report Concerning County’s Current Investments and Investment Plan for the Future

VICTOR MONTOYA (County Treasurer): Mr. Chairman, Commissioners, I’m having my administrative assistant hand out some information that I put together regarding our investments. *[Exhibit 2]* I’d like to start by letting you know that first of all, this memorandum is being submitted to you present the Treasurer’s investment plan for the foreseeable future, and to seek approval in accordance with Santa Fe County’s investment policy, which is Resolution 2004-107.

To begin with, recently, the State Treasurer’s office made the headlines regarding the use of investment brokers in the office during an FBI investigation followed by indictments handed down for the current State Treasurer and his predecessor. This cased me and the Director of Finance a great deal of concern, since almost all of the County money or County’s funds have been invested and managed at the Local Government Investment Pool for the past several years, and long before I became County Treasurer. I want to inform you that the State Treasurer’s office provided my office with the following press release on September 21st and a copy of that press release is attached to this first three pages of my memorandum. *[Exhibit 3]*

Basically, the press release states the following. Funds are being invested safely, prudently, and in accordance with investment policy approved by the State Board of Finance. Second, there have been no allegations of misappropriation of funds in the Local Government Investment Pool. Third, assets in the LGIP are comprised of government agency securities of the highest quality rated AA and AAA. Investment grade commercial paper and certificates of deposit, overnight repurchase agreements and FLEX-repurchase agreements are invested with large national firms with solid credit rating collateralized at over 100 percent.

So basically, that just means that our money is very safe. Finally, there are no long-term investments in the LGIP. The average maturity is less than one year, and to meet the liquidity requirements of the participants of the pool, the average term of investments is 33 days.

Now, the memorandum or the copy of the press release that I handed out to you also included a little information on what the yields were, the yields being paid by the pool

through June, July and August of this year. As you can see, this is a blended rate. It does not necessarily mean that we're going to get it for the entire year.

Susan Lucero, Finance Director, and I met to discuss the serious allegations involving the State Treasurer and what course of action we should take, if any, with our \$66,159,000 invested in the LGIP as of the end of September. Susan and I are in agreement that we should monitor our investments at the LGIP closely and look at diversifying further as we identify other secure investments. We estimate that we could reasonably invest approximately \$20 to \$25 million from the balance in the LGIP. Those would be in certificates of deposit, government bonds and treasury bills.

That, coupled with what we currently have invested would amount to the neighborhood of \$27.4 million to \$32.4 million. Keep in mind that these investments – we can't just go out and say, I want to invest \$20 million or \$30 million today. I have to do research, I have to present it to the Investment Committee, and then we come to a meeting of the minds to see if it's something that we're interested in bringing to the Commission.

My investment plan is to construct a portfolio that contains safe and liquid investments that are diversified to protect our plan and our fully collateralized as provided for in our investment policy. I will meet with the Investment Committee and ask them to consider making investment that benefit our local economy here in Santa Fe County that will assist banks and credit unions with the ability to provide mortgage load, auto loans and construction financing to our county constituents.

To illustrate what I'm currently doing in conjunction with the Investment Committee, just a few examples here. The First State Bank, our custody bank, they have submitted an application in addition to being our custody bank, to consider them as a financial depository institution. Their initial proposed rates that they prepared to offer us are not as competitive as what the Los Alamos National Bank offered us, so currently, I'm still kind of trying to negotiate with them and trying to get them to offer us some more competitive rates. At least meet what Los Alamos National is currently paying us on the \$5 million that we have there.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Are First State Bank and Los Alamos the only two that we use as financial depository institutions?

MR. MONTOYA: Actually, Mr. Chairman, Commissioner Montoya, Los Alamos National Bank is the only financial depository institution currently. First State Bank is just our custody bank.

COMMISSIONER MONTOYA: Custody bank. Okay.

MR. MONTOYA: Right. And that's where we deposit. They have our checking account, so to speak, at that bank. Now, one of the things that we just did recently is we set up a repo account at our custody bank on all our overnight deposits which are currently yielding the fed funds rate of 3.5 percent less a quarter and the 3.25 percent that we're getting off the First State Bank repo account beat the LGIP pool. Now,

this, we just started doing I believe at the end of August. So we've only had one month under our belt.

The interesting thing about that is when we first entered into that agreement with First State Bank is that they were paying us, or the agreement is to pay us the fed funds rate, less a quarter percent, and right after that, the feds raised their fed fund rate by a quarter of a point. So the fed fund rate right now is 3.5 percent, so we get 3.25 from the First State Bank.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Victor, is First State Bank locally owned?

MR. MONTOYA: Yes, Mr. Chairman. It was originated in Taos and that's where their bank started out at. However, they have grown quite a bit and just recently they expanded their acquisitions or their total acquisitions by another 20 banks. Most of them here in New Mexico with a few of them being in southern Colorado.

The next bank that I'd like to discuss a little bit is the Los Alamos National Bank. Now, we gave them financial depository institution status by the County Finance Board in August. I'm happy to report that I will be advising the Investment Committee at our October meeting which is scheduled for day after tomorrow, that I recommend that we should invest another \$3 million with the Los Alamos National Bank to be fully collateralized, again, with an irrevocable letter of credit from the Federal Home Loan Bank in Dallas. Los Alamos National Bank has offered some very competitive rates as follows: On a 12-month CD, they're proposing 4.4 percent or 123 basis points more than the LGIP yielded in September; the 23-month CD is 4.55 or 138 basis points over the LGIP; and on the 36-month CD, 4.75, or 158 basis points over the LGIP.

The next bank that I have been dealing with is Wells Fargo Bank. This bank has also expressed an interest in investing money for us in CDs. However, their proposed rates have also not been very competitive. I am still negotiating with them, and hopefully this process will result in a meaningful presentation to the Investment Committee.

And finally, as my examples go, Mr. Chairman, I just invested \$200,000 with the State Employees Credit Union at 4.5 percent for 36 months. Now, every investment that I've made with any of the banks, especially local banks and lately, all have a clause in there that states in the event we need our funds, there will be no pre-payment penalties for early withdrawal. So I think the banks have been very cooperative with us, have been very helpful and I think very helpful for the economy of Santa Fe.

The next item I'd like to -

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Is Wells Fargo a locally owned bank?

MR. MONTOYA: No.

COMMISSIONER MONTOYA: No?

MR. MONTOYA: No. But they are the custody bank for the State

Treasurer's office.

COMMISSIONER MONTROYA: Okay. And then the credit unions. Are we restricted to any credit union other than State Employees, or are we open to invest with other credit unions that are local to the area as well?

MR. MONTROYA: Mr. Chairman, if you'll look at one of your handouts there that I gave you, it's this page right here. It says Santa Fe County Treasurer's Report, certificates of deposit. [Exhibit 4] On this report we've listed all the credit unions and all the banks that we currently have CDs with. And currently we have, including the CDs that we bought from Los Alamos National Bank, we have \$6.4 million just in CDs. As you can see there, we have the Guadalupe Credit Union. We have Charter Bank, Los Alamos National Bank, and then two with the State Employees Credit Union.

I've also contacted other credit unions here in town like the Del Norte Credit Union. I was unable to, at the time that I contacted them, which has been about six or eight months ago, they were going through some sort of transition over there and they had a new president for the credit union and stuff so they at that time told me they were not interested. And I contacted a couple of other credit unions here in town too that are pretty small and they also told me they weren't interested. But I will pursue following up with them periodically to see if they - because like I say, the ultimate goal here is to help our county and our economy.

Going back to my presentation, in regard to government bond investments or callable agencies, I developed a broker/dealer questionnaire that all brokers must fill out and complete before we invest in any of their bonds. This questionnaire was distributed to the Investment Committee. I propose that any investments made in callable agencies be short term, going out no further than 30 months because of what appears to be arising interest rate environments. If you'll remember what I was saying about the LGIP, they are very, very short. Most of their investments are all under one year and in some cases 33 days.

Right now the feds are probably going to increase the rates by at least another quarter percent before the end of the year, at least that's the outlook that they've give me.

Finally, I am looking at purchasing treasury bills direct from the US government. These investments could be laddered to meet our County expenditures. Although briefly discussed with Susan, this item has not been discussed with the Investment Committee. By laddered, I mean investments that are structured to mature at different times, like 30 days, 60 days, 90 days, six months, nine months. These would also be short-term duration and purchased for safety, liquidity and diversification.

In closing, I have attached a copy of all our investments, CDs, government bonds and the Local Government Investment Pool made to date. These investments show the principal investment, the effective annual interest rate, the term and the maturity date, and how we receive the income. Please note that the County Treasurer's Investment Committee has been meeting regularly since April of 2005. I present an agenda to the committee each month that includes accomplishments and minutes from the prior month. I strive to keep

the committee informed by having our local banks and other entities make presentations to the committee and how they intend to use County funds to improve the economy of Santa Fe County.

I wish to thank the Investment Committee for their hard work and commitment to attend these monthly meetings. I know they have many commitments and obligations they have to attend to on behalf of the County. Mr. Chairman, Commissioners, that concludes my presentation. Thank you for your kind attention and I make myself available for questions.

COMMISSIONER MONTOYA: Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Thank you, Victor for bringing this forth. I feel a sense of confidence knowing that we're diversifying our investments here and hopefully reaping the benefit of diversification. Most of our overnight investments are with the State Treasurer. Is that correct?

MR. MONTOYA: Yes.

COMMISSIONER VIGIL: Have you looked into the State Investment Council's rate of return?

MR. MONTOYA: Well, the State Treasurer's office, for example, manages probably over \$4 billion in total. Of that amount, approximately between \$800 and \$900 million belongs to the Local Pool participants like cities, municipalities, that type of thing. But our investment policies kind of limits us as to what we can invest in. And no, to answer it more directly, I have not contacted the State Board of Finance, primarily because right now as you're well aware of, for the last four or five years, there was no Investment Committee and we didn't invest in anything else except the LGIP. Consequently, I'm trying to re-establish that and look at all our options first here locally before we send our money, the big money, either out of state or whatever.

But right now, I'm limited to CDs and AA, aa, and AAA investments and in government securities. So there's not too much other than that that we can do.

COMMISSIONER VIGIL: I would just urge you to contact the State Investment Council. They do and are taking in more local governments. I believe they have Dona Ana County as one of their counties for their Local Government Division. It's very similar to the State Treasurer's account and I know that their rates are competitive too, so as you look towards diversification you may want to contact our State Investment Council. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Thank you, Commissioner Vigil.
Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. Mr. Montoya, I'd like to thank you for your new focus on really getting the best bang for the buck for the County. I think that's something we really needed and we've revived the investment group that's been dormant for years before you came on board. I like local. That does provide money for local citizens to borrow, and diversification. And I appreciate that hard work. Thank you very much.

MR. MONTOYA: Thank you, Mr. Chairman. Just so that you're all aware. If I can't beat the pool by at least .75 or $\frac{3}{4}$ of a percent to 1.5 percent, it's almost worthless to go through these efforts because it's a lot of work. And so far, on everything that I've invested, of course interest rates have changed quite a bit from when I started here, but at the time, currently, we are beating the pool, mostly by those amounts, by at least $\frac{3}{4}$ of a percent to a percent and a half. And that's a pretty significant amount. And all I can tell you is I will strive to continue to do my best with that. I appreciate your recommendation, Commissioner Vigil, and I will certainly look into seeing if they can offer us competitive rates, because after a while I'm going to run out of banks and credit unions and people. Treasuries I can do because they're really safe, but again, that money is not invested here in the county or in New Mexico to that extent.

COMMISSIONER MONTOYA: Commissioner Sullivan, do you have any questions? Okay. Victor, I want to thank you also for this report and I would also encourage you, as Commissioner Vigil has suggested to look into the State Investment Council, because I understand the return on their rates is better than what's at the Treasurer's office. I don't know if it's going to be .75 percent or 1.25 percent better. I don't now if it's going to be that much but it potentially may be. I encourage the diversification also. I think we need to continue to head in that direction in terms of looking at maybe some potential high yielding, some high risk, high yield investments, but I think we've been very, very conservative in terms of the way things have been invested and I'm glad to see you looking at diversification. So thank you very much. I appreciate it.

MR. MONTOYA: Thank you, Mr. Chairman.

XI. C. Resolution No. 2005-168. A Resolution Approving the Santa Fe County Treasurer's Investment Plan

COMMISSIONER MONTOYA: Are there any questions of Victor? Do you want to give a background on the resolution? On your proposed investment plan?

COMMISSIONER VIGIL: Mr. Chairman, I think I'm ready to make a motion in favor of this resolution because I believe, unless Victor has anything to add to it, you've already given us a summary of your investment plan.

MR. MONTOYA: that's correct, Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I move we adopt Resolution 2005-168 a resolution approving the Santa Fe County Treasurer's Investment Plan.

COMMISSIONER CAMPOS: Second.

COMMISSIONER MONTOYA: Motion by Commissioner Vigil, second, Commissioner Campos. Discussion?

The motion to approve Resolution 2005-168 passed by unanimous [5-0] voice vote.

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Matters from the County Manager

1. Update on Various Issues

MR. GONZALEZ: Thank you, Mr. Chairman. I just wanted to briefly again remind the public that the County will be taking over the adult facility at the stroke of midnight and we'll be closely monitoring that. We do have sort of an official reception tomorrow, I believe it starts at 10:00 out at the facility. The public is invited to come participate and to see the facility, meet the director and anyone out there, and certainly you all are invited and requested to attend. We would love to have you out there.

CHAIRMAN ANAYA: Thank you. So 10:00 tomorrow.

MR. GONZALEZ: At the adult facility which is located on County Road 14. The entry is opposite the entry to the State Penitentiary Corrections Administration building.

CHAIRMAN ANAYA: Okay. Is there any other updates?

MR. GONZALEZ: That's all I had, Mr. Chairman.

X. B. Professional Service Agreements

1. Request Authorization to Award Professional Services Agreement No. 26-0807-FD/FS to Ruth Ann Grueling, to Provide Assistance in Facilitating Required Meetings, Multi-Party Participation and Cooperation between the Santa Fe County Fire Department, the Partners for Forest Restoration, Interested Participants and the USDA Forest Service as Required by Grant 04-DG-11031000-03, Collaborative Forest Restoration Program for Santa Fe County from the Date of Execution to December 31, 2006 for an Amount not to Exceed \$20,000 (Fire Department

CHAIRMAN ANAYA: Commissioner Sullivan, you might want to ask Mr. Moya if he can answer your question.

COMMISSIONER SULLIVAN: Mr. Chairman, Chief Moya, could you tell us what this is?

