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COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
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SANTA FE COUNTY

2313901

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

Marcella J. Lopez
DEPUTY

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 29, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Marcos Trujillo [excused]
José Varela López

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
October 29, 2002 - 10:00 a.m.

2313902

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes - *NO Minutes*
- VI. Matters of Public Concern - Non-Action Items *N/A*
- VII. Presentations
 - ✓A. Presentation by Ben Serber, Chairman of the Lodgers' Tax Advisory Board
 - B. Presentation by the New Mexico State Highway and Transportation Department Regarding Planned Construction on US 84-285 Between Santa Fe and Pojoaque
- VIII. Matters from the Commission
 - Tabled* A. Resolution No. 2002 - A Resolution Approving a Salary Increase for Santa Fe County Elected Officials TABLED
 - B. Resolution No. 2002 - ¹³⁵A Resolution Authorizing Endorsement and Delivery of a Petition to the Secretary of Agriculture Requesting Action to be Taken to Restore Forest Health on Federal Lands in New Mexico
 - Tabled* C. Request Acceptance of Plans and Specifications for the Proposed Additional Taxable Area within Santa Fe County, New Mexico County Improvement District (Rancho Viejo Improvement District - Windmill Ridge Units I and II and College Heights)
- IX. Consent Calendar
 - A. Resolution No. 2002 - ¹³⁶A Resolution Requesting a Decrease to the General Fund (101)/Maternal Child Health Program to Budget a Reduction in the Grant Award Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)

- B. Request Approval of the New Mexico Department of Health Amendment #1 to Professional Services Contract #03/665.4200.0033 Resulting in a Decrease of \$10,506 to the Santa Fe County Maternal and Child Health Program (Community & Health Development Department)
- C. Resolution No. 2002 ¹⁴⁰ A Resolution Requesting an Increase to the General Fund (101)/Improving Health Initiative Grant Program to Budget an Award Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- 15/1/02*
- ~~D. Resolution No. 2002 - A Resolution Requesting a Transfer within the General Fund (101)/Finance Department to the County Sheriff's Office to Budget the Salary and Benefit Expenditure Package Implemented through the CWA Union Agreement Effective July 1, 2002 (Finance Department)~~
- E. Resolution No. 2002 ¹³⁷ A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees and Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)
- 15/1/02*
- ~~E. Resolution No. 2002 - A Resolution Requesting an Increase to the Fire Tax 1/4% Fund (222) to Budget Fiscal year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Fire Department)~~
- G. Resolution No. 2002 ¹³⁸ A Resolution Requesting a Budget Transfer from the General Fund (101) to the EMS-Healthcare Fund (232) for Expenditure in Fiscal Year 2003 (Fire Department)
- H. Resolution No. 2002 ¹⁴¹ A Resolution Requesting an Increase to the General Fund (101)/Land Use Department to Budget Special Appropriation Project (SAP) Grants Received from the New Mexico Environment Department for Expenditure in Fiscal Year 2003 (Land Use Department)
- 15/1/02*
- I. Request Authorization to Enter into a Construction Agreement, #23-0108-PFMD, with the Lowest Responsive Bidder (IFB#23-14) for the Construction of Cundiyo Fire Station Renovations (Project & Facilities Management Department)
- J. Resolution No. 2002 - A Resolution Requesting an Increase to the Santa Fe River Restoration Fund (260) to Budget a FY 2002 Grant Award Received from the US Environment Protection Agency for Expenditure in FY ~~2002~~ ²⁰⁰³ (Project & Facilities Management Department)
- 15/1/02*
- K. Resolution No. 2002 ¹⁴² A Resolution Requesting a Transfer from the State Special Appropriations Fund (318) to the General Fund (101) for Expenditure in Fiscal Year 2003 (Project & Facilities Management)
- 15/1/02*
- L. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB 23-18 for Re-Stucco of Rio en Medio and La Cienega Community Centers (Project & Facilities Management)
- 15/1/02*
- M. Resolution No. 2002 ¹³⁹ A Resolution Requesting an Increase to the Road Projects Fund (311)/Various Projects to Budget Grants Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (Public Works Department)
- N. Request Ratification of Amendment #2 and Authorization to Enter into Amendment #3 to the Professional Services Agreement with Souder, Miller
- 15/1/02*

O
15/1/03
& Associates for Additional Groundwater and Methane Monitoring at the Agua Fria Landfill (Public Works Department)

Resolution No. 2002 ¹⁴⁶ A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Budget a Grant Received from the New Mexico State Highway & Transportation Department for Expenditure in Fiscal Year 2003 (Sheriff's Office)

- P. Request Ratification of Change Order No. One for the Santa Fe County Entrada La Cienega and Paseo C de Baca Water System Extension Improvements Project, Construction Contract #22-0186-UT for \$9,652.62 (Utilities Department)

X. Administrative Items

A. Committee Resignations

1. Resignation from the Road Advisory Committee
2. Resignation from the Santa Fe County Open Land and Trails Planning and Advisory Committee (COLTPAC)
3. Resignation from the Correctional Advisory Committee

B. Committee Appointments

1. Appointment to the Correctional Advisory Committee
2. Appointment of Public Member to the St. Vincent Hospital Memorandum of Agreement Progress Review Committee
3. Appointments to the Santa Fe County DWI Planning Council
4. Appointment to the Santa Fe County Extraterritorial Zoning Commission (EZC)
5. Appointment to the County Development Review Committee

XI. Staff and Elected Official's Items

A. Community and Health Development Department

1. Resolution No. 2002 ¹⁴⁵ A Resolution Amending Resolution 2002-73 to Expand the Membership of the Santa Fe County Health Policy & Planning Commission to Include a Youth Representative
2. Resolution No. 2002 ¹⁴⁸ A Resolution in Support of the Regional Black Tar Heroin Prevention Initiative

B. Fire Department

1. Resolution No. 2002 ¹⁴⁷ A Resolution Approving and Adopting Bylaws for the Operation of the Santa Fe County Fire Department Fire Districts