STEVE MOYA (Assistant Fire Chief): Yes, sir, Commissioner Sullivan. I have Firefighter Dewey Holiday with me. He's going to be sort of overtaking this grant. It is 100 percent match with the Forest Service and it's reimbursable. We do have a soft match of 25 percent that will help with Deputy Chief Blackwell's time and I believe with Firefighter Holiday here. So I'm going to go ahead and turn it over to Firefighter Holiday.

CHAIRMAN ANAYA: Thank you, Mr. Moya. How are you Mr. Holiday?

DEWEY HOLIDAY (Firefighter): Good sir, and you?

CHAIRMAN ANAYA: Good.

MR. HOLIDAY: Chairman Anaya, Commissioner Sullivan, your question is what the grant is, sir?

COMMISSIONER SULLIVAN: What is this about? What are we doing? Is this a Forest Service project that we're doing for them? Obviously, we're putting match in that's our own time, so we're going to be expending time to do this. What's the problem? What are we accomplishing by doing this?

MR. HOLIDAY: The CFRP grant is a unique grant to New Mexico. Its goal is to try to organize local, state and federal energies towards the Healthy Forests Initiatives. Santa Fe County applied for and received one of these grants in October of last year. With this grant we're partnering with Santa Fe County Open Space and Trails to make an educational park in the Arroyo Hondo area. That's the CFRP grant that we received, just a brief overview of it.

The contract that we have before you right now is with Ruth Ann Grueling to help us organize some of the volunteer efforts that are going to be needed to see this project through. She worked with the pinon initiative steering group in 2003/2004 to help them do similar activities - to get public input into some of the ideas that we're trying to do, to organize those ideas and present them to us in a more orderly fashion than we as a Fire Department really do. Does that answer your question?

COMMISSIONER SULLIVAN: So what is the deliverable? The deliverable is a park in Arroyo Hondo? We're building a park?

MR. HOLIDAY: The Open Spaces and Trails already owns property in the Arroyo Hondo area. It's actually right on Interstate 25 and Arroyo Hondo Road. By teaming with them, we are going to enhance that Open Spaces and Trails to more of an educational park to teach the community as a whole what we can do to restore forest health, which is the entire idea behind the grant, is to restore forest health.

COMMISSIONER SULLIVAN: So the focus of this grant is that specific piece of property?

MR. HOLIDAY: It is. The grant the Fire Department received is -

COMMISSIONER SULLIVAN: \$20,000 grant.

MR. HOLIDAY: Right.

COMMISSIONER SULLIVAN: Relates to that particular piece of property.

MR. HOLIDAY: Yes.

COMMISSIONER SULLIVAN: Are there any trees on that property?

MR. HOLIDAY: Yes, there are quite a few. I did a count last week. In some areas it's about 120 trees per acre, 130 trees per acre. It is one of the areas that had high pinon mortality, probably approaching 95 percent mortality in that area.

COMMISSIONER SULLIVAN: Okay, so we already own the property. So then the deliverable will be some kind of a public information program? There was a group that came in that was advocating for that project when we had it approved under our open space program.

MR. HOLIDAY: Yes.

COMMISSIONER SULLIVAN: I think primarily they were advocating, as

often is the case, so that they have open space next to their own development and at that point they're not too interested in participating in seeing that the property be developed for public access because they would rather there not be public access. So does this address that issue? Does this have to do with some planning of what will go on on that piece of property?

MR. HOLIDAY: Commissioner Sullivan, yes. That is a lot of what this contract relates to is Ms. Grueling helping us and the Open Spaces work through some of that planning process to help us with some of the public input meetings regarding that property and how to utilize it.

COMMISSIONER SULLIVAN: Who are the partners for forest restoration? Who are they?

MR. HOLIDAY: Right now, sir, the Bureau of Land Management is assisting us. The Forest Service is obviously assisting us. There's a representative from the New Mexico Department of Forestry, the New Mexico Department of Environmental Quality is helping us and then a representative from Forest Guild here in Santa Fe is also helping us.

COMMISSIONER SULLIVAN: Okay, so the Partners for Forest Restoration is not a group themselves?

MR. HOLIDAY: No.

COMMISSIONER SULLIVAN: Because it's listed here in capitals as if it was something like the Sierra Club or something like that.

MR. HOLIDAY: No, sir. It's a committee that's helping us to –

COMMISSIONER SULLIVAN: It's all those people you just identified.

MR. HOLIDAY: Right.

COMMISSIONER SULLIVAN: Who will be participating in this.

MR. HOLIDAY: Forest restoration project.

COMMISSIONER SULLIVAN: Project. And then will we see a plan as a result of that, that will show like where trails go and where informational kiosks are and parking is made available for public access? Will we see something like that?

MR. HOLIDAY: Commissioner Sullivan, part of that will be covered by what Ms. Grueling does. Part of that is also going to be covered by a separate agreement that the Open Spaces and Trails personnel has contracted with as part of their project. But yes, you will see that through the collaborative efforts of both the Open Spaces personnel and the Fire Department personnel.

COMMISSIONER SULLIVAN: Okay. We just have a one-page memo here, so this is all we're looking at, so this is kind of sketchy, and I apologize for grilling you. But is there some deliverable on Ms. Grueling's part? Will she give us, or will she prepare for us a report?

MR. HOLIDAY: Commissioner Sullivan, in the actual agreement, and I have it before me, she is going to provide the Fire Department with a monthly progress report on the work that she's doing and if you care to see that, sir, I can make sure that that gets to you on a monthly basis, or to the Commission on a monthly basis.

COMMISSIONER SULLIVAN: Will there be a final report? A summary

report? An executive summary? Something of that sort?

MR. HOLIDAY: Yes, sir. There will. The division of this park is for it to be a long-term project. For it to be – and I'm going to paraphrase out of the Forest Health and Watershed Act that Governor Richardson signed in March. I feel like it really goes to what the CFRP grant is all about. In the first or second paragraph of the Forest Health and Watershed Act, New Mexico, it says our forests and watersheds didn't as unhealthy as they are today overnight. It took 300 years. So we should plan on it being a long-term project to restore that. I'm not answering your question very well but it's such a long-term project. Yes, we are going to have a final report on what we intend to do, and I think over the next 20 or 30 or 40 or 50 years, we'll see the end results of a very visionary project. I think Deputy Chief Blackwell, who wrote this grant and received this grant originally, had a lot of vision when he wrote that, in just that. That our forests have – it's taken us 300 years of mismanagement to really get our forests in the condition they're in today, and to start this process on a park like this in Santa Fe, in Santa Fe County is of great – I think it's a great testimony to the vision of Chief Blackwell and to the vision of the County Commissioners in approving us receiving that grant.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chairman. I would just ask that we get a final report. That we be able to see that, particularly with facilitators, we've had very mixed success. Some have done good work in advance of their facilitations and have prepared good summaries at the end. Others have come to this Commission and presented things that look like they were typed in the back of a tractor on one page and that's what we've paid sometimes \$20,000 or more for. I don't know this particular individual and I assume you're comfortable with her or you selected her in some competitive manner, but I certainly would like to see some kind of report as to what the deliverable, what the product and the recommendations are, from this in writing. Do you feel that's consistent with your scope of work?

MR. HOLIDAY: Yes, sir.

COMMISSIONER SULLIVAN: Okay. Good Thank you very much.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Motion and a second. Any further discussion?

The motion to authorize a PSA for Ruth Ann Grueling passed by unanimous [5-0] voice vote.

- XII. B. Matters from the County Attorney**
- 2. Executive session**
 - a. Discussion of pending or threatened litigation**
 - b. Limited personnel issues**
 - c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Vigil moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 8) to discuss the matters delineated above. Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

CHAIRMAN ANAYA: Steve, how long will it take and about what time can we tell these people we can be out?

MR. ROSS: Mr. Chairman, experience seems to indicate it's going to be at least an hour. I have eight items. We keep putting off items so -

CHAIRMAN ANAYA: So we'll try to get to them fairly quickly. We'll be back at 6:35.

[The Commission met in executive session from 5:35 to 6:45.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous voice vote.

- XI. B. 1. Resolution No. 2005—169. A Resolution Authorizing Execution by the County Manager of the Purchase and Sale Agreement with Macho Grande del Rio Grande Ltd. for Purchase of Real Property with Appurtenant Water Rights Known as the Top of the World Farms, and Execution of a Real Estate Agency Agreement with Brokers of the Said Property**

CHAIRMAN ANAYA: Is there a motion or any discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: On the second whereas, we talk about 1188, do we need to insert acre-feet there, or anything to explain that?

CHAIRMAN ANAYA: Do we need to change that?

MR. ROSS: Actually, Mr. Chairman, Commissioner Campos, I think that's -

it's not the best construction but that's accurate.

COMMISSIONER CAMPOS: That's an accurate statement?

MR. ROSS: Yes.

COMMISSIONER CAMPOS: 1188 of irrigation water rights?

MR. ROSS: That's right.

COMMISSIONER CAMPOS: Okay. And we need to correct the word property on the caption, third line down.

COMMISSIONER VIGIL: For poetry.

MR. ROSS: Okay. I'll correct that.

COMMISSIONER MONTROYA: Motion to approve with that correction.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

The motion to approve Resolution 2005-169 passed by unanimous [5-0] voice vote.

XIII. PUBLIC HEARINGS

A. Land Use Department

- 2. CDRC Case #V 05-5280- Stein Variance- Kate Leriche, Agent for Michael and Reeve Stein, Applicants, Request a Variance of Article III, Section 2.3.6 (Height Restrictions for Dwellings or Residential Accessory Structure) of the Land Development Code to Allow a 26'3" Residence on 5.5 Acres. The Property is Located in the Tesuque Traditional Community at 60 Palo Duro Road, within Section 31, Township 18 North, Range 10 East (Commission District 1)**

MR. DALTON: Thank you, Mr. Chairman. The applicant is requesting a variance to allow a portion of a residence to be 26' 3". The size of the proposed home is 4,380 square feet. Approximately 2.2 percent, 96.36 square feet of the residence, will be over 24 feet in height. Due to the limited buildable area and the extreme slope of the site, raising the building 2'3" will greatly reduce the high cost of site retainage and cutting without impacting the neighbors' views. The house is sited well below the ridge line and is not visible from any public road. Maintaining the 8:12 pitch of the roof is important in order to work in the northern New Mexico context of the surrounding neighbors and to shed snow.

The applicant states that the lot backs up to a steep ridge on the east and is extremely limited in buildable area due to the steep grade and shape of the lot.

Recommendation: On September 15, 2005 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 2.3.6.b Height Restrictions for Dwellings or Residential Accessory Structures of the Land

Development Code. Staff recommends denial of the request. Article III, Section 2.3.6.b states the height of any dwelling or residential accessory structure shall not exceed 24 feet. However, the BCC may consider this request to be a minimal easing of the Code due to a very small portion of the residence being over 24 feet, and the residence will not be visible from any major roadways or arterials.

If the decision of the BCC is to approve the variance, staff recommends the following conditions. Mr. Chairman, may I enter those into the record?

[The conditions are as follows:]

1. Roof color must be earth-tone.
2. Light reflective value of the building must not exceed 40%.
3. A culvert must be placed in the flow-line at the driveway entrance.
4. The applicant shall submit a drainage and grading plan showing the relocation of flow lines.
5. The applicant must install an advanced liquid waste system with backup vault holding to serve the dwellings. The system must be designed by a New Mexico Professional Engineer with experience in liquid waste system design.

CHAIRMAN ANAYA: Any questions of Wayne? None? Are the applicants here?

[Duly sworn, Kate Leriche testified as follows:]

KATE LERICHE: My name is Kate Leriche. My address is 4 Frasco Court, Santa Fe, New Mexico, 87508.

CHAIRMAN ANAYA: Do you have anything to add to this?

MS. LERICHE: We do have one graphic, Commissioner, that is very helpful in understanding what exactly we're asking for in terms of a variance. Can we show you?

CHAIRMAN ANAYA: You've got a pitch, and it's over 24 feet, how long is that pitch?

MS. LERICHE: This triangle area is the area that is exceeding our 24 feet.

CHAIRMAN ANAYA: Oh, right there.

MS. LERICHE: Yes. So it's somewhat misleading to look at this sketch down here, which you'd assume was the whole pitch of the main house is exceeding it. But because of the slope of the grade it's really -

CHAIRMAN ANAYA: You're okay on that end but you're not okay on this end.

MS. LERICHE: Exactly. Exactly. And the one other point that is important to mention is that the run - we have a bedroom in this location and also over here. In pulling it up out of the ground gets our grade in nine inches below window sill. So if we had to take it lower, we'd have to do some type of additional retainage.

CHAIRMAN ANAYA: How far is it from that middle point to the edge?

MS. LERICHE: Here? It's 28 feet by seven foot.

CHAIRMAN ANAYA: Okay. Any questions? Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Are you in agreement with the staff conditions?

MS. LERICHE: Absolutely.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Is there any way you could build a house there by changing the architecture or the size to meet the standards?

MS. LERICHE: I think it would be very difficult. This site is very steep, and as it is it's very tucked into the hill. We have two approaches to the site. The well is very close to - we're basically building around the well location and putting in septic systems, propane tank, water storage tank, it's all very difficult. So we have all that water storage tank, septic tank, leach field and well basically taking up the flat area in front of the house. And it was very important for us as architects to stick with this northern New Mexico style and also tucking it into the site was one of our goals.

COMMISSIONER CAMPOS: But you're still building a 4,400 square foot home. Could you make that smaller and make this work and still be in compliance?

MS. LERICHE: I think it would be very difficult. The owners - it's a family, a young husband and wife with two young children. They're going to be full-time residents. They obviously want bedrooms for each child, and then the guesthouse is basically for their mothers, the two mother-in-laws to come and stay with them. It is attached to the main house with the portal. Some separation between the two but some connection. It does not have - it's just a refrigerator and a sink. But I think that on that 5.5-acre lot, the program is large but not excessive. I don't think they're willing to change the size. If we looked at another scene that wasn't two stories we'd be taking up more of the landscape, and that was also one of the concerns and one of the reasons why we went up instead of out, was that by having a two-story house the kids are going to have a flat area to play outside. If it was all one story house there would be very little flat area to play.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. On the County Water Catchment Ordinance, how do you plan to address that?

MS. LERICHE: We are going to be catching rainwater. There will be gutters and downspouts collecting at least 85 percent of the rainwater to a below-ground catchment tank. That tank needs to be just under 5,000 gallons and we will meet that.

COMMISSIONER SULLIVAN: And where will that tank be located?

MS. LERICHE: It's going to have to be out in front of the house. It's actually in the northwest corner, just off the large portal.

COMMISSIONER SULLIVAN: Okay. And then I guess this is for staff. Typically we have water use restrictions on new construction such as these.

MR. DALTON: Mr. Chairman, Commissioner Sullivan, no, we do not put

water restriction requirements on new construction. That would actually be on the plat of survey that the applicant submits to the front desk for building permits. So if there's a water restriction on the property it will be on the plat that the applicant submits for building permits. That's usually a condition we put for land divisions, not for new construction.

COMMISSIONER SULLIVAN: Okay. So if it's an existing subdivision that didn't have any water restrictions then every house can use three acre-feet of water then?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, we would not impose the quarter acre-foot on a variance such as this type for a residence.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other comments? This is a public hearing. Is there anybody in the audience that would like to speak either for or against this case? Hearing none, what's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chairman, I recommend that we approve the requested variance in line of what the CDRC recommended with staff conditions.

CHAIRMAN ANAYA: Is there a second? I'll second it. Any discussion?

COMMISSIONER VIGIL: I have a question, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: For staff. It says approximately 2.2 percent or 96.36 square feet of the residence will be over 24 feet in height. What is the exact height it will be?

MR. DALTON: Mr. Chairman, Commissioner Vigil, it's 26'3".

COMMISSIONER VIGIL: And the required height is 24.

MR. DALTON: That's correct.

COMMISSIONER VIGIL: So it's 26.3, so it would be 2.3 of a difference.

MR. DALTON: Mr. Chairman, Commissioner Vigil, it's two feet, three inches is the actual variance request.

CHAIRMAN ANAYA: And that would be at the edge, and then as it goes back it reduces down to zero for 28 feet.

COMMISSIONER VIGIL: And you say, your report says that the site below the ridge line is not visible from any public road. Are you including the entire site?

MR. DALTON: Mr. Chairman, Commissioner Vigil, yes. Staff has conducted a site visit.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve CDRC Case #V 05-5280 passed by unanimous [5-0] voice vote.

XII. A. 4. BCC MIS Case #S 04-5442 – Santa Fe Brewing Company Master Winegrower Liquor License. Santa Fe Brewing Company Brian Lock is Requesting Approval of a Master Winegrower Liquor License (Production of Wine Only) for a Brewery. The Property is Located at 9885 Cerrillos Road, Santa Fe, NM within Section 24, Township 16 North, Range 8 East (Commission District 5)

VICTORIA REYES (Review Specialist): Thank you, Mr. Chairman. On March 8, 2005, the Board of County Commissioners granted approval to Santa Fe Brewery for a master smaller brewer to produce beer, beer wholesale, restaurant and lounge to permit the sale of beer and wine with meals, and off-site smaller brewer to distribute beer. The applicant is requesting a master winegrowers liquor license in order to produce wine to sell at the restaurant and lounge.

The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Recommendation: The request is in accordance with the notice requirements and staff recommends approval. Thank you.

CHAIRMAN ANAYA: Any questions of Victoria? Hearing none, is the applicant here? If you want to come up, state your name, address, swear yourself in if you have anything to add.

[Duly sworn, Brian Lock testified as follows:]

BRIAN LOCK: My name is Brian Lock. My address is 4 Antigua Place, Santa Fe, New Mexico, 87508.

CHAIRMAN ANAYA: Brian, do you want to add anything to the testimony?

MR. LOCK: I think it's fairly straightforward. The request is basically so I can provide patrons of the restaurant to have the ability to drink wine as well as beer that we will produce in the brewery itself. I think the last time I was in front of you you already granted the license to serve beer and wine. There was a little bit of a mix-up at Alcohol and Gaming as to their licenses and I don't think they understood their own licenses when I was in front of you the last time. So the reason I'm coming back in front of you this time is because Alcohol and Gaming has decided that you're not allowed to have a wholesaler's license as well as a beer and wine license, and that's something they weren't aware of until I was going to get the license and then it just came up. So this is a request so I can make my own wine to provide wine to the people that come to the restaurant.

CHAIRMAN ANAYA: Did you bring us any samples of the wine you're going to be selling?

MR. LOCK: I don't have any yet, but if you come down there I'd be glad to give you all samples.

CHAIRMAN ANAYA: Any questions of Brian?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya, Sullivan, then Campos.

COMMISSIONER MONTOYA: Brian, where are you going to grow the grapes? Is that on your site?

MR. LOCK: No. The requirement of Alcohol and Gaming is that you use at least 50 percent of New Mexico grown grapes, so I will be using 50 percent of the grapes grown in other vineyards within the state. So I'll actually contract through them to buy their grapes and then I will produce it on site.

COMMISSIONER MONTOYA: On site, where you're also producing the beer?

MR. LOCK: Correct.

COMMISSIONER MONTOYA: Are those pictures of your site that we're looking at right now?

MR. LOCK: Yes, those are.

COMMISSIONER MONTOYA: So that big aluminum tub is where you're doing the beer?

MR. LOCK: No, that actually is the last of what needs to be painted the same color of the building. So it's going to blend in with it. That's a grain silo which stores the malted grain for brewing the beer.

COMMISSIONER MONTOYA: How does that compare in size to what the wine—

MR. LOCK: The wine, there won't be anything else on the outside of the building that would need to store any sort of wine. What we would be doing is using French oak barrels, which are not very large and we would be storing them inside the warehouse to age the wine.

COMMISSIONER MONTOYA: Okay. So then I guess I need to clarify one more time, because my question is you requested the brewery for the brewing for the beer when you came in the first time.

MR. LOCK: Correct.

COMMISSIONER MONTOYA: And it wasn't clear that you needed the request for the wine at the same time also?

MR. LOCK: What happened was when I came in the first time I requested the beer and wine license for the restaurant, which would have enabled me to serve any wine from any part of the country. And that was the problem that Alcohol and Gaming had is because they'd come up with this statute that I think they didn't realize was intact and they figured out that it is indeed a law where you cannot have a wholesaler's license to wholesale beer, in my case, and a beer and wine license at the same time. Essentially, you have to choose one or the other.

COMMISSIONER MONTOYA: Either beer or wine.

MR. LOCK: Beer and wine license for the restaurant, or wholesale license.

My main business is the wholesale part of it, which is kegging, bottling, distribution off site, so I could not give up that portion of the license. I had to give up the beer and wine portion of the license, and that's why I'm back to have a small wine grower's license so that I can make my own wine to serve in the restaurant, and also serve other New Mexico wines that are produced within the state.

COMMISSIONER MONTROYA: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So the beer and wine license you had to give up?

MR. LOCK: Yes, that's correct.

COMMISSIONER SULLIVAN: And what does that allow you to do? To serve beer and wine with the restaurant?

MR. LOCK: Yes.

COMMISSIONER SULLIVAN: So can you now serve wine with the restaurant?

MR. LOCK: No. I've opened the restaurant and now, because of this stipulation been unable to serve wine. I've just been able to serve my beer. So this is so that I can make wine and then serve wine as well in the restaurant.

COMMISSIONER SULLIVAN: Okay, but you can serve beer?

MR. LOCK: Yes.

COMMISSIONER SULLIVAN: So you didn't have to give up the beer and wine license - or you had to give up the wine part of it? Is that it or something?

MR. LOCK: Yes. I had to give up the beer and wine license, which is actually a separate license for restaurants. I had to give that up, but with the small brewer off site license that you've already granted me, I have the ability to serve my own beer at the restaurant. I just don't have the ability to serve anything else. So this is why I'm here now to -

COMMISSIONER SULLIVAN: To serve your own wine.

MR. LOCK: Exactly.

COMMISSIONER SULLIVAN: Okay. So you couldn't serve any beer or any wine that was manufactured off site?

MR. LOCK: Exactly.

COMMISSIONER SULLIVAN: It had to all be your own.

MR. LOCK: Correct.

COMMISSIONER SULLIVAN: So this was a way to enable you to serve wine which you wouldn't have had. And these additions, were these contemplated in your original master plan? These additions to the building?

MR. LOCK: The additions? I guess I'm not clear.

COMMISSIONER SULLIVAN: Well, the tank and the wine production facilities and so forth.

MR. LOCK: Yes.

COMMISSIONER SULLIVAN: Was this anticipated in your original master plan?

MR. LOCK: It was not anticipated, although there's no difference in tanks. It's mostly for storage and the warehouse has the ability to store those wine barrels.

COMMISSIONER SULLIVAN: So your building is the same square footage.

MR. LOCK: Exactly. Nothing's changed.

COMMISSIONER SULLIVAN: And your storage is the same.

MR. LOCK: Correct.

COMMISSIONER SULLIVAN: Parking is the same.

MR. LOCK: Parking is the same.

COMMISSIONER SULLIVAN: All of it, the footprint on the property is the same.

MR. LOCK: Exactly.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, if you're ready to make a motion.

CHAIRMAN ANAYA: Wait. Hold on. This is a public hearing. Is there anybody that would like to speak for or against this. Hearing none, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I move to approve the application.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any discussion?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'm just curious. What would happen if we were to deny this, being that Alcohol and Gaming has already granted preliminary approval?

MR. LOCK: I have no idea.

COMMISSIONER MONTOYA: Steve, do you know what would happen?

MR. ROSS: Mr. Chairman, Commissioner Montoya, you see the grounds for disapproval of a liquor license at the bottom of Mr. Tomada's letter. You can only disapprove issuance of a license if it's within the prohibited distance from a school, church, what have you. The second ground is if it violates a Santa Fe County land use ordinance, like a zoning ordinance, or something like that. The third ground would be if the issuance would be detrimental to the public health, safety or morals.

COMMISSIONER MONTOYA: Okay.

MR. ROSS: So the short answer to the question is if you denied it for a reason other than one of those three, Alcohol and Gaming would issue the license anyway.

COMMISSIONER MONTOYA: Anyway. That's what I thought. Okay.
Thank you. I was just curious. Thank you, Steve.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve BCC MIS Case #S 04-5442 passed by unanimous [5-0] voice vote.

- XIII. A. 5. CDRC Case # S 05-5240- Cielo Tranquilo Subdivision - High Desert Partnership, Applicant, Jim Siebert, Agent, Requests Final Development Plan and Plat Approval for a 16-Lot Residential Subdivision on 202 Acres, In Addition to the Request for Preliminary and Final Development Plan and Plat the Applicant is also Requesting for the Length of the Cul-de-sac to Exceed 500'. The Property is Located in Eldorado at the Intersection of Avenida Casa del Oro and Avenida Eldorado, within Sections 23, 24, 25 & 26, Township 16 North, Range 9 East (Commission District 5)**

MS. REYES: Thank you, Mr. Chairman. The applicant is requesting final development plan and plat approval for a 16-lot residential development. In addition to the request for final development plan and plat approval the applicant is also requesting approval of Article V, Section 8.2.1.d of the Land Development Code to allow a 3500-foot cul-de-sac road. The subject property lies within the Basin Fringe Hydrologic Zone where the minimum lot size is 50 acres. The property is within the Eldorado moratorium area and allows for the creation of 12.5-acre lots with water being restricted to quarter acre-foot per year per lot. The average density of the subdivision will be one dwelling unit for every 12.5 acres of land.

Article V, Section 8.2.1.d states that cul-de-sacs shall not be longer than 500 feet. At the closed end there shall be a turn-around having a minimum driving surface radius of at least 42 feet for roads under 250 feet long and of at least 50 feet for roads 250 feet and longer. A suitable alternative such as a hammerhead turn-around may be acceptable if approved by the Code Administrator and Fire Marshal. All turn-around areas shall be designed to protect existing vegetation and steep terrain. There shall be a minimum right-of-way diameter at the closed end of 100 feet. In low-density residential areas the length of cul-de-sacs may be adjusted by the County Development Review Committee with changes consistent with public safety factors.

This application was reviewed for the following: existing development, access, water, fire protection, liquid and solid waste, phasing plan, terrain management, landscaping and open space, archeology, signage and lighting.

Recommendation: Staff recommends final development plan and plat approval for a 16-lot residential subdivision on 202 acres subject to the following conditions. Mr. Chairman, may

I enter the conditions into the record?

[The conditions are as follows:]

1. Development Plan & Plat with appropriate signatures must be recorded with the County Clerk's office.
2. All redline comments must be addressed.
3. Water use is restricted to 0.25acre-foot per year per lot. Water restrictive covenants must be recorded by the applicant with the Plat. Each lot must install a separate water meter and report water meter readings to the Land Use Administrator annually by January 31st of each year.
4. No more than four wells shall be used to serve the 16-lot development. This shall be noted on the plat, in the Subdivision Disclosure Statement and Covenants.
5. All utilities must be underground.
6. Compliance with Article VII, Section 6.5.2b (water quality requirements) of the Land Development Code.
7. Compliance with Santa Fe County Water Harvesting Ordinance 2003-6.
8. Submit a cost estimate and financial surety for completion of required improvements as approved by staff.
9. Final homeowner documents (covenants, by-laws, disclosure statement) are subject to approval by staff and shall include but not limited to the following:
 - a) Address proposal for horses as it relates to water restrictions
10. Final plat shall include but not limited to the following:
 - a) Rural addresses and approved road names prior to recording.
 - b) Permits for building construction will not be issued until required improvements for roads, drainage and fire protection are completed as required by staff.
 - c) Common drainage ponds are utilized, except lot 6, 7, 15, and 16 must have on-site pond.
 - d) Base flood elevations for limits of the 100-year flood hazard zone.
 - e) These lots utilize a cluster well water system, individual wells are prohibited.
 - f) Prohibit driveway access off Avenida Eldorado for lots that have road frontage.
 - g) All lots are subject to Santa Fe County Fire and Rescue Impact fees. This must be clearly noted on the final plat.
11. Development plan submittals shall include the following:
 - a) Recreational trail and facilities in accordance with minimum standards.
 - b) Road section to specify 3 percent crown.
 - c) A minimum 30-foot turning radius at the intersection of Avenida Eldorado.
 - d) Submit confirmation from Eldorado water system regarding extension of fire hydrants.
12. Compliance with applicable review comments from the following:
 - a) State Engineer

- b) State Environment Department
- c) Soil & Water District
- d) New Mexico Department of Transportation (access permit)
- e) County Hydrologist
- f) Development Review Director
- g) County Fire Marshal
- h) County Public Works
- i) State Historic Division
- j) County Technical Review

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chairman, my name is Jim Siebert. My address is 915 Mercer, Santa Fe. Let me begin by addressing the issue of the road length. We originally started out with a 30,000-gallon fire storage tank and then sprinkler systems, requirements for installation of sprinkler systems at each of the individual homes. The preference on the part of the Fire Marshal was that we actually bring in Eldorado water since the Eldorado water line runs right in front of the property and use that for fire protection purposes. Russ McMillan then approached the Eldorado Water and Sanitation District and asked them if it would be permissible in order to do that and they granted that permission.