C. Land Use Department

1. Update and Discussion Regarding the Santa Fe Community College District Fiscal Impact Study

D. Project & Facilities Management Department

1. Request Authorization and Approval of a Professional Service Agreement, #23-0085-PFMD, with the Highest Rated Offeror (RFP #23-01) for Architectural/Engineering/Planning Services for Phase II of the Multi-Purpose Teen Center
2. Discussion/Direction on Process/Procedures for Santa Fe County Projects Relative to the County Land Use Requirements
3. Request Approval of Land Purchase Agreement Between Santa Fe County and the Reed Family Ltd, Co. for Approximately 86.9 Acres of Land in the Arroyo Hondo Area

E. Public Works Department*Tabled*

1. Resolution No. 2002 - A Resolution Authorizing the Creation of the Churchill Road Subdivision Improvement District

F. Regional Planning Authority*Approved*

1. Request Approval of Amendment to the Joint Powers Agreement Between the County and City of Santa Fe for the Regional Planning Authority Regarding the County Capital Outlay Gross Receipts Tax

G. Utility Department*Tabled*

1. Request Approval of First Amendment to Customer Contract for Commitment of Water Services Between Santa Fe County and Ranch Partners, Inc.
2. Request Approval of Water Service Agreement Between Santa Fe County and Rancho Viejo de Santa Fe, Inc.
3. Request Direction and Approval of Water Service Agreement Between Santa Fe County and Komis Land Company

H. Matters from the County Manager, Estevan Lopez

1. Update/Direction on National Pollutant Discharge Elimination System (NPDES)

H. Matters from the County Attorney, Steven Kopelman**i. Executive Session:****1. Discussion of Pending or Threatened Litigation**

2. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

I. ADJOURNMENT

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 29, 2002

2313906

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:15 a.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner José Varela Lopez

Members Absent:

Commissioner Marcos Trujillo

An invocation was given by Pastor Tom Anderson from the Interfaith Resource Network.

IV. Approval of the Agenda

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN DURAN: Any changes, Estevan?

ESTEVAN LOPEZ (County Manager): Good morning, Mr. Chairman, Commissioners. Yes, we do have a number of changes to the agenda. First of all, there are a couple of additions. The first is under presentations, item B, a presentation by the New Mexico State Highway and Transportation Department regarding planned construction for US 84/285 between Santa Fe and Pojoaque.

The second item that was also added following the original posting of the agenda was under item X. B. 5, the appointment to the County Development Review Committee.

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Those two are additions that we're recommending, and then I have a number of tablings, Mr. Chairman.

First of all there were no minutes ready at the time the packet was prepared, therefore I would recommend tabling the Approval of the Minutes, V. Second, under Matters from the Commission, we've already noted item VIII. A. as tabled. It's the resolution approving the salary increase for Santa Fe County elected officials. This we are requesting be tabled at the request of Commissioner Trujillo who was not able to be here today and wanted to be a part of that discussion. Second, I'm requesting that we table, under Matters from the Commission, item VIII. C, the request acceptance of plans and specifications for the proposed additional taxable area within Santa Fe County for the Rancho Viejo improvement district. It came to my attention late that the resolution which should have been prepared for this item was not ready and not in the packet and for that reason I'm requesting that that item be tabled.

On the Consent Calendar, IX, I'm requesting that we table items D and F. And under Staff and Elected Officials' Items, XI. D, I'm requesting that we table XI. D. 2, the discussion/direction on the process, procedures for Santa Fe County projects relative to County Land Use requirements. We still intend to bring this forward but we needed to do a little bit more work and probably at the next admin meeting we'll be ready to present that. And finally, under Staff and Elected Officials' Items, XI. E. 1, the resolution authorizing the creation of Churchill Road Subdivision improvement district. Mr. Chairman, we're not ready at this point to recommend that the resolution be taken forward for adoption. However, there are a number of issues that have been raised regarding our handling of improvement districts in general which it may be worthwhile having a little bit of discussion about. And I would defer to the Commission as to whether you want to have that discussion today or simply table this item outright, but we don't feel like the resolution is ready for adoption today.

And one final correction that needed to be made to the agenda. Under the Consent Calendar, item J, we have a resolution requesting an increase to the Santa Fe River Restoration Fund, 260, to budget fiscal year 2002 grant award received from the US Environment Protection Agency for expenditure in fiscal year—it says 2002. That should be 2003. Mr. Chairman, those are my recommendations for today's meeting.

CHAIRMAN DURAN: Any questions of Estevan? I was going to ask that we bring item XI. E. 1, the Churchill Road Subdivision, up to Matters from the Commission only because I've asked Robert Romero [Martinez] to meet with one of my constituents this afternoon and if we decide that we want to discuss that he needs to be here. So are we okay with tabling that item until—when would it be? The next meeting?

MR. LOPEZ: Mr. Chairman, I believe we'd be ready to bring that item forward at that next administrative meeting in terms of a recommendation on the resolution itself.

CHAIRMAN DURAN: And this Commission—I guess my concern is that we really haven't had any discussion concerning this. Do you want to have some discussion

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now?

COMMISSIONER SULLIVAN: Mr. Chairman, it's up to you. The representative from the community who put the petition in is here in the audience and can discuss it or perhaps if we want to see what the staff's issues are. I don't have a problem with tabling it. If the staff's not ready, obviously we can't act on it today but if there's some issues that the staff needs to—

CHAIRMAN DURAN: How about if we listen to the person that came. I'd like to listen to staff's concerns.

MR. LOPEZ: Mr. Chairman, that would work and we could have some discussion about—first of all we could hear from the individual that came and also then raise the issues that we've identified and per your request, if we want to keep that item on the agenda for that discussion, I would recommend that it be moved to right after Matters from the Commission.

CHAIRMAN DURAN: Okay, let's do that. Is that okay?

COMMISSIONER SULLIVAN: That's fine. So it would be a discussion item instead of an action item. That's fine.

CHAIRMAN DURAN: Okay. Any other questions of staff? I just have one other one. The Reed, would be item XI. D. 3. There some individuals that have made some contributions to this purchase and they're going to be here at 1:30 and I was wondering if we might be able to bring that up for discussion right after we come back from lunch. I don't know when that is but depending on where the agenda is. Is that okay? Okay. Any questions of staff or any other amendments?