We are in agreement with all conditions as stated by staff. Let me just kind of anticipate what I expect to be a potential issue on this case and maybe address that in advance of that coming up. When Russ McMillan and his wife bought the property, this 200-acre-plus property, they did so with the knowledge that there was options in the way that they could develop it. One of those options was under the provisions of the Eldorado moratorium was to keep the density to a minimum of 12.5-acre lots, to do a geo-hydrology, to drill a well, do a geo-hydrology that indicated that there was a 100-year water supply. He has done all of those things and there is in fact a 100-year water supply available to the subdivision. It's gone through all the reviews of the Highway Department, NMED, all the archeology. We received all approvals by state agencies and approvals by County staff.

So with that, I will answer any questions you may have.

CHAIRMAN ANAYA: Any questions of Mr. Siebert?

MR. SIEBERT: I think – Russ, do you want to say something or wait? Russ McMillan would like to say a few words as the owner of the property.

CHAIRMAN ANAYA: Okay. Are you for or against this case?

RUSS MCMILLAN: I'm for the case.

[Duly sworn, Russell McMillan testified as follows:]

RUSSELL MCMILLAN: Russell McMillan, 9, Balsa Drive, Eldorado. I don't know where to start on my 30 pages of report that I want to give you tonight. Since there's nobody here I guess I have time. No. I'm kidding.

A couple of things. One, I have met with the neighbors directly across the street from the subdivision. They're all for the subdivision. There were a couple of concerns that they had,

which were houses that were in their development view corridors and I have since met with them and have since moved those houses out of their view corridor. They're also happy that it's only 16 houses. This subdivision, if the moratorium is lifted could possibly have 80 houses on it. And we're pinning it to 16 forever because I've made it that this land can never be subdivided.

Last year I was before you on another subdivision that was 200-plus acres and did a 12.5-acre subdivision with the moratorium ordinances as the way they are now and it went through. It was fine. Everybody loved it. It worked well, and we're doing it again. And I guess I would just like to say that the moratorium ordinances that are in place today and were in place when I bought this land months ago, I made and constructed my decisions of this development and made financial decisions based on the moratorium ordinances that are in place today. So I wouldn't like them to be changed mid-stream and change the playing field on me when I have met all the things that needed to be met. That's all that I'd really like to say. I'm not trying to be hard or adversarial about it. It's that I've done everything the ordinance says to be done and I have a legal right to drill these wells and continue with this subdivision. And that's all I'd like to say.

CHAIRMAN ANAYA: Thank you, Russ.

MR. MCMILLAN: Thank you.

CHAIRMAN ANAYA: Okay. Is there any comment? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question for the applicant. Was the 500-foot cul-de-sac ordinance in effect when you bought the property?

MR. MCMILLAN: It was.

COMMISSIONER SULLIVAN: Okay. So you're asking that to be increased seven-fold to 3500 feet.

MR. MCMILLAN: I'm only asking it to be increased if we me the guidelines, the Fire Department met with me and said that if I was willing to bring in Eldorado fire water they would allow that road to be at its length. If that's not acceptable I'll put in a loop road, which is what the Commission on my subdivision last year, they wanted a loop road because I was using a fire holding tank, not Eldorado water for fires. And we put in the loop road. Since then the Fire Department does not want to use those loop roads. They said that if we brought in Eldorado water, then that road's fine. I'm only doing it according to what the Fire Department wanted me to do.

COMMISSIONER SULLIVAN: Is there a letter to that effect?

MR. MCMILLAN: Yes, it's in your packet, I believe.

COMMISSIONER SULLIVAN: Is it? I didn't see that, but I may have - I saw a letter from the Fire Department.

MS. REYES: Yes, I believe this is the letter from the Fire Department. It's Exhibit F, and then it's probably the third page. Let me just double check. It's the fifth page.

COMMISSIONER SULLIVAN: Okay, my exhibit F is the Office of the State Engineer.

MS. REYES: Mr. Chairman, also, the Code allows for the length of cul-de-sacs

to be adjusted by the review committees and low-density residential developments, which this would be, low residential development is 30 lots or less, so with the review of the Fire Marshal, you would have discretion to approve the length of the cul-de-sac.

COMMISSIONER SULLIVAN: So could you point out the place where this agreement with the Fire Marshal was?

MS. REYES: Okay, it was exhibit F and it was the fifth page after exhibit F.

COMMISSIONER MONTOYA: Is it the one that says summary sheet?

MS. REYES: Yes.

COMMISSIONER SULLIVAN: Can you explain to me how that makes this recommendation that was just explained to us about deleting the tank and so forth?

MS. REYES: Mr. Chairman, Commissioner Sullivan, this is their standard letter from the Fire Marshal. This is all I've received from them.

COMMISSIONER SULLIVAN: Okay. And the reason, I'm looking also at exhibit A, letter from Jim Siebert dated September 30, 2005, and the second page it says the developer is installing a 30,000-gallon underground storage tank. This was 11 days ago.

MS. REYES: Mr. Chairman, in the beginning when they first submitted this, this was before they met with the Fire Marshal. They did propose to do a 30,000-gallon holding tank. However, the Fire Marshal, in order to give them approval for the length of the cul-de-sac, they requested that the development would extend the water line.

COMMISSIONER SULLIVAN: Okay, Now, could you point out to me where they recommend the approval of this 3,500-foot cul-de-sac. I don't see it in this summary sheet. I see "shall comply with Article IX, Section 9.03, and no building permits shall be granted until fire hydrants have been tested, and the recommendation for preliminary and final development plan approval with above conditions applied" Could you point out the 3,500 foot and that they felt that that was acceptable in lieu of the 30,000-gallon storage tank.

MS. REYES: Mr. Chairman, unfortunately, this is the letter they gave me. I did talk to a couple of them on the phone and they did say they would recommend approval of the length of the cul-de-sac with extending the fire lines, the water lines into the development. It may not be on this letter. The applicant met several times with the Fire Marshal and they may not have updated the letter.

COMMISSIONER SULLIVAN: Okay. So that must have happened all within the last ten days because this letter is September 30th, and at that point in time they were building - it says in fact the developer is installing a 30,000-gallon underground storage tank for fire protection purposes.

MS. REYES: Mr. Chairman, that's correct. The reviewing went back and forth with the fire. The applicants did meet with them. I did speak with them on the telephone that in order to get this length of the cul-de-sac this is what they would have to do. Unfortunately this is the letter that I have.

COMMISSIONER SULLIVAN: Okay. It has an agreement - I see a letter here but it says upon application - I'm back to the applicant now. Has an agreement been made with the Eldorado Water and Sanitation, signed with them?

MR. SIEBERT: Yes.

COMMISSIONER SULLIVAN: Could we have a copy of that please? I have a letter than they wrote in August.

MR. SIEBERT: Commissioner, do you have the letter dated August 18th?

[Exhibit 5]

COMMISSIONER SULLIVAN: Yes, it was just passed out. That says that they'll do it upon application. It's not an agreement. I guess it's similar to the City of Santa Fe's letters, availability letters, I guess is what I would categorize it as. I was asking for the agreement so I could see what the conditions of the agreement were.

MR. SIEBERT: What we have at this point is this particular letter and they have the engineering plan.

COMMISSIONER SULLIVAN: Okay. So there isn't yet an agreement between the developer and the Eldorado Water and Sanitation District.

MR. SIEBERT: There's no detailed signed agreement at this point. Just a commitment to provide that.

COMMISSIONER SULLIVAN: This doesn't have two signatures or anything on it. It just has a letter from the -

MR. SIEBERT: Correct. Correct.

COMMISSIONER SULLIVAN: I think as I mentioned to you, Mr. Siebert that one of the concerns I have - I was concerned with the cul-de-sac length. Certainly I have a concern also with developing, using public infrastructure to provide fire service and then you already have 8-inch lines and the fire system there in the subdivision, and you could hook up the houses as well. And in fact, there's even a provision in the moratorium ordinance that allows you to do that, by transferring the well and water rights to the applicant. So that's entirely within the Code, is it not, that the residences could be connected to the Eldorado water system under the current moratorium ordinance.

MR. SIEBERT: Commissioner Sullivan, that's correct. That's one of the options. But the other option is to do exactly what Russ McMillan has done is to do individual or shared wells on a 72-12-1 basis. If his decision was to do that, he could have higher densities up to the point that the groundwater would support it with a 100-year water supply, and if that were the case - the reason I know about this is that I've been working on Rancho San Lucas which has in fact done that, transferred in water rights, purchased water rights, transferred them in and drilled a well. If you do that, you take a whole different track. First of all, you go into a higher density and secondly, when you drill the well you have to drill it to community well standards, which is totally different from the 72-12-1 well. The Rancho San Lucas well is 1200 feet deep and has a whole different configuration to it then the well that Russ McMillan drilled.

COMMISSIONER SULLIVAN: But I understand some of the discussion has been that the applicant has offered the well to the Eldorado Water and Sanitation District, but you're saying it wouldn't meet a municipal well standard.

MR. SIEBERT: Yes, well, don't misunderstand me. Russ McMillan understands that the preferred solution would be to provide water to Eldorado water system.

And he has had discussions with them regarding that. But for him to entirely change the orientation of the subdivision to be in full compliance with the other provision of the moratorium would mean a delay of a minimum of two to three years which he just simply can't sustain at this point.

COMMISSIONER SULLIVAN: Of course if he started doing this two years ago then there wouldn't be a two-year delay, would there?

MR. SIEBERT: Well, I think he did what he was permitted to do by the Code and the provisions of the Eldorado ordinance. It's simply not a path he had taken. If he'd taken that path, my guess is that he'd have a much higher density than what you see today.

COMMISSIONER SULLIVAN: And is that bad? I mean I'm concerned with two things. I'm concerned with water and number one, using a public water system for your fire flow and then in essence going and poking a hole in the row boat and drilling water, taking water right out from underneath the water system that you're using to provide your fire flow by means of drilling for domestic wells. I'm concerned with that. But I'm also concerned with sprawl. At some point in time we've had to deal with an existing subdivision in Eldorado that was laid out and platted many years ago. But now we have new options and new abilities to have development that's more compatible with land use and water use.

And 12.5-acre lots, I know that's the minimum size that the moratorium ordinance specifies, but it seems like it's a better use of the land to have some smarter growth and more clustered development with more open space.

MR. SIEBERT: Well, that would have been an option at one point but he chose to develop his land on a provision that's fully provided for in County regulations. I understand that.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other comment? Is there anybody in the audience that would like to speak for or against this case? Hearing none, what's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval with staff's recommendation and staff conditions.

CHAIRMAN ANAYA: There's a motion. Is there a second? I'll second it. Any discussion?

The motion to approve CDRC Case #S 05-5240 with conditions passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

COMMISSIONER SULLIVAN: Mr. Chairman, I think it's totally inappropriate to approve a development with a 3,500-foot variance, or a 3,000-foot variance on a project with no documentation. This is final plat approval. This is not master plan approval. This is a seven-fold variance. This is not a minor easing of anything. I think it's a bad precedent to set and it's a continuing invitation to sprawl and a continuing invitation to free water, saying just step up to the County plate and we'll provide free water to whoever wants it,

for whatever, whether it's commercial, residential. I think it's just an extremely bad precedent.

CHAIRMAN ANAYA: Okay. Thank you for your comments. This next case, I'm going to go ahead and abstain from this case because I spoke for this case at the CDRC. So I'm going to turn it over to Commissioner Montoya.

**XIII. A. 6. CDRC Case # V 05-5410- Vista Clara Ranch Variance. Vista Clara Ranch (Kay Sandford), Applicant, Requests a Variance of Ordinance No. 2003-06 (Commercial and Residential Rainwater Catchment Systems), to allow the Applicant to Utilize an Alternative Water Conservation Method. The Property is Located off of State Road 41, North of Galisteo, within Section 25, Township 14 North, Range 9 East (Commission District 5)
[Exhibit 6: Photos of Vista Clara]**

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chairman, Vista Clara Ranch, Kay Sandford), applicant, requests a variance of Ordinance No. 2003-06, Commercial and Residential Rainwater Catchment Systems, to allow the applicant to utilize an alternative water conservation method.

On August 18, 2005, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval to allow the applicant to utilize an alternative water conservation method for the Vista Clara Ranch Resort and Spa.

On October 30, 2003 the CDRC approved preliminary development plan, with final development plan to be approved administratively for the expansion of the Vista Clara Ranch Resort & Spa. The expansion included 26 new guest units for a total of 36 guest units.

The applicant is now requesting a variance to the Rainwater Harvesting Ordinance. The applicant states that the Vista Clara ranch uses a water recycling system that recycles all of the ranches gray and black water for the ranch's landscaping needs. The applicant states that the system will eliminate the need of a water catchment system. The applicant states that the water recycling system will be used in the ranch's orchard and the ornamental landscaping. The organic garden, and the greenhouse will be the only outdoor plant life that will not be utilizing the water recycling system.

The applicant states that the treatment plant will provide an adequate amount of water to maintain the outdoor areas, including the streams and ponds. The applicant goes on to state that in this isolated case, the water harvesting requirements would be a waste of energy equipment, as well as retention of water that would otherwise be allowed to flow into the Galisteo Basin aquifer.

Recommendation: On August 18, 2005 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend

approval to allow the applicant to utilize an alternative water conservation method for the Vista Clara Ranch Resort and Spa. Staff recommends denial for the variance, based on Ordinance No. 2003-06 which states that rainwater catchment systems are required for all commercial and residential development as approved by the County. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Thank you, Dominic. Any questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

COMMISSIONER MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Dominic, how much square footage is requested for an exemption here? I can't find it. Do you have a total?

MR. GONZALES: Mr. Chairman, Commissioner Vigil, the applicant states that it's going to be about 45,000 to 50,000 square feet.

COMMISSIONER VIGIL: Okay. And what's the total square footage of the Vista Clara Ranch?

COMMISSIONER MONTOYA: Shall we get the applicant up here?

DOLORES VIGIL (Land Use Administrator): Mr. Chairman, Commissioner Vigil, it's 138.5 acres.

COMMISSIONER VIGIL: Thank you. I guess the rest of the questions I have would be for the applicants.

COMMISSIONER MONTOYA: Okay, the applicant is here. If you could state your name and address and get sworn in, please.

[Duly sworn, Kaye Sandford testified as follows:]

KAYE SANDFORD: My name is Kaye Sandford. My address is 40 Camino Vista Clara in Galisteo. 87540.

COMMISSIONER MONTOYA: Okay, Ms. Sandford, is there anything that you'd like to add to the staff report?

MS. SANDFORD: I don't think so, but I'm very open to your questions.

COMMISSIONER MONTOYA: Are you in agreement – actually, you wouldn't be in agreement with their recommendation. Let's ask Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. And Ms. Sandford, I really appreciate Vista Clara's efforts towards water recirculation. However, I guess I have a concern because this water catchment system is something that we have tried to maintain consistency with. I guess the question I have for you is what sources do you currently have for your organic garden and your greenhouse, because this water recirculation system is not going to go to that. So how are you watering everything else?

MS. SANDFORD: We have a well and actually I have a secondary well. I brought the property that Santa Fe Brewing Company used to be on, just north of us and there is an acre and a half of water rights and that's the water that we're using for our organic gardens.

COMMISSIONER VIGIL: Okay, and if you were to install water catchment

systems as is required by the ordinance, what would you use that water for? Have you anticipated?

MS. SANDFORD: It would just sit there. There's no use for it. That's actually – we came up with the treatment system that we did based on our desire to follow ecological wellness for the property and we thought and we still feel that that is the best use to recycle the water rather than catch, and then the ordinance came into play right as we got our preliminary approvals so it was a dilemma at that point. I worked with people on my team and we believe and still do that the water will just stay there, will not be used. It will just sit in the tank and then the rest of it will overflow after those tanks are filled into the aquifer. So us, it would cost us approximately \$200,000, we're not sure quite how much, to put that equipment in and there's two reasons we don't feel it's good for the environment is that it would take energy, number one, because of all the pumps required, and number two, it would be holding water that should go down into the aquifer, because we're using the recycled water up above on the property.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: No questions.

COMMISSIONER MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for staff. The applicant apparently says she has a water recycling system that produces all the water it needs, therefore it doesn't need catchment. Is that about right, Mr. Dalton?

MR. DALTON: Mr. Chairman, Commissioner Campos, that is correct. When this development came in for development plan approval the applicant was proposing to install a water treatment facility on the property.

COMMISSIONER CAMPOS: Oh, it's something they're proposing to do, in lieu of.

MR. DALTON: I believe there's one already there, but when they came in for expansion of Vista Clara Ranch they were proposing to do another treatment facility on the property. And that hasn't been constructed yet.

COMMISSIONER CAMPOS: There's one in place, and one is going to be constructed, is planned for construction and together they produce enough water to provide water for the vegetation. I assume that's all they're using it for.

MR. DALTON: Mr. Chairman, Commissioner Campos, I don't know the answer to that question. We didn't figure out those calculations, whether or not those two treatment facilities would be sufficient enough to water all the existing landscape and the proposed landscape on the property.

COMMISSIONER CAMPOS: Dr. Wust, do you have any input on this issue, using this kind of system in lieu of water catchment systems?

STEPHEN WUST (Water Resources Director): Mr. Chairman, Commissioner Campos, I haven't seen this particular one but my question to Land Use was the only way to make it viable is if they have a permitted, an approved system from the

Environment Department and apparently they do; they have a letter from the Environment Department approving this system. And the advantage of a recycled septic, a treated septic system is that it's a stable supply. That is, you're always producing water out of your septic tank so if we have a dry year, you're still getting water and that's an advantage to it. The disadvantage of course is that you have to do the whole treatment.

So it's certainly a viable system. And I haven't seen it so I haven't done the calculations on whether or not they produce enough. That would be easy enough to do because you just find out how big their septic tank is and what their monthly usage is, but I haven't been able to do that.

COMMISSIONER MONTOYA: Any other questions?

COMMISSIONER CAMPOS: But you're still taking the water from the ground as opposed to catching it from the air. You're still depleting the aquifer, aren't you?

DR. WUST: Mr. Chairman, Commissioner Campos, it's probably, you're correct, but I wouldn't use it as a comparison between a roof catchment and a septic recycled system because the water's still going to come off the roof. The water's still going through the septic so one's not taking away from the other. I think it's more valuable to actually say if they had a roof catchment could they shut that well down, the one that they're using? I don't know the answer to that because again, I haven't reviewed this one. But that would be a more viable question, is if the roof catchment could be used in lieu of something else, not in lieu of the septic tank system but because that's going anyway. And frankly, I'd rather have that recycled and used than just go into a leach field. It's actually better for the environment. But whether that roof catchment could be used anyway in lieu of say some well water, somewhere. Certainly a valid question.

COMMISSIONER CAMPOS: But that hasn't been really explored in this discussion. At least as far as you're concerned you have not explored or considered calculations or anything like that.

DR. WUST: Mr. Chairman, Commissioner Campos, no I haven't. And I haven't heard it discussed tonight.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for Steve Ross and Steve Wust. Hang around. Steve Ross, if we approve this as a variance, does it run with the land? That is, should the owner sell the property and we've approved the variance that they don't have to do a water catchment system, the new owner actually, if they have other uses for water without any kind of an increase in their square footage or any kind of a need to come before the Board of County Commission, the water catchment in fact would never be put up, correct? And I'm saying that just because it's foreseeable to me that while I think Vista Clara Ranch should stay there forever and the owner should maintain it, it's possible that this land and this property could be sold and somebody could purchase it who doesn't have the ecological and environmental sensitivity that the current owners have. Follow me?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I do. I'm just thinking through the practical difficulties inherent in a temporary variance which this would be, I guess. You would grant the variance only while the current owner owns the place and then thereafter the variance would go away. I guess it presents some practical difficulties if they're constructing some buildings now and this system would have to be a part of that construction project. I suppose that could create some practical difficulties for an owner coming in later to retrofit. And we could probably devise something that would work. We'd have to think about it.

COMMISSIONER VIGIL: Okay. I'd really like to be able to help Vista Clara out but Steve, I'm a little concerned that you didn't have an opportunity to do some kind of analysis for a recommendation on this particular project, because I think we have to carefully analyze all of the options available to applicants and really look at providing variances to water catchment systems. The last case we had, the applicant came before us and made a strict determination that there was no need for a water catchment system and we denied that because I think there's a desire to recognize that we have to maintain some consistency, particularly when it comes to our water issues.

My sense is, Mr. Chairman, I would prefer to table this to have our hydrologist do an analysis. And I don't know, Steve, if you feel you could do any more than what you've provided for us this evening. Do you?

DR. WUST: Mr. Chairman, Commissioner Vigil, I could. As I say, I wasn't asked to review it so I've actually never seen it but I could easily calculate the amount of water that would come off the roof so we could talk about sizing because you ask yourself how much water. I could also provide a commentary on the probability that water running off the roof would actually end up recharging the aquifer or become runoff to the creek, which is also valuable, but it would provide some additional information. A question I would have, if you'd like me to do an analysis is the likelihood, the possibility that the well with the water rights is being used in lieu of the roof catchment might itself get sold off in the future and therefore is not available anymore and then the roof catchment itself is not available.

I believe I remember the one you discussed and I think that was the Agora shopping center. And I think the decision on that was the new construction needed a roof catchment but they didn't have to retrofit existing buildings. And that's certainly a possibility here but since I haven't done anything there are certainly some things I could do if you'd like me to.

COMMISSIONER VIGIL: Mr. Chairman, I'd like to move to table this case until we actually receive our hydrologist's recommendation.

COMMISSIONER CAMPOS: I'll second that.

COMMISSIONER MONTOYA: There's a motion to table and a second.

The motion to table failed by a 2-2 tie vote with Commissioners Montoya and Sullivan voting against.

COMMISSIONER SULLIVAN: Motion fails. Mr. Chairman.

COMMISSIONER MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This variance is a public hearing, right?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: So we haven't had a public hearing yet, have we? Or did we? Did I miss the public hearing?

COMMISSIONER CAMPOS: But we can have a motion to table before a public hearing.

COMMISSIONER MONTOYA: Right.

COMMISSIONER SULLIVAN: I think any time, particularly given the quality of some of the development proposals that I've seen here at this Commission, any time we can get a sequencing batch reactor treatment plan with Class I-A irrigation as a result, it doesn't get any better than that, quite frankly, in terms of protection of the environment. As Steve mentioned, in terms of reliability of the water to irrigate with. I'm perfectly comfortable with this option. I've been a stickler for having the documentation and we don't have the puffery here; we actually have a permit. This is a permit from the Environment Department. This is the real thing. You don't see that in these development proposals. You don't see a permit. You don't know what you're going to get by the time it's built.

I think this is a viable alternative. I don't think it's similar to the one we rejected before which they were saying we don't need it because we're not going to put any shrubs in and because we have a well to irrigate what we need. Well, the idea of the rooftop collection was to obviate the need for the well. And on the Agora, as Mr. Wust says, they did have to provide catchment for the new construction but not for the existing. So I would ask for your reconsideration on this. I think whether the water goes back into the aquifer or goes back into the river is immaterial; both are beneficial. And we're interrupting the stream of natural flow which is what the catchment ordinance does, but in this case we've provided a viable alternative and the alternative is not a do-nothing alternative. The alternative is we've done something and it's estimated to cost - I forget. I think it was \$300,000. So I would encourage the Commission to reconsider and ask any additional questions that you might have of the applicant. It seems to me like a pretty sweet system.

COMMISSIONER MONTOYA: Okay. Any question for Ms. Sandford?

COMMISSIONER CAMPOS: I have a question for Commissioner Sullivan.

COMMISSIONER MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Wouldn't it be better to encourage collection of rooftop water, use that water solely for the development and avoid taking water out of the ground if we could do that? Wouldn't that be the preferable alternative? Especially in this basin where it's fairly dry.

COMMISSIONER SULLIVAN: My understanding is that they have a water budget and that they're taking both black and gray water.

COMMISSIONER CAMPOS: I understand that.

COMMISSIONER SULLIVAN: And so that's water that's going to be utilized regardless. Black and gray water is going to be utilized regardless, not for landscaping but for human uses. So that water's going to be taken from the groundwater regardless. The only question now is what you do with it. And if you put it into a septic tank and a leach field, which is of no use, and ultimately evaporates to the atmosphere, or do you use it to irrigate your landscaping instead of the roof water.

COMMISSIONER CAMPOS: That's not the question I don't think.

COMMISSIONER SULLIVAN: Maybe I misunderstood.

COMMISSIONER CAMPOS: Can you avoid – wouldn't it be preferable to avoid use of well water and strictly rely on roof catchment? If that's possible because of the size of the development, the square footage of the roof. To entirely replace the need for well water. Isn't that a preferable option?

COMMISSIONER SULLIVAN: Our ordinance doesn't require that water catchment be used for potable use, only for landscaping. So the only way you could do what you're suggesting is if we took rooftop catchment and used it for potable, which you can't do because it doesn't meet drinking water standards.

COMMISSIONER CAMPOS: Well, there are treatment systems that do. Other states certainly do it.

COMMISSIONER SULLIVAN: Well, again, you're getting pretty far away from the ordinance. Our Water Harvesting Ordinance doesn't require that they treat the water for potable uses.

COMMISSIONER CAMPOS: No, it doesn't. I'm just saying as a principle, isn't that the preferable route? You could actually treat it and use it completely as opposed to extracting it from the ground.

COMMISSIONER SULLIVAN: Oh, I guess theoretically I could agree with that. I don't know realistically if that could be done on a project of this size.

COMMISSIONER CAMPOS: We haven't analyzed that. But of course the question here, they've made a huge investment here already and don't want to make an additional investment. That is really their argument.

COMMISSIONER SULLIVAN: I think they're making – let me clarify this. Ms. Sandford, you're making an additional investment, are you not, of \$300,000?

MS. SANDFORD: It's \$450,000 actually.

COMMISSIONER SULLIVAN: It's gone up.

MS. SANDFORD: Well, that's just how much it is. And we did make a sizable investment in the ecology and the wellness of the land. But I think more than that, we had, Commissioner Campos, we did talk about that because that would be the ultimate, would be to collect water, treat it and use it inside. The problem with that is it's not a consistent source. We would have to have such huge tanks but then you get into – it just wouldn't make any sense because of the money. Unfortunately it got past maybe \$750,000 to put tanks in the ground and I don't know if I think that's very environmental either.

COMMISSIONER CAMPOS: Well, the other option is to use well as a

supplement, only as a supplement.

MS. SANDFORD: To use well water as a supplement to the water that you catch? That's a possibility. It's something I think we did look at. We did not feel that it was a plausible method for us. Mostly just because of the unpredictability of the water source over the period of the last seven, eight years.

COMMISSIONER CAMPOS: Using the well as a supplement source takes care of that problem.

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner, then we're using more well water. That supplement is over and above what they're routinely using for dishwashing and flushing and personal uses. Even if you only use that well as a supplement. That supplement is that much more than the base use. So you're extracting more from the aquifer if you do that, as I understand what you're suggesting.

COMMISSIONER CAMPOS: I don't agree with that. I don't know what you're assumptions are.

COMMISSIONER SULLIVAN: My assumptions are, correct me if I'm wrong, Ms. Sandford, is that the only water that they're using is for any landscaping will be water that comes from the gray and black water with the exception of the organic, the acre or acre and a half vegetation.

COMMISSIONER VIGIL: And the greenhouse, correct?

MS. SANDFORD: The greenhouse, which is small. We were not allowed to. Frankly, we would and they think maybe in a year or two we will get approval for that, but they want us to go two years before they take a look at that at the Environmental Department. Right now, we will be extracting about 11 acre-feet, which is less than what we have been as a smaller resort from the well, and we will be recycling that and getting about ten acre-feet back and that's what we're using on our landscape. Ten acre-feet.

COMMISSIONER VIGIL: Mr. Chairman, Ms. Sandford.

COMMISSIONER MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: How do you respond to the Commission entertaining the possibility of a temporary variance? That is, it runs with your only as the owner and once this turns over to a new ownership - I'm going to really have to rely on legal for this but my sense is it would be a variance provided for you as the owner and once a new owner came in, that owner would have to come and reapply for a variance. And I know that that's not the procedure or the way the actual request is being made but how do you respond to that?

MS. SANDFORD: That would be fine. I'm not going anywhere, so I would be fine with that. I do feel, if I understand correctly, and I may be wrong. I may have to ask legal for advice, but I think that the approval that we received from the Environmental Department, everything is set up and this is the way we were approved and I don't think a new owner could come in and change those approvals, as far as I understand on our master plan. Is that correct?