COMMISSIONER SULLIVAN: Move for approval of the agenda as amended.

COMMISSIONER VARELA: Second.

CHAIRMAN DURAN: There's a motion and a second. That would include my amendment and Estevan's?

COMMISSIONER SULLIVAN: Correct.

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

VI. Matters of Public Concern – Non-action Items

CHAIRMAN DURAN: Is there anyone out there in the audience that would like to address the Commission concerning any item? There doesn't seem to be.

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VII. Presentations

A. Presentation by Ben Serber, Chairman of the Lodgers' Tax Advisory Board

CHAIRMAN DURAN: Nice to see you, Ben.

BEN SERBER: Mr. Chairman, Commissioners, good morning. About two months ago, I informed the Board that through the efforts of the Lodgers' Tax Advisory Board and our advertising agency, the American Marketing Association named Santa Fe County the marketer of the year. And I promised the County Manager that we would have the award displayed in his office. I have it here and Theresa Sanchez will show it to you. When you put your fingerprints on it, we'll turn it over to the County Manager. However, when I was invited down to the Four Hills Country Club down in Albuquerque to receive the award, I learned that there were seven or eight other marketer of the years, which was a surprise to me, under different categories: financial, government, not-for-profit, retail, technology and even the Albuquerque and Las Cruces Convention Centers. However, I am happy to say Santa Fe County was named best of the best. So Mr. Duran, this is for you.

CHAIRMAN DURAN: Thank you.

MR. SERBER: You can see it in the County Manager's Office.

CHAIRMAN DURAN: That's great. Congratulations.

MR. SERBER: Thank you for your help.

VII. B. Presentation by the New Mexico State Highway and Transportation Department regarding planned construction of US 84/285 between Santa Fe and Pojoaque

MR. LOPEZ: Mr. Chairman, Commissioners, Mr. Robert Bency from the State Highway Department, along with a couple other individuals who he will introduce will make this presentation.

ROBERT BENCY: Thank you for inviting us here. We've begun commencement of construction of the US 84/285 corridor beginning in Pojoaque and extending into Santa Fe city limits in Santa Fe County. My name is Robert Bency and I thank you once again for allowing us to talk to you regarding the project and any concerns you may have. I am the project manager for the project and oversee the construction of it. Also work well with the contractor to mitigate any necessary changes or public involvement which will improve the safety to the traveling public during construction. I will turn it over to Carlos Padilla and Paul Lindbergh. They are with the Louis Berger Group who happen to be the designers involved with the design and the actual contract documents. We have them on board through the department throughout the construction to mitigate any changes. So Carlos.

CARLOS PADILLA: Mr. Chairman, Commissioners, just take a minute to point out some of the major features of the upcoming project. We want to keep it short and then answer any questions that you might have. As Robert said, this project begins in Santa Fe just

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north of the Santa Fe Relief Route and extends to the Pueblo of Pojoaque. It's been divided into three segments for purposes of design. The first one shown here, beginning at the Relief Route, coming up through the Tano Road area where there's a planned overpass where the Tano Road hill is now. Coming down the hill to the South Tesuque interchange where that at-grade intersection will be converted into a full directional interchange, and then extending up to the vicinity of the Santa Fe Opera where the flea market and Tesuque Pueblo boundary begins.

The middle portion of the project is through the Tesuque boundary about six miles. It's still in the design phase and not included in the current construction. The third phase of the project begins at the northern boundary of the Tesuque Pueblo where a new interchange will be built just at that boundary and will have improvements to the roadway and a frontage road system and a second interchange at the Pojoaque Pueblo. Those are the limits of construction for the current construction project, the southern and northern project are included in the project being built by F & F Construction. They started work earlier this month and the entire project will be complete by the summer of 2004.

One of the major items that the department wanted to address in this project is concern for traffic mitigation during construction because this is the only route into, from Santa Fe north into northern New Mexico and there's really about three things that the department has been very pro-active in doing to mitigate traffic concerns. The first is there's a requirement in the contract that the contractor maintain two lanes of traffic in each direction during the entire project, during peak time travels. In the morning, that's from 6:30 to 8:30 and in the evening that's from 4:00 to 6:00. You might see like now, during the current construction, there are going to be times when traffic control will be implemented in certain sections to restrict it to one lane but only during the off-peak hours and at night. During the heavy rush hours, he is required to keep two lanes in each direction open at all times.

Another thing that the department is being pro-active on is in the contract they have provided for two help vehicles and one wrecker that the department has actually included in the contract and purchased. They will be onsite from 5:00 to 8:00 every day. If someone has engine problems these help vehicles can do things like jump them, give them gas, do things to get them moving again and keep from having traffic back-ups. If it's a more severe problem then the wrecker truck is available, dedicated to this project to move them out of the corridor. At the end of construction those vehicles will be turned over to the department for use on future projects.

CHAIRMAN DURAN: Is that wrecker a flat-bed wrecker?

MR. PADILLA: It's a flat-bed wrecker, yes sir.

MR. LOPEZ: Mr. Chairman.

CHAIRMAN DURAN: Yes.

MR. LOPEZ: It was just brought to my attention by our emergency personnel that perhaps we should inquire as to what allowances are going to be made when there's only a single lane available for emergency vehicles that might need to go through there, given that that's such an active area in that regard?

MR. PADILLA: That is the third, I guess third pivotal point of the department's

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plan of action for this is we are going to be in the next couple of weeks establishing what we're calling a task force committee that involves all the law enforcement agencies throughout the entire corridor and emergency medical service agencies throughout the corridor. We've got a person under contract working again with a consultant who actually served the same function on the Big I project in Albuquerque. He's a retired law enforcement officer. He's assisting us with getting all the various agencies together, sitting down at a table, going through their concerns and coming up with a plan of action. So that everybody knows, in the event of an accident, who should be out there doing what, how the agencies are going to interact and what the plan of action is going to be for clearing any accident should that happen.

Those are the main points we wanted to address and we just wanted to be available to answer any questions that you might have.

CHAIRMAN DURAN: Do you have any questions, Commissioner Campos? I have a couple. I'll make it quick. So the Tano Road intersection will consist of what? Will there be able, will people coming off on Tano Road, will they be able to travel north at that intersection?

MR. PADILLA: What we did here is one of the major safety improvements to the project was separating the local traffic in the Tano Road area from the main highway traffic. So working with the coalition of five neighborhoods, we presented options and the option that actually came out of the planning process and in the design was to—right now, that hill at Tano is going to actually be lowered significantly and over the top will be an overpass. No ramps onto or off the highway, just an overpass linking the east and west sides of the road. And what's going to happen is the roads that are there now, Calle Largo, Camino Encantado, Circle Drive and Tano Road, will no longer access the main road. They will be connected by a series of local access roads that parallel the highway providing access back.

For instance, if you want to head, if you're coming from this area and you want to head north, what you'll do is you'll make your way on these local access roads to the overpass. You'll come over the top of it and you will head—on the west side of the road is going to be a two-lane frontage road, basically. And you would cross that, you would use the frontage road all the way back down to the south Tesuque interchange where it's a full directional interchange. You can get off and go in any direction that you want to head.

CHAIRMAN DURAN: So traveling east on Tano Road, I would hit the frontage road if I wanted to go north.

MR. PADILLA: Traveling east on Tano Road you would hit the frontage road, which you could proceed north.

CHAIRMAN DURAN: If I wanted to go to town—

MR. PADILLA: If you wanted to go to town, what you would do is use the Tano Road basically to come back to the Ridgetop interchange and come back through 599 and head into town that way.

CHAIRMAN DURAN: Okay. And then at the Tesuque interchange, what will happen there? There'll be an overpass?

MR. PADILLA: Yes, Mr. Chairman. The highway will be taken over the

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existing roadway here so you will be able to get off on a ramp. You'll be able to get back on on a ramp. This County Road 73 will actually pass underneath the new bridge.

CHAIRMAN DURAN: Okay.

MR. PADILLA: So it will be a full directional interchange here.

CHAIRMAN DURAN: Then traffic going to the opera would use the frontage road instead of crossing over the highway.

MR. PADILLA: Correct. And we've been, actually we had a meeting with the opera officials last week. Our department is coordinating very closely with them, obviously because of their need to have access, especially during the opera season but right now they have access back off their—their main access is the same access back to Casas de San Juan. That will remain in operation throughout the construction period but when we're done, if you're headed north and you want to come to the opera, you'll get off on the interchange, you'll cross over the highway safely, get on a two-lane frontage road and you can come back up and that frontage road will link right back to their back entrance. That will also be the access for Casas de San Juan as well.

CHAIRMAN DURAN: My last question is, where this phase ends and phase three begins, there will be a gap where part of that road will not be improved, right?

MR. PADILLA: Actually, it was all done as part of the environmental assessment. The corridor was looked at as one corridor from Santa Fe to Pojoaque. There are some issues that the Highway Department is working out with the Tesuque Pueblo at the current time. Some of those issues delayed the design of that project so the decision was made to go ahead and start building on either end. The department is still working with the Pueblo, working out some terms and conditions on that project and it's unknown at this time exactly where that's going to fall in the construction phase.

CHAIRMAN DURAN: So that gap is at the northern boundary of the Tesuque and the southern boundary of it.

MR. PADILLA: That gap begins where this project leaves off right at the southern boundary which is essentially the flea market area, the upper flea market.

CHAIRMAN DURAN: Right.

MR. PADILLA: And then the north Tesuque boundary which is the beginning of Cuyamungue. It's about a six-mile segment that's still not part of this construction project but in the works for the department.

CHAIRMAN DURAN: Thank you. Any other questions? Estevan.

MR. LOPEZ: Mr. Chairman, was I correct in understanding that in terms of coordination with emergency personnel, that's something that's going to be happening shortly, correct?

MR. PADILLA: Correct. In fact the gentleman's name is Paul Heatly, working with us. Over the next two weeks he's making initial contacts with the various EMS and law enforcement agencies. We also have a consultant on board. They're called Proof Positive. They're working on this project full time. They're a public relations officer. In the handout we gave you we've given some contact information. Their number is in there as well and that

person is manning this project full time able to take calls from the public, from EMS people. She's helping to coordinate that EMS task force.

MR. LOPEZ: Thank you.

CHAIRMAN DURAN: Okay. Thank you gentlemen.

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VIII. B. Resolution No. 2002-135. A resolution authorizing endorsement and delivery of a petition to the Secretary of Agriculture requesting action be taken to restore forest health on federal lands in New Mexico.

CHAIRMAN DURAN: Commissioner Varela, would you like to comment on that?

COMMISSIONER VARELA: Yes, just briefly. Basically, this resolution comes forward asking the Forest Service to take appropriate action to remove or eliminate conditions of emergency within the national forests here in the state of New Mexico. Basically for the reason of fire protection for the citizens around the communities and also to prevent any imminent danger to our watersheds at this time. I don't know if Mr. Kopelman has anything to add to that.

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, real briefly, there is a state statute that is included in your packet that authorizes, it actually makes legislative findings with respect to fire danger in the United States national forests. There's also a federal statute that would authorize the Secretary of Agriculture to relinquish to a state control or partial control of national forests. And then there is another state statute in your packet, 19-2-2, that talks about the process for transferring jurisdiction. So there is a framework to allow this and I know that this same resolution has been approved by quite a few counties already.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only question I had which I discussed earlier with Commissioner Varela is my understanding is the Secretary of Agriculture has to make this determination and I guess there's not a high likelihood that he would do that but nonetheless, if he does make that, or were to make that determination, and it would affect New Mexico, then what mechanism does New Mexico have in place to undertake an active thinning program that would be environmentally sound? What I'm getting at is there something further behind this resolution that would accelerate clear-cutting or is there a particular group that's proposing this or how would New Mexico be better able to undertake a thinning project throughout all of the national forests, cost-wise, than the federal government would?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I believe that this resolution is just the beginning of a dialogue. In other words, this is to get in motion, I

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think, and try to get the attention, my understanding is, of the forest service and the federal government to discuss these issues in more detail. I would think that a process of transferring authority would be, if it occurred at all occur over a fairly lengthy period of time. I also believe that the idea would be to sit down with the Forest Service and begin a dialogue about how maybe some of this could be done in a more appropriate fashion. That's my understanding.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER VARELA: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: I'll second that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just some discussion. I understand that the fuel load issue is a huge issue for the federal government. They have funded the project, not with enough dollars to make a huge difference. But the state of New Mexico does not have the money either. If they gave the land to us, we wouldn't have the billions of dollars it would cost to do this. The County doesn't. We still have to deal with State Forest Service, perhaps County open space. It doesn't seem to move us anywhere. I think we have recognition that we have a serious problem on the federal and state and local level. The question is we haven't committed, the federal government hasn't been willing to commit and perhaps the state hasn't either in state forest lands, the number of dollars necessary to do anything effectively about this problem.