COMMISSIONER MONTOYA: Well, I think the thing that would change for a new owner is they would have to come back and probably put in a catchment system. Is that what you're referring to?

COMMISSIONER VIGIL: That's what I'm recommending. And perhaps the new owner, Ms. Sandford, would not want to be as I said, ecologically and environmentally conscientious as you are, and despite all the efforts that you've put in, they may want to come in and it's foreseeable, and dig a well, depending on what the intent is of that purchase. I don't know.

MS. SANDFORD: I don't think they could, legally, just because all of our approvals thus far are based completely on everything we've submitted including our environmental permit. They would have to go back and go to the Environmental Department. They would still have to go back anyway. They would never be able to do it anyway. I think it is temporary. Anybody who came in and tried to change what we've done I think would have to come back. That's what I think. If they want to change anything, they're not allowed to. This is the way the permit's been drawn up. The way our approvals are. But I'm fine with it if you'd like to do it.

COMMISSIONER VIGIL: Steve Ross, is it possible to fashion a condition of approval temporarily with the current owner and have it terminated should the property be sold to a new owner?

MR. ROSS: Mr. Chairman, Commissioner Vigil, sure.

COMMISSIONER VIGIL: Okay.

MR. ROSS: Would you like us to take a stab at that.

COMMISSIONER MONTOYA: Okay, while legal takes a stab, any other questions for Ms. Sandford? This is a public hearing. Is there anyone wishing to speak for or against this case.

[Duly sworn, Mike Anaya testified as follows:]

CHAIRMAN ANAYA: My name is Mike Anaya. I live at 715-C Via Anaya Road in Stanley, New Mexico. You all are getting me nervous up there. So did we take it off the table?

COMMISSIONER MONTOYA: That motion failed.

CHAIRMAN ANAYA: I usually don't come here and speak for a developer but Kaye Sandford, and I don't even consider her a developer but Kaye Sandford has been a good steward of the land in the Village of Galisteo. She's always tried to do the right thing and has done the right thing in my book, and for the people in the community of the Village of Galisteo, always willing to help. So I just strongly support what she's trying to do out there and I think she's done a wonderful job and she will continue to do a wonderful job. Thank you, Commissioners.

COMMISSIONER MONTOYA: Okay. Anyone else wishing to speak for or against? Okay. The public hearing is closed. What are the wishes of the Commission? Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. I don't think a temporary variance is legal, frankly.

COMMISSIONER MONTOYA: I think that it would be difficult.

COMMISSIONER CAMPOS: I think a variance has to run with the land and

I'm just not sure it can be made legal.

COMMISSIONER MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, while we're waiting also for Mr. Ross to come up with some ideas, Commissioner Campos, can you explain to me what it is that you're recommending that would be a better water conservation arrangement than what the applicant is proposing?

COMMISSIONER CAMPOS: You know, like you said, it's a good proposal as far as large treatment, reuse, it's great. But if you have a better alternative like collecting water, using water in lieu of groundwater, at least theoretically, that's a better option. That's what I'm suggesting that we discuss as a general principle and that's as far as I've taken in.

COMMISSIONER SULLIVAN: Okay. I'm certain that if you collected the water, that wouldn't be enough. 50,000 square feet and we only get 14 inches a year. You'd have to spend a great deal of money. Stephen Wust could give us that figure in a minute, how much water you'd collect. I'm certain it wouldn't be enough. So you would need then to supplement that with well water. And that would be additional well water, over and above your domestic use. It seems to me that that would deplete the aquifer more. You can't rely on 11, 12, inches of rain a year to irrigate all of the landscaping and 130 acres of property. There's not enough water. It's like golf courses can't rely on that or they can't even rely on effluent to irrigate. So I just feel you would be pumping more water in the end.

COMMISSIONER CAMPOS: The argument that's being presented is that they take out ten. Is that right?

COMMISSIONER SULLIVAN: They take out 11 -

COMMISSIONER CAMPOS: Eleven and put back ten, so a net use of one acre-foot per year, right?

MS. SANDFORD: We anticipate only using ten percent. We're taking out 11 and then recycling and then we'll have ten.

COMMISSIONER CAMPOS: You produce ten of water you can use as effluent for watering of gardens and vegetation.

COMMISSIONER SULLIVAN: Treating and collecting the rain at the limited amounts we get is going to require supplemental pumping.

COMMISSIONER CAMPOS: Probably. Maybe you're right.

COMMISSIONER SULLIVAN: That supplemental pumping would be over and above what the domestic use is. That's where I'm coming from. So if we require them to use the catchment, then they would delete the irrigation system, but they would have these other - I mean they would delete the treatment system, save that \$450,000 and then they would be pumping more water out of the aquifer and storing it and treating it. That seems to me like a) a more expensive alternative, but b) one where we're more.

COMMISSIONER CAMPOS: Perhaps.

COMMISSIONER SULLIVAN: I can't see any other way around it.

COMMISSIONER CAMPOS: We haven't had the analysis done. You may be right.

COMMISSIONER SULLIVAN: Well, let me ask Mr. Wust. You've got 50,000 – how many square feet of roof? 50,000 square feet of roof. How much water is that going to give us in a year?

DR. WUST: I'm not as good as math as you are, Commissioner Sullivan. Well, basically, a good way to do it quickly is assume about 12 inches of precipitation per year, makes a nice one foot, so that's 50,000 cubic feet of water, and I don't have in my head the conversion between that and acre-feet. But that's the easiest way to do it really quickly, if I had that conversion.

COMMISSIONER SULLIVAN: Cubic feet to acre-feet? There's 43,560 square feet in an acre, so there's 43,560 cubic feet in an acre-foot. Is that correct?

DR. WUST: Approximately. A little over an acre-foot.

COMMISSIONER SULLIVAN: So a 50,000 square foot roof will get you an acre-foot of water over a year. That means they'll have to pump an additional nine acre feet to make up the ten that they're going to use. Plus or minus.

DR. WUST: You assume there are some losses and things like that.

COMMISSIONER SULLIVAN: I don't think we're even close. If we were close I'd say let's do some more analysis but I think it's far from close. It's ten acre-feet versus one acre-foot.

COMMISSIONER VIGIL: Do you agree with that, Steve?

DR. WUST: I agree that I followed his reasoning. I think that's reasonable to say. It sounds like, from the size, it's about roughly an acre-foot. Let's say, be optimistic, 1.5 acre-feet if we get a little more precipitation coming off that roof. And that would be it for the catchment system. And in a drought year – a couple of years ago we had, what? Eight inches? Seven inches of precipitation? It could be very small, but again, the recycled septic system, that's constant. As long as Vista Clara Ranch is being used they're putting out water and therefore it's a much more stable supply and that is one of the great advantages of it.

COMMISSIONER MONTOYA: Okay, so after a little bit of point and counterpoint –

COMMISSIONER SULLIVAN: Mr. Chairman, let me make a motion for consideration by the Commission for approval of the variance for Case #V 05-5290.

COMMISSIONER CAMPOS: Is that the only issue? No conditions, right? That's the only issue.

COMMISSIONER SULLIVAN: No conditions, that's the only issue.

COMMISSIONER CAMPOS: I'll second it.

COMMISSIONER MONTOYA: We have a motion and a second by Commissioners Sullivan and Campos.

COMMISSIONER VIGIL: I think one of the conditions that I asked is to fashion a condition that this would be a variance that would only go to this owner. Do we have any language on that, Steve?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I fashioned the following language while we were talking. The variance shall be temporary and shall expire upon sale or

conveyance of the subject property and subsequent owners of the property shall be subject to Ordinance No. 2003-06, as amended, and shall be required upon sale or conveyance of the property to provide an appropriate retrofitting to the property.

COMMISSIONER VIGIL: That sounds good to me. And you do agree to that condition?

COMMISSIONER CAMPOS: I won't support it.

COMMISSIONER MONTOYA: Do you want to make another motion?

COMMISSIONER SULLIVAN: No, I would stay with my original motion.

COMMISSIONER MONTOYA: And the seconder. Okay. Commissioner

Vigil.

COMMISSIONER VIGIL: That was my recommendation.

The motion to approve CDRC Case #V 05-5290 passed by majority 3-1 voice vote with Commissioner Vigil voting nay and Commissioner Anaya recused.

- XIII. A. 7. CCDRC Case #MIS 05-5250 – Mesa Vista Master Plan Amendment. Mesa Vista Development, Steve Dennis, Applicant, James Siebert, Agent, Request a Master Plan Amendment to Allow 10 Commercial Lots on 5.57 Acres. This Request Also Includes the Modification of the Existing Use List to Include Office, Warehouse and Distribution. The Property is Located West of NM Highway 14, North of the US 599/HWY 14 Intersections, within Section 8, Township 16 North, Range 8 East (Commission District 5)**

MR. GONZALES: Thank you, Mr. Chairman, Commissioners. Mesa Vista Development, Steve Dennis, applicant, James Siebert, agent, Request a master plan amendment to allow 10 commercial lots this request also includes the modification of the existing use list to include office, warehouse and distribution.

On September 1, 2005, the Community College District Development Review District met and acted on this case. The decision of the CCDRC was to recommend approval for master plan amendment, permit ten commercial lots with a total building area of 58,338 square feet on 5.57 acres, as well as to modify they use list to include office, warehouse and distribution.

On December 14, 1999 the Board of County Commissioners granted preliminary development plan and final development plan approval for Phase I of the Mesa Vista Business Park. The applicant is requesting a master plan amendment to the previously approved development Plan. The property is located within a designated Employment Center Zone. This request will include 10 commercial lots with a total building area of 58,338 square feet.

This application was reviewed for the following: existing conditions and zoning, lot coverage, access and parking, terrain management, water, fire protection, liquid and solid waste, signage and lighting, landscaping, open space.

Recommendation: The proposed master plan is in conformance with the Extraterritorial Subdivision Regulations and the Community College District Ordinance. On September 1, 2005, the Community College District Development Review District met and acted on this case. The decision of the CCDRC was to recommend approval for master plan amendment to permit ten commercial lots with a total building area of 58,338 square feet on 5.57 acres, as well as to modify they use list to include office, warehouse and distribution. Staff recommends approval for the master plan amendment subject to the following conditions. Mr. Chairman, may I enter these conditions?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Hydrologist
 - e. Development Review Director
 - f. County Public Works
 - g. County Technical Review Division
 - h. County Fire Marshal
 - i. County Utilities Department
2. The master plan will be recorded with the County Clerk's office.
3. All Staff redlines will be addressed, original redlines will be returned with final plans.
4. The applicant shall comply with the water harvesting requirements of Ordinance 2003-6. A water-harvesting plan shall be submitted with the final development plan application.
5. The applicant shall comply with all Fire Marshal requirements. The applicant will request a final fire inspection prior to occupancy of the building.
6. A detailed signage and light plan shall be submitted prior to final development plan.
7. Address compliance with requirement for park Area consisting of a minimum of .33 acres, with benches and landscaping.
8. Road frontage landscaping shall be 50 percent evergreen.
9. The maximum uninterrupted length of proposed building façade shall be 50 feet.
10. Access permits from DOT must be submitted prior to final development plan approval.
11. An updated TIA must be submitted prior to Final Development Plan Approval.
12. The applicant shall participate in a CCD-wide infrastructure extension policy for infrastructure improvements, operation and maintenance.
13. The applicant must submit water and sewer availability statements and/or service contracts

to final development plan submittal.

14. The applicant must meet conditions imposed at the December 14, 1999 BCC meeting; condition #8 of those previous conditions is modified to read "All lots are restricted to .338 acre-feet per year. Water restrictive covenants will be required at master plan. The total development shall not exceed the 3.68 acre-feet as approved by the City and Sangre de Cristo Water Company".

MR. GONZALES: Also, Mr. Chairman, we do have a letter I need to pass out. It is from, it's clarification from the applicant's agent as well as the City of Santa Fe. The Community College Development Review Committee had a few questions regarding the water and that letter is to clarify questions raised by them.

COMMISSIONER MONTOYA: Any questions for staff, for Domenic? Okay. Thank you. Is the applicant here, Mr. Siebert?

[Previously sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert. My address is 915 Mercer and I was previously sworn. Mr. Chairman, Commissioners, what's happened here is originally we began this process back in the 1990s for the master plan, the preliminary development plan and even the final development plan for phase 1. At that time, Steve and Joyce Dennis, whose business is Mesa Steel planned to expand their business into a larger building. At the time they were doing large-scale steel construction, for example did the Isotope Stadium in Albuquerque.

Then at a certain point they decided to change their business plan and instead of doing large-scale steel structures to do smaller work and actually move to a different location in a smaller building. So the plan that we've presented to you is instead of having one large building that was originally going to be the Mesa Steel building, we now have three smaller buildings and the general complexion of the park, it's now more of a office and business park similar to what's at Turquoise Trail Business Park.

The other thing that's changed, before we were always on City water. It's now – and it was going to be sewer by lifting the sewer to the County's wastewater plant. The City made a requirement that it had to be lifted to the City wastewater plant and in fact there was a sewer line that's already been installed that goes over to the City wastewater plant. There's a provision on this property that they'll be tying into a manhole which will then be part of the lift system taking it over to the City's wastewater treatment plant.

We're in agreement with all conditions as stated by staff and I'll answer any questions you may have.

COMMISSIONER MONTOYA: Okay, any questions for Mr. Siebert?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jim, since long cul-de-sacs don't seem to be a problem with the Commission, you're requesting a variance to the cul-de-sac requirement here also, right?

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: And how long is it?

MS. SIEBERT: How long is the variance?

COMMISSIONER SULLIVAN: How long is the total cul-de-sac?

MR. SIEBERT: I believe it was on the order of 1900 feet, something like that.

COMMISSIONER SULLIVAN: Is there, again, I don't see any Fire Department review in here in that respect, but is there a possibility of providing a secondary access out onto 14 that would only be for emergency vehicles?

MR. SIEBERT: I think we could certainly look at that, and then we have a whole variety of options in terms of how to manage the gates. We've dealt with the Fire Marshal's office on that in the past.

COMMISSIONER SULLIVAN: I see, and I'm looking at your plat - these need to be sealed by the way. He has lots 8, 9, and 10 there on the south end, and you have a driveway going into them, and it looks like it wouldn't be very difficult to continue that driveway on through lot 10 and provide an emergency - you know, with the Knox lock there on 14 that - just in the event there was some blockage of the main access, whatever that blockage might be. Maybe a burning car. That may be the reason for the fire thing. Or something of that nature. You would have a secondary access, which would then make this essentially into a loop.