So I'm just concerned that this doesn't take us very far. It does further the discussion, but I think the discussion is going on. It's a serious discussion. So I would be inclined not to support it, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER VARELA: Commissioner Campos, as a matter of fact there is money to address the national forests. There's billions of dollars that have already been set aside and I think that's where the dialogue has to start here so that we can address the problems that we have here in New Mexico and hopefully, get some of those funds to come here in a manner that would be, that would come here more quickly as opposed to not taking any steps to procure this money and to make the federal government aware that they need to move and if they cannot move, then we would be willing to move. That's the dialogue that has to go forward I believe because the money is there. If we do nothing, I'm kind of worried about having another summer like we did this past summer and two years ago.

COMMISSIONER CAMPOS: Where is the money? I know the federal government did appropriate some money but everybody agreed that it wasn't enough. Are you talking about that appropriation or is there another fund somewhere else that could be accessed?

COMMISSIONER VARELA: Mr. Chairman, Commissioner Campos, there

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are monies that have already been set aside in this last congressional session. They have not been dispersed as of yet except for maybe to South Dakota and a few other places that were put on the top of their priority list and that's why I think we have to have this resolution forwarded to the Secretary of Agriculture so that she can be aware that we have to speed up our time table as far as taking care of these matters in the national forests to prevent any future catastrophic conditions.

CHAIRMAN DURAN: It seems to me that if we—this is actually just the first step in trying to bring an awareness about that we have a problem out here relative to our forests and whether there's adequate funding to do the entire job or not I don't think is the issue here. I think just making sure that they are aware, that everyone is aware that we have a problem is the first step in getting the funding to take care of it. I would suggest that we as a Commission just approve it just as a matter of trying to bring this awareness about. Any other discussion?

The motion to approve Resolution 2002-135 passed by majority [3-1] voice vote, with Commissioner Campos casting the vote in opposition.

XI. Staff and Elected Officials' Items

E. Public Works Department

1. Resolution No. 2002-__. A resolution authorizing the creation of the Churchill Road Subdivision improvement district [Discussion]

MR. LOPEZ: Mr. Chairman, I thought for purposes of action on the resolution it was tabled, but for discussion of the issues we have kept the item on.

CHAIRMAN DURAN: Yes, I agree. Who knows anything about this? You, Robert, or is it the—are you familiar with the issue?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, yes I am.

CHAIRMAN DURAN: Why don't you just give us a breakdown on what this is all about.

MR. MARTINEZ: Mr. Chairman, we received a letter and a petition from the residents of Churchill Road Subdivision area requesting for Public Works to put this on the agenda to create an assessment district. I don't know if the material was included in your packet or not. I know there were some issues about it being late. I don't have that with me either, but there's a map that's included in the resolution and the memo. I believe it's Exhibit A and it shows ten lots, legal lots of record in that proposed district, with eight of the ten property owners signing the petition.

What the request is is it currently meets County standards. It is a basecoursed or graveled 20-foot width driving surface with approximately 60 feet of right-of-way. What the residents are requesting is that the assessment district be for the paving of that road. It

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is estimated that the paving will cost about \$85,000. Previously, Commissioner Campos had requested also that we include in the packet material what it would cost to maintain these roads over the next few years. It is anticipated that a fog seal will be required every five years on this paved road at approximately \$2,000 per application. Now that is not inclusive of regular annual maintenance which we're estimating would cost about \$1,050 per year.

After the pavement has failed to a point where fog seal is no longer useful, a chip seal is recommended which is at the cost of about \$15,000 for that particular road at today's prices. And then once a chip seal surface has deteriorated, the road would require repaving, which we see as approximately about \$85,000 at today's cost.

CHAIRMAN DURAN: How long would the road last?

MR. MARTINEZ: Depending on volumes, 20 years. But on an annual basis, striping would be required.

CHAIRMAN DURAN: Any questions of staff?

MR. LOPEZ: Mr. Chairman, Katherine Miller and Sophia Collaros basically did a lot of the research in terms of how to make this function and they were able to identify some issues that are probably worth discussing and I would like for them to address the Board if it's all right.

CHAIRMAN DURAN: I have a couple of questions before you do that. I just wanted to see if the Commission had any. Robert, eight out of the ten have agreed to the assessment. If the assessment is \$80,000, do those eight participate, or do all ten?

MR. MARTINEZ: Mr. Chairman, all ten in the district would participate. And I'm not so sure that the other two aren't in agreement, they just—their names weren't on the petition.

CHAIRMAN DURAN: Okay.

MR. MARTINEZ: So it's possible they're in agreement. It's possible they're not. I just don't know that right now.

CHAIRMAN DURAN: And the cost of bringing the road up to County standards would be paid for by a bond? We'd issue a bond for that?

MR. MARTINEZ: Mr. Chairman, that would be up to Katherine to discuss the financing.

KATHERINE MILLER (Finance Director): Mr. Chairman, the issue with a bond, \$85,000 is not a sufficient amount of bonding. Most improvement districts are large enough that the amount that would be bonded for by the district using the County as the limited issuer, our liability is limited on that but it's the actual district that's formed that goes for the bonding. It would be cost-prohibitive for \$85,000.

CHAIRMAN DURAN: How did we do the Hyde Park Road?

MS. MILLER: Mr. Chairman, I believe—I wasn't here when Hyde Park Road was done but I believe that those were County roads to begin with and we had a grant from the state for the school bus route.

CHAIRMAN DURAN: So was a special assessment district created?

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MS. MILLER: Mr. Chairman, it's actually not a special assessment district. It doesn't come out of their property taxes. I believe that the way they pay it now, the individuals pay the County and I think—and as I said I was not here so I don't know how that was actually done, how it was set up, but I believe we didn't pave any private roads. They were already County roads and the residents requested that we continue the paving beyond what we had funding for, and that they would contribute to doing that. So under the—like this resolution as well as I believe Mutt Nelson is another one that we have that the residents have brought forward, those are not County roads so they fall into a different type of resolution and district that what we've done with Hyde Park Road.

CHAIRMAN DURAN: So we couldn't use County funds to improve those roads and then assess those property owners on a pro rata basis? Or could we?

MS. MILLER: Mr. Chairman, like I said, I don't know how Hyde Park was done. I know that there is an issue as far as the constitution with the County lending its funds to any private road. So first off, what's different on these is these are currently County roads so it would have to be addressed differently. Either our policy for road adoption would need to be changed so that they are—so it's County property. And then it could be addressed differently.

CHAIRMAN DURAN: What if we agreed that once the road was brought up to County standards we would adopt it? Could we then provide the funding mechanism?

MR. MARTINEZ: Mr. Chairman, can I clarify something? These roads in Churchill Road Subdivision currently do meet County standards. They're just asking to improve the roads to paving standards. But they currently do meet County standards.

CHAIRMAN DURAN: They're not asking for us to adopt them?

MR. MARTINEZ: Mr. Chairman, that was part of the request is that the Commission also accept these roads for maintenance after the roads are improved. But they currently do meet County standards in the condition they are in.

CHAIRMAN DURAN: Because what I hear is there's no way we can do it. Is that what you're telling me?

MS. MILLER: Mr. Chairman, what I'm saying is they would have—for us to put any County funds or efforts into doing anything with those roads, whether it be using County funds and then being repaid, or to use County staff time and then be repaid through an assessment. They would have to be County roads first. Then we would have to look at how these would fit into our road maintenance and upgrading plan as we have countywide. So it would require us to look at—and I think that was part of the issue why we weren't ready to make a recommendation on this resolution because it doesn't fit our current policy.

CHAIRMAN DURAN: What's the condition of the road right now, from Richards Avenue?

MR. MARTINEZ: Mr. Chairman, it starts at Dinosaur Trail and ends at a cul-de-sac. It's roughly about a half mile in length and there's a 20-foot 6" gravel or basecourse driving surface right now.

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CHAIRMAN DURAN: So is Dinosaur Trail—it's been a long time since I've been there—is Dinosaur Trail a County road?

MR. MARTINEZ: Mr. Chairman, no it is not.

CHAIRMAN DURAN: So Dinosaur Trail is the road that intersects Richards Avenue.

MR. MARTINEZ: Mr. Chairman, that is correct.

CHAIRMAN DURAN: What's the condition of that road to Churchill Road?

MR. MARTINEZ: Mr. Chairman, last time I was on there it was a dirt driving surface. No improvements.

CHAIRMAN DURAN: Does it meet County standards?

MR. MARTINEZ: Mr. Chairman, Dinosaur Trail does not.

CHAIRMAN DURAN: So in this idea, does it include bringing Dinosaur Trail up to County standards to Churchill Road?

MR. MARTINEZ: Mr. Chairman, no it does not. It just only includes Churchill Road.

CHAIRMAN DURAN: So we'd still have a gap of a road that wouldn't meet County standards?

MR. MARTINEZ: Mr. Chairman, that is correct and that is also not maintained by the County.

CHAIRMAN DURAN: Have we ever done that?

MR. MARTINEZ: Mr. Chairman, I believe there are roads that the County currently maintains that there are gaps in jurisdiction or ownership.

CHAIRMAN DURAN: So what do we do? Pick up the blade until we get to the road?

MR. MARTINEZ: Mr. Chairman, that is correct.

CHAIRMAN DURAN: Okay. Any other questions? There was someone here today that wanted to address the Commission and give us some information. Please state your name for the record.

MICHAEL BARTLETT: Mr. Chairman, Commissioners, my name is Michael Bartlett. I'm a property owner there on Churchill Road. There's two purposes mainly for doing this. One is that there are children in the neighborhood who are not able to reach—buses aren't able to come out to our property because of it. Also, John McCarthy is in the process of developing the Gardner property behind us and the intention is eventually that when he gets the approval for that, Dinosaur Trail will be paved.

CHAIRMAN DURAN: So to access the Gardner property off of Richards you go through Dinosaur Trail? Is that what it is?

MR. BARTLETT: Yes, exactly.

CHAIRMAN DURAN: In his plan does he propose to improve that road?

MR. BARTLETT: That I'm not sure but I know that has been something he has continued to promise all along in his planning process.

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CHAIRMAN DURAN: Okay. Do you have any ideas about how we can— have you all thought about coming up with the money to pave that and then be reimbursed by the County? Actually we wouldn't reimburse at all, right? I just recall that in the past when people have asked for us to adopt their roads for maintenance that they had to meet County standards and this one already does, right?

MR. MARTINEZ: Mr. Chairman, that is correct.

CHAIRMAN DURAN: But your neighborhood wants to improve it further by paving it.

MR. BARTLETT: Correct. Because right now the school buses aren't able to come out to pick up the children.

CHAIRMAN DURAN: Because of Dinosaur Trail or because—

MR. BARTLETT: Both. Because of the washboards that occur in the interim and between the improvement times.

CHAIRMAN DURAN: On Churchill Road. And what's the length of Churchill Road?

MR. BARTLETT: About half a mile.

CHAIRMAN DURAN: Okay, well I guess we have a lot to think about.

MR. LOPEZ: Mr. Chairman, Commissioners, we still want to continue working on this and figure out how we might be able to make this happen and others like it. The issues that we're raising aren't unique to this one. It's just something that we want to make sure that the Commission is aware of so that we, hopefully, we're given a little bit of leeway in terms of trying to work out the issues and a workable mechanism for doing this before we get inundated with this sort of issue. So that's really the reason that we wanted to highlight some of this. We will continue to work on this and hopefully bring something that we've been able to finesse forward relatively soon.

CHAIRMAN DURAN: How many houses are built on Churchill Road?

MR. BARTLETT: There are currently five houses.

CHAIRMAN DURAN: Five houses. With the potential of how many?

MR. BARTLETT: With the potential of—

CHAIRMAN DURAN: Not including the guy that has like 20 acres that wouldn't agree to a subdivision because we asked him to improve the road.

MR. BARTLETT: Not including his. Actually, there are currently six homes and there's a potential for three more without Gillentine's property in the front.

CHAIRMAN DURAN: And with Gillentine?

MR. BARTLETT: His 25 acres can be split into ten lots, so there can be ten additional homes. A total of 17 homes.

CHAIRMAN DURAN: Seventeen. Okay.

MR. MARTINEZ: Mr. Chairman, a correction. Mr. Gillentine has 15 acres, not 25. But I'd like to clarify something. In the letter from the homeowners association, they requested that this improvement district be paid back or assessed on a per-acreage basis, not per lot. So the individuals that have 15 acres today, even if they

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subdivided and created more lots they would still be paying for 15 acres and not per lot.

CHAIRMAN DURAN: Not per lot. Okay, good.

MR. BARTLETT: We figured that would be the only way that would be really fair.

CHAIRMAN DURAN: Okay. I guess my only concern is what do we do with Dinosaur Trail because that's a pretty ugly section of road. Okay.

MR. MARTINEZ: Mr. Chairman, can I make a comment. We get requests daily from residents wanting to know how to get their road accepted for County maintenance. So what we do is we send them a copy of the road acceptance policy that was adopted by the Commission in 1998 and in that policy, it also states in there that those roads may be improved by an assessment district. Maybe we need to revisit that policy and possibly remove that language from that policy because residents are seeing where it is a mechanism for them to get their roads improved.

CHAIRMAN DURAN: Maybe what we ought to do is get a large sum of money bonded for this situation and then have roads that qualify for that apply for funding out of that bond issuance.

MS. MILLER: Mr. Chairman, we were looking at different things like whether we could create an improvement district that maybe isn't contiguous but has several of these homeowners, property owners who bring that forward but we haven't had time to research whether something like that could be done so that a total of maybe five or six projects was a million or two million dollars and then we could go forward creating that as one district and do a bond that way or we just haven't had an opportunity to look at how we can do that.

The other option is also whether we could adopt these roads and then go forward with a loan through NMFA which doesn't have as much in the way of issuance costs for the County, and then attribute a cost for each area. But we just haven't had time to look at the different possibilities.

CHAIRMAN DURAN: Robert, do you have a record of all the property owners or all of the requests that have been made to the County for adoption of private roads?

MR. MARTINEZ: Mr. Chairman, no I do not have a list that outlines all the requests, but they are numerous.

CHAIRMAN DURAN: Do you think you could go back and compile a list of those? I'm sure you remember some. What I'm trying to do is find out how many roads have reached critical mass that need our help and maybe by knowing what that list is or having that list available to us it will help us decide whether or not we want to try and go for a large bond that would have some criteria that would have to be met in order to be funded out of it.

MR. MARTINEZ: Mr. Chairman, I'm sure I can come up with a list of roads that have been requested. Maybe not all of them but the majority of them.

CHAIRMAN DURAN: Okay. Does that sound good? Any other matters

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from the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman, I had a couple of items.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: The first was I wanted to see if we could get an update from staff on the inmate transportation issue that we discussed at the last meeting. I did get an e-mail from Greg about that. I don't see him here. Maybe Estevan could bring us up to date on that.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I also saw the e-mail that Greg had sent out and he updated me a little bit on this. Basically, Greg has spoken to some of the cab companies as to what sort of rates they would charge for trips from the jail and so forth. And I think he's made some very, very preliminary estimates as to how many trips might be needed, given that something on the order of between 25 and 40 inmates are released on any given day and he expected that perhaps 10 percent of them, or about three per day might now have somebody coming out to pick them up or something along those numbers.

On that basis, if we were to contract with a cab company, I think the price that was quoted, I believe it was about \$11 per trip if we would guarantee three trips per day. Something along that. He also spoke to some shuttle companies about possibly running a shuttle out in that direction and that was considerably more expensive. He's been talking also to the City, I believe it's the City bus service about what it would take to get a bus route that would go out in that direction. All of these things are continuing to be evaluated and investigated.

Some of the issues that he's pointed out to me, that even if we're able to deal with, even if we have the finances to get one of those services, what still remain issues are things like not all of our inmates necessarily are going to, upon release want to come into Santa Fe. Some of them may be going to different parts of the county or they may be going south instead of into the town. Where we would take them to, obviously, the nearest bus stop is probably going to be—currently, it's at the factory outlet stores but I think that route is going to be discontinued according to Greg's research and it would be going somewhere near Villa Linda. So we would probably be bringing people to somewhere near there and even then they may not have money to get from there to anywhere else. So we might have to provide them with a bus ticket or something along those lines.

There are still a number of issues to be worked out; we continue to research it. That's the bottom line.

COMMISSIONER SULLIVAN: One other thing that came up, and that's true. I've talked to people who have picked up resident out there and they're in fact going back to Edgewood and other directions. And perhaps we could check on this, but my understanding is that when an inmate is released, depending on what time of day it is, and I guess maybe if it's later in the day and the staff's not there, they're not given their belongings until the following day that they have to come back. So they don't have their clothes and they don't have their money. So they can't call or even pay for a cab. Is that

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the case or do I have that wrong?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I spoke about that issue with Greg and his explanation was basically as follows, that in terms of clothes, the inmate, upon release is given whatever clothes they were wearing when they were picked up. So if they had inadequate clothing for the weather outside when they were picked up, that's what they're going to be released with. The other personal properties like money and so forth—you're right. They don't generally get that. Depending on when they're released, they may not have the option to take that with them when they're released. They have to come back for that the following day. But clothes, they do get whatever they were wearing when they were picked up.