MR. SIEBERT: We'd agree to that as an additional condition of approval.

COMMISSIONER SULLIVAN: That's the only question I had, Mr. Chairman.

COMMISSIONER MONTOYA: Okay. Any other questions for the applicant?

Hearing none, this is a public hearing. Anyone wishing to speak for or against this project, please come forward. Seeing none, what would the Commission like to do? This is a staff recommendation of approval for master plan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd move for approval with the additional condition of a secondary limited emergency access to be added at a location, acceptable to the Fire Marshal.

COMMISSIONER CAMPOS: Second.

COMMISSIONER MONTOYA: Have a motion by Commissioner Sullivan with an additional condition, second by Commissioner Campos. Any discussion?

The motion to approve CCDRC Case #MIS 05-5250 passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 8:15 p.m.

Approved by:

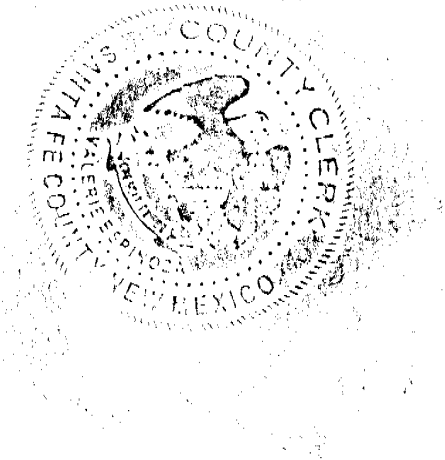

Board of County Commissioners
Mike Anaya, Chairman

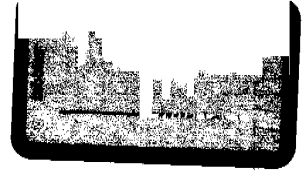
Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK





October 11, 2005

Dear Chairman Anaya and Commissioners,

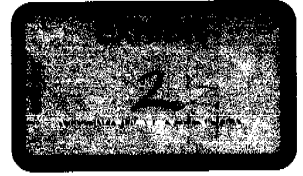
Residents of the San Marcos District and the San Marcos Planning Committee wish to request that the Board of County Commissioners hold a public hearing to discuss the proposed commuter railroad, intended to connect Albuquerque and Santa Fe. We are concerned that there is limited time available to express the views of County residents and that residents have not been consulted. Further, we sense that existing political pressures have so far not allowed adequate public comment and fear that inappropriate plans for the portions of the County affected may proceed without citizen consultation.

Having attended the public meetings sponsored by the New Mexico Department of Transportation (DOT) concerning their "Preferred Alternative" analysis and having discussed the matter within our community over the past several months, we offer the following concerns (among others) which we would like discussed more fully at a public hearing:

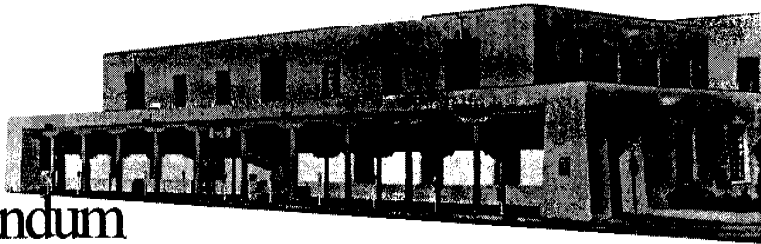
1. The DOT estimates that the preferred alternative, the "Community Line", would cost **\$100 million more** than using the existing track through the population centers of Cerrillos, Lamy, and Eldorado. Is the savings in time associated with the Community Line worth the cost, both in dollars and environmental impacts, of new construction?
2. **The proposed Community Line bypasses our rural communities and the population along U.S. South 285, where alternatives to automobile transportation are needed.** County residents will not directly benefit from the rail service as it is intended strictly to get riders between Santa Fe and Albuquerque. Wouldn't using the existing line make more fiscal sense and better serve County residents?
3. We have serious concerns about the fiscal implications of constructing and running the Community Line. Has adequate research been done concerning ridership, cost of tickets, and to what degree the service will have to be subsidized? Shouldn't the public be informed about the tax implications of accepting federal grant money? **In the future, will New Mexicans be asked to increase gross receipts and other taxes to fund the Commuter Rail?**
4. Governor Richardson continues to promote the movie industry in New Mexico as a key component of economic development. As planned, the Community Line will bisect the **Bonanza Creek Ranch which provides a location and set for the majority of the films made in the state.** It would also disrupt the only working cattle ranch immediately south of the city of Santa Fe. What amount of revenue to the state will be lost with the loss of this facility? In addition, there is the very serious concern about the fact that the owner of the Bonanza Creek Ranch has not been consulted in planning the rail route through nearly six miles of his property.

FILE COUNTY 11/17/2005

SANTA FE COUNTY TREASURER



Victor A. Montoya
Treasurer



Dean A. Milligan
Chief Deputy

Memorandum

To: Santa Fe County Board of Finance
From: Victor A. Montoya, County Treasurer
Date: 10/11/2005
Re: Santa Fe County Treasurer's Investment Plan

SANTA FE COUNTY 11/17/2005

This memorandum is being submitted to you to present the Treasurer's investment plan for the foreseeable future and to seek approval in accordance with Santa Fe County's Investment Policy, Resolution No. 2004-107.

Recently, the State Treasurer's Office made the headlines regarding the use of investment brokers in their office during an FBI investigation followed by indictments handed down for the current State Treasurer and his predecessor. This caused me and the Director of Finance a great deal of concern since almost all of the County's funds have been invested and managed at the Local Government Investment Pool for the past several years and long before I became County Treasurer. I want to inform you that the State Treasurer's Office provided my office with the following press release on September 21, 2005, a copy of which is attached for your information. Basically, the press release states the following:

1. Funds are being invested safely, prudently, and in accordance with the Investment Policy approved by the State Board of Finance.
2. There have been no allegations of misappropriation of funds in the Local Government Investment Pool (LGIP).
3. Assets in the LGIP are comprised of government agency securities of the highest quality rated AA and AAA securities, investment grade commercial paper, and certificates of deposit. Overnight repurchase agreements and flex-repurchase agreements are invested with large national firms with solid credit ratings collateralized at over 100%.

October 11, 2005

SANTA FE COUNTY 11/17/2005

4. Finally, there are no long-term investments in the LGIP, the average maturity is less than one year, and to meet the liquidity requirements of the participants, the average term of investments is 33 days.

Susan Lucero, Finance Director and I met to discuss the serious allegations involving the State Treasurer and what course of action we should take if any, with our \$66,159,402.10 invested in the LGIP as of September 30, 2005. Susan and I are in agreement that we should monitor our investments at the LGIP closely and look at diversifying further as we identify other secure investments. We estimate that we could reasonably invest approximately \$20 to \$25 million from the balance in the LGIP, in certificates of deposit, government bonds and treasury bills. The \$20 to \$25 million in addition to what we currently have invested would amount to \$27.4 to \$32.4 million separate and apart from the LGIP.

My investment plan is to construct a portfolio that contains safe and liquid investments that are diversified to protect our fund, and that are fully collateralized as provided for in our investment policy. **I will meet with the Investment Committee and ask them to consider making investments that benefit our local economy here in Santa Fe County that will assist banks and credit unions with the ability to provide mortgage loans, auto loans and construction financing to our county constituents.**

To illustrate, I am currently working with the following banks:

1. **First State Bank:** Our custody bank has submitted an application to the Investment Committee asking us to consider them as a Financial Depository Institution. However, their proposed rates on \$5 million are not as competitive as the Los Alamos National Bank and I am still negotiating with them for more competitive rates. Additionally, we set up a repo account with our custody bank on all our overnight deposits, which are currently yielding the fed funds rate of 3.5% less .25%. The 3.25% beat the LGIP rate, which only yielded 3.17% in September. There is a good chance that fed funds rates could be raised another .25% before the end of the year, if that happens our overnight repo accounts could go up to 3.50%.
2. **Los Alamos National Bank:** This bank received Financial Depository Institution status from the County Board of Finance at their August meeting. I am happy to report that I will be advising the Investment Committee on October 13, 2005, that we should invest another \$3 million with LANB to be fully collateralized with an irrevocable letter of credit from the Federal Home Loan Bank. LANB has offered some very competitive rates as follows: The 12 month CD @ 4.40% or 123 basis points more than the LGIP yielded in September; the 24 month CD @ 4.55% or 138 basis points over the LGIP; and the 36 month CD @ 4.75% or 158 basis points over the LGIP.

October 11, 2005

3. **Wells Fargo Bank:** This bank has also expressed an interest in investing money for us in CD's however, their proposed rates have not been very competitive and I am still negotiating with them for more competitive rates. Hopefully this process will result in a meaningful presentation to the Investment Committee.
4. **State Employee's Credit Union:** We have just invested \$200,000.00 with them at 4.50% for 36 months with no prepayment penalties in the event we need our funds. Both of these CD's are fully insured by their version of the FDIC.

In regards to government bond investments (callable agencies) I have developed a **Broker/Dealer Questionnaire** that all brokers must fill out and complete before we invest in any of their bonds. This questionnaire was distributed to the Investment Committee. I propose that any investments made in callable agencies be short-term going out no further than 30 months because of what appears to be a rising interest rate environment.

Finally, I am also looking at purchasing **Treasury Bills** direct from the U.S. Government. These investments could be laddered to meet our county expenditures. Although briefly discussed with Susan Lucero this item has not been discussed with the Investment Committee. By laddered, I mean investments that are structured to mature in 30 day, 60 day, 90 day, six months, nine months, etc., these would also be short-term duration and purchased for safety, liquidity and diversification.

In closing, I have attached a copy of all our investments CD's, Government Bonds, and the Local Government Investment Pool made to date. These investments show the principal investment, the effective annual interest rate, the term, and maturity date and how we receive the income.

Please note that the County Treasurer's Investment Committee has been meeting regularly since April 2005, I present an agenda to the Committee each month that includes accomplishments and minutes from the prior month. I strive to keep the Committee informed by having our local banks and other entities make presentations to the committee on how they intend to use County funds to improve the economy of Santa Fe County. I wish to thank the Investment Committee for their hard work and commitment to attend these monthly meetings. I know they have many commitments and obligations they have to attend to on behalf of the County.

Mr. Chairman and Commissioners that concludes my presentation. Thank you for your kind attention and I make myself available to any questions you might have.

SANTA FE COUNTY 11/17/2005



STATE OF NEW MEXICO
OFFICE OF THE TREASURER

2019 Galisteo Building K
P.O. Box 608
Santa Fe, New Mexico 87505

Phone: (505) 955-1120
FAX: (505) 955-1195

Robert E. Vigil, CPA
State Treasurer



L. Elaine Olah
Deputy State Treasurer

Ann M. Gallegos
Asst. Deputy State Treasurer

RECEIVED 11/17/2005

September 21, 2005

FOR IMMEDIATE RELEASE

Contact: Jodi McGinnis Porter
505.955.1172

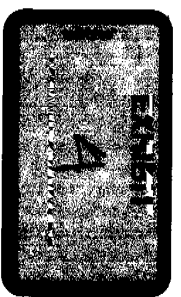
INVESTMENTS SECURE

In light of current events, the New Mexico State Treasurer's Office understands that the public has concerns about the State's investments. The Office would like to assure the public that the money is being invested safely, prudently, and in accordance with the Investment Policy approved by the State Board of Finance. There have been no allegations of misappropriation of funds. Of particular interest is the Local Government Investment Pool (LGIP). Assets in the LGIP are comprised of government agency securities of the highest quality rated AA and AAA securities, Investment Grade Commercial Paper, and Certificates of Deposit. The Overnight (O/N) Repurchase agreements and the FLEX-Repurchase agreements are invested with large national firms with solid credit ratings collateralized at over 100%. The yield for the LGIP has continued to increase for the last three months:

June yield 2.5125%
July yield 2.7218%
August yield 3.0017%

Lastly, there are no long term investments in the Local Government Investment Pool. The average maturity is less than one year, and in order to meet the liquidity needs of the participants, the average term of investments is 33 days.

SANTA FE COUNTY 11/17/2005
SANTA FE COUNTY TREASURER'S REPORT



CERTIFICATES OF DEPOSIT

Purchase Date	Description	Principal Amount	Effective Annual Interest Rate	Term	Maturity Date	Interest Check to be Paid
	CD active for 7/1/04 thru 2/28/05 @ 2.0%, Renewed 3/1/05 @ 3.25%					
6/25/2004	Guadaluppe Credit Union - CD, #11034009	\$ 100,000.00	4.00%	1 yr.	6/26/2005	Monthly
3/1/2005	First State Bank - CD, #356132548	\$ 100,000.00	3.25%	1 yr.	3/1/2006	Quarterly
8/4/2004	Merrill Lynch - Acct #456-02006 - thru Capital One Bank	\$ 100,000.00	3.35%	2 yrs.	8/4/2006	Monthly
9/29/2004	Merrill Lynch - Acct #456-02006 - thru Lehman Bros. Bank	\$ 99,000.00	2.10%	1 yr.	9/29/2005	Yearly
10/1/2004	Omni National Bank - Acct #4002445599	\$ 99,000.00	3.44%	2 yrs.	10/2/2006	Monthly
10/28/2004	Advanta Bank Corp. - Acct #350 8/4/05 @ 3.50%, Renewed as of 11/2/2004	\$ 99,000.00	3.30%	2 yrs.	10/30/2006	Monthly
11/2/2004	MarqBank - Acct #0000010534; #0030489135 below as of 11/2/2004	\$ 99,000.00	3.03%	18 mos	5/2/2006	Monthly
11/2/2004	Metropolitan Nat'l Bank - Acct #0 8/5/05.	\$ 99,000.00	3.03%	18 mos	5/2/2006	Monthly
11/2/2004	Vision Bank - Acct #71741	\$ 99,000.00	3.04%	18 mos.	5/2/2006	Monthly
11/17/2004	Mult-Bank Securities - Acct #14020317 - thru Riggs Bank	\$ 97,000.00	3.30%	2 yrs.	11/17/2006	Semi-Annually
3/9/2005	Los Alamos National Bank - Acct #0030489130 (Closed)	\$ -				
4/26/2005	Charter Bank - Acct #61021542	\$ 100,000.00	4.00%	19 mo.	11/26/2006	Monthly
8/5/2005	Los Alamos National Bank - Acct #0030489131	\$ 1,000,000.00	4.40%	24 mo.	8/5/2007	Monthly
8/5/2005	Los Alamos National Bank - Acct #0030489132	\$ 1,000,000.00	4.65%	36 mo.	8/5/2008	Monthly
8/5/2005	Los Alamos National Bank - Acct #0030489133	\$ 1,000,000.00	4.90%	48 mo.	8/5/2009	Monthly
8/5/2005	Los Alamos National Bank - Acct #0030489134	\$ 2,000,000.00	5.40%	60 mo.	8/5/2010	Monthly
8/5/2005	Los Alamos National Bank - Acct #0030489135	\$ 100,000.00	4.40%	24 mo.	8/5/2007	Monthly
9/17/2005	State Employees Credit Union	\$ 100,000.00	4.50%	36 mo.	9/18/2008	Quarterly
9/17/2005	State Employees Credit Union	\$ 100,000.00	4.50%	36 mo.	9/18/2008	Quarterly
Total CD Investments as of October 3, 2005		\$ 6,391,000.00				