COMMISSIONER SULLIVAN: Maybe if we could make some change to that mechanism where the inmate has some money to call a cab and then he or she can go wherever they need to go or make whatever arrangements they need to go to the bus stop or whatever. That could be a possibility as well.

MR. LOPEZ: We can certainly look into that. The other thing that was brought up by Greg and this particularly goes towards things like bus service or a shuttle that runs out there periodically, he expresses some real doubt as to whether, if somebody is released and would have to wait, say, an hour or two even before the next shuttle or bus might come out there, they're likely to start walking anyway. And in terms of release times, basically, whenever the bond is put up, that's when they're allowed to go, so it's not a regularly scheduled thing. So there's still a number of things but we can look into, at least at a minimum what you're talking about and see if that's something that we can modify.

COMMISSIONER SULLIVAN: I think some kind of competitive negotiation or proposal to cab companies, the cab is probably the most flexible way to do it because again, we don't know where the individual needs to go and we don't know at what time they're going to be released and the cab rates seem to be relatively reasonable, and the amount of inmates requiring the service, and I'm not necessarily thinking that the service would particularly be free. We might require the inmate to pay half of it but again, they can't do that if they don't have access to their money. So I'm hoping we can come to some solution.

MR. LOPEZ: Mr. Chairman, Commissioners, Greg has walked in. I'm not sure how much of what we've talked about he's already heard but one other thing he did point out to me even relative to the possibility of providing cab rides and we really don't know how this might play out. But assuming that we're able to get a reasonable cab fare of say, ten bucks or whatever the case might be, and it's not too high a cost because only a few inmates are using it, if this service becomes available it's also possible that we could increase, we could get a larger and larger proportion of the people that are being released actually taking advantage of it. So it might be a little bit difficult to project how much the overall cost would be.

But Greg, I don't know if you have anything to add as to the transportation stuff

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that you've worked on.

GREG PARRISH (Corrections Coordinator): We're still looking into that but one of the costs that we did receive was about \$9 to \$10 for a cab ride from the jail to Villa Linda Mall, which we'd have to also then provide them with some type of bus pass or something to use too, rather than just dropping them at the mall. That would be the closest. But the cost estimate is very difficult. We release 25 to 30 inmates per day, what percentage of those need transportation I really can't say. From my experience driving by I see two or three a day. I'm estimating possibly ten percent of that population that's released will need some form of transportation, or three or four individuals a day.

If you project that out 365 days we're at over 1,000 cab fares per year that we would have to provide. And that's if it maintains that level, because I can see where it would increase the use where someone could call, instead of picking me up at the jail, pick me up at the mall. I'll have the County give me a ride there. So it's very difficult to project at this time what we would actually have to expend.

COMMISSIONER SULLIVAN: Let's not belabor this but as one of the candidates for County Sheriff pointed out to me, not everyone who is released was even guilty in that jail. Some people who are released are not guilty.

MR. PARRISH: Absolutely.

COMMISSIONER SULLIVAN: So I think we have some obligation after taking them out there to see that they are safely brought back to the point where we picked them up.

MR. PARRISH: Then you could get into a situation where you have to deliver them to where they were actually picked up and not drop them at the Villa Linda Mall.

COMMISSIONER SULLIVAN: I don't know. I don't want to get into technicalities but we can think of a thousand reasons for doing it. How much a year do we pay for our contract with the jail? Four million dollars a year? Five?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, for our inmates it's between six and seven million dollars a year. The total contract is around ten million a year.

COMMISSIONER SULLIVAN: So ten million dollars a year contract, \$10,000 if it were three a day times 365 days times ten dollars for cab fare would be \$10,000 expenditure to provide this safety. It seems like we ought to be able to figure out how to do this and I'm confident you will.

MR. PARRISH: We're continuing to look into it, Commissioner and hope to give you a report in the next 30 days as I indicated in my memo.

CHAIRMAN DURAN: Why don't we use COLTPAC funds and create a trail that they walk back to town. That way it's safe and if they get hit by a car it's because they strayed from the trail.

MR. PARRISH: Mr. Chairman, that is a possibility, but the question then is I think most of these people are hitchhiking. So they wouldn't use the trail; they'd be out

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on the road still trying to hitchhike a ride back to town.

CHAIRMAN DURAN: Oh, so they're hitchhiking. Is that what they're doing?

COMMISSIONER SULLIVAN: Actually, I've seen more of them just walking.

CHAIRMAN DURAN: Why don't we put a No Hitchhiking sign on there.

COMMISSIONER SULLIVAN: Well, there is already a sign. It says Don't pick up hitchhikers in this area.

CHAIRMAN DURAN: So if they're hitchhiking we can arrest them again.

COMMISSIONER SULLIVAN: We can arrest them again and put them in for a real reason. Okay, I see.

MR. PARRISH: We have transportation one way again.

COMMISSIONER SULLIVAN: Bureaucracy works.

CHAIRMAN DURAN: This thing gives me a headache thinking about it.

COMMISSIONER SULLIVAN: Works so well. The other question I had, Mr. Chairman, was we have been trying to set up a meeting with the town council of Edgewood. Estevan, have we made any progress with that?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I have had further discussion with the mayor regarding this issue and that discussion came on the occasion of basically a negotiation session between Katherine, myself and the mayor and the town clerk where we presented them with our estimates as to the costs of past services provided and our estimate of what it would cost to continue to provide such services. In that context they provided some kind of a rebuttal, if you will about some of those estimates, some of them that I think had merit. Some of them that we felt didn't have as much merit but they assured us that they would give us in essence a counter-proposal and hopefully we can get to an agreement on past costs and what services we'll provide into the future.

In terms of a joint meeting, we did talk about the possibility of if we're able to get to a negotiated agreement, trying to set up a joint meeting between the Commission and the council at which that agreement would be brought forward for action by both governing bodies. But as to a specific time frame, we don't have that yet.

COMMISSIONER SULLIVAN: Okay. I'd just like to encourage it. I think negotiations go better when the two sides are looking at each other face to face and sitting down and discussing the issues. Because I think our issues