INVESTMENTS IN GOVERNMENT BONDS

Federal Home Loan Mortgage Corp.-Cusip #3128X4AR2	\$ 300,000.00	4.01%	21 mo.	2/16/2007	Quarterly
Federal Home Loan Bank Bonds-Cusip #3133XBRE7	\$ 300,000.00	4.26%	30 mo.	11/23/2007	Quarterly
Federal Home Loan Bank Bonds-Cusip #3133XBPX7	\$ 400,000.00	4.40%	36 mo.	5/19/2008	Quarterly
Total Bond Investments as of October 3, 2005	\$ 1,000,000.00				

**SANTA FE COUNTY
TREASURER'S REPORT**

SANTA FE COUNTY 11/17/2005

LOCAL GOVERNMENT INVESTMENT POOL

Santa Fe County Treasurer-Acct. #7081-1326	\$ 51,202,859.54	3.18%	30 days	End of mo.	Monthly
Santa Fe County Treasurer-Acct. #7574-2902	\$ 282,677.88	3.18%	30 days	End of mo.	Monthly
Santa Fe County Treasurer-Acct. #7579-2971	\$ 1,156,628.29	3.18%	30 days	End of mo.	Monthly
Santa Fe County Treasurer-Acct. #7580-2972	\$ 621,625.54	3.18%	30 days	End of mo.	Monthly
Santa Fe County Treasurer-Acct. #7724-4186	\$ 6,165,819.06	3.18%	30 days	End of mo.	Monthly
Santa Fe County Treasurer-Acct. #7765-5257	\$ 6,729,791.79	3.18%	30 days	End of mo.	Monthly

Total LGIP Investments as of September 30, 2005 \$ 66,159,402.10

Grand Total All Investments as of October 3, 2005 \$ 73,550,402.10

Aug 18 05 12:53p
AUG-18-2005 12:29

russell mcmillan
PLER & MANNICK, P.C.

505-466-4276
5059885704



Eldorado Area Water & Sanitation District
1 Hacienda Loop
Santa Fe, NM 87508

August 18, 2005

Russell J. McMillan
9 Balsa Drive
Santa Fe, NM 87508

Re: Connection for fire protection

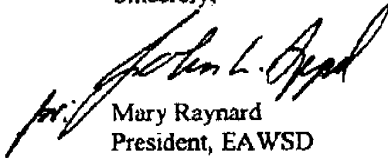
Dear Mr. McMillan:

This letter is to inform you that upon application the Eldorado Area Water & Sanitation District (EAWSD) will permit your subdivision, Cielo Tranquilo, to connect to our water system for fire protection purposes. Such connection must be made in accordance with the District's policies.

It is our understanding that the water line and fire hydrants will be constructed according to the preliminary design plan prepared by Walker Engineering, and approved by the Fire Marshall.

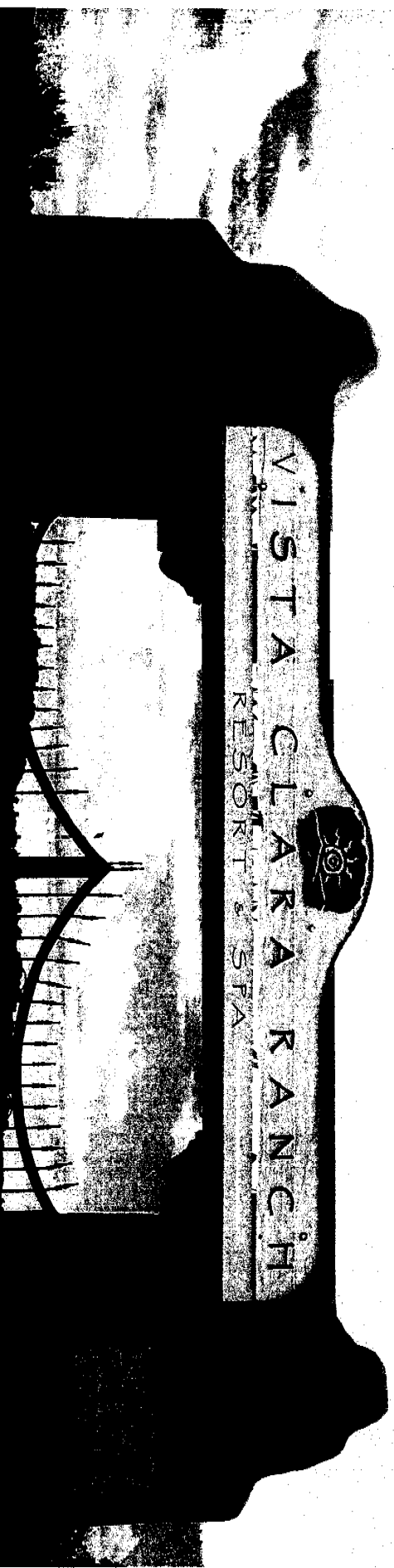
If you have any questions, please feel free to call District Director Bill Robens at 466-6274.

Sincerely,


Mary Raynard
President, EAWSD

HE COUNTY 11/17/2005

SANTA FE COUNTY
CDRC CASE # 05-5290 Vista Clara Ranch
Variance 11/17/2006

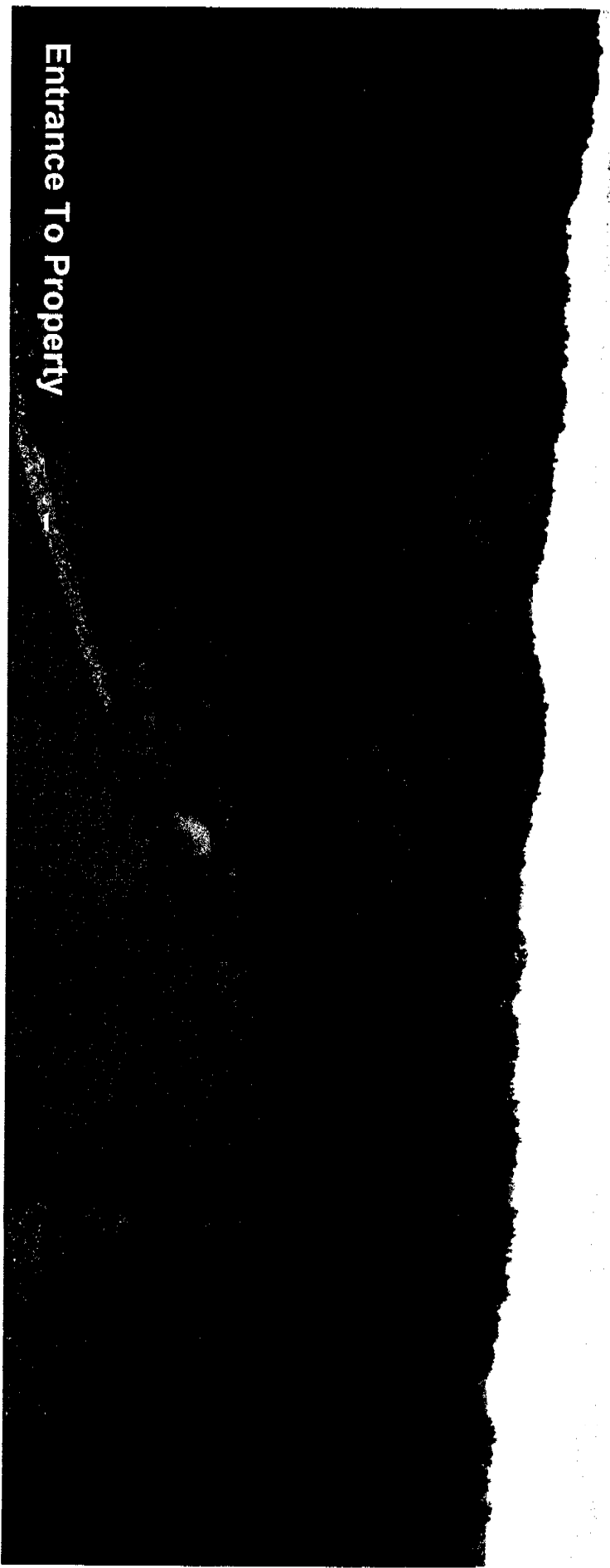


Entrance to Property

9/17

SANTA FE COUNTY
**CDRC CASE #05-5290 Vista Clara Ranch
Variance**

LN



Entrance To Property

CDRC CASE #05-5290 Vista Clara Ranch Variance
HUMBOLDT COUNTY 11/17/2005



Location of Water Treatment Plant

SANTA FE COUNTY 11/17/2005
CDRC CASE #05-5290 Vista Clara Ranch Variance

KN



View Of Property



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

**915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net**

MEMORANDUM

Date: September 13, 2005

To: Dominic Gonzales

From: James W. Siebert *JWS*

Re: Mesa Vista Business Park

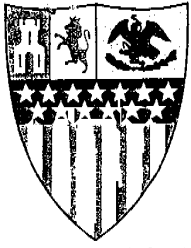
The Community College Development Review Committee requested evidence that the water service for the Mesa Vista Business Park was included in the water supply to be provided by the City for the Thornburg development. Attached is a letter from Karen Aubrey regarding the allocation of City water for the various tracts within the Thornburg development. Steve and Joyce Dennis and Vernon O. Neilson originally purchased lots B- 3 and B-4 from Thornburg Enterprises, Ltd. The plat that shows the original tracts is included with this letter. The property was subsequently reconfigured into its current boundary. Based on the letter, which has been approved by the City per the letter from Kyle Harwood dated July 12, 2005 tracts B-3 and B-4 were allocated 3.8060294 acre feet of water.

Should you have any further questions on this matter please give me a call.

Xc: Steve Dennis

HE COUNTY 11/17/2005





City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

Larry A. Delgado, *Mayor*
Mike P. Lujan, *City Manager*

Councilors:

Carol Robertson-Lopez, Mayor Pro Tem, Dist. 4
Patti J. Bushee, Dist. 1
David Pfeffer, Dist. 1
Karen Heldmeyer, Dist. 2
Rebecca Wurzbarger, Dist. 2
Miguel M. Chavez, Dist. 3
David Coss, Dist. 3
Matthew E. Ortiz, Dist. 4

July 12, 2005

Ms. Dolores Vigil
Land Use Administrator
Santa Fe County
P.O. 276
Santa Fe, New Mexico 87504-0276

Re: Clarification of Mesa Vista Business Park Agreement to Construct and Dedicate
and the water demand for the Thornburg Project

Dear Ms. Vigil

This letter has been prepared at the request of Mesa Vista Business Park to clarify the relationship between the Sangre de Cristo Water Division, City of Santa Fe and the Mesa Vista Business Park.

This letter is to clarify that the Sangre de Cristo Water Division, City of Santa Fe has a commitment to serve the Thornburg Project and provide a total of 156.0 acre-feet per year of potable water. The history of the commitment to serve is discussed in the attached letter from Jim Romero, City of Santa Fe City Manager to Karen Aubrey of September 15, 2003.

The attached correspondence from Karen Aubrey representing the Thornburg project that the water demand for the proposed Mesa Vista Business Park (approximately 3.86 afy) is part of the 156.0 afy commitment. The Sangre de Cristo Water Division Engineering Section and the Technical Review Team (TRT, pursuant to Resolution 2004-23) have reviewed the proposed water budget for the Mesa Vista Business Park project and finds it consistent with the existing commitment to serve the Thornburg project.

Sincerely,

A. Kyle Harwood
Assistant City Attorney

Cc: Jim Siebert, agent for Mesa Vista Business Park
Karen Aubrey, attorney for Thornburg project
Engineering section of SdCW

SAINTA FE COUNTY 11/17/2005

"Committed to our community, and making a difference"

SANTA FE COUNTY 11/17/2005

KAREN AUBREY

ATTORNEY AT LAW

P.O. BOX 8435

SANTA FE, NM 87504-8435

TELEPHONE (505) 982-4287
TELEFAX (505) 986-8349

ALSO ADMITTED IN ARIZONA
320 PASO DE PERALTA
SUITE A
SANTA FE, NEW MEXICO 87501

September 12, 2005

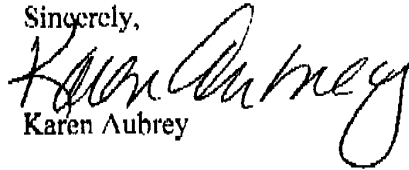
James W. Siebert
James W. Siebert and Associates, Inc.
915 Mercer Street
Santa Fe NM 87505
VIA FAX: 989-7313

Re: Mesa Vista Business Park/Steve Dennis

Dear Jim:

Attached is a copy of the Water Distribution Allocation for the Thornburg properties. Steve Dennis' property is Tracts B-3 and B-4. Please call if you need anything else.

Sincerely,


Karen Aubrey

ka/db
cc: Thornburg Enterprises

Water distribution for Thornburg Properties

ITEM	Acre feet	
Total Water Allocation from City	156 acre feet	
Residential 512 Lots@ .25 Acft/lot	<u>128</u> acre feet	
Water available for Commercial	28 acre feet	
Commercial Property 54.4 Acres	0.514706 acre feet per acre	
B-3 5.0 acres	2.573529 annual allocation	
B-4 2.5 acres	1.286765 annual allocation	
C-2 5.0 acres	2.573529 annual allocation	
C-1 7.74 acres	3.983824 annual allocation	
B-1b 12.6 acres	6.155884 annual allocation	
A-1 5 acres	2.573529 annual allocation	
A-2 5 acres	2.573529 annual allocation	
Longford Commercial 4.5 acres	2.316176 annual allocation	
3A-4 7.5 acres	3.963235 annual allocation	
	28 Total commercial allocation	

SANTA FE COUNTY 11/17/2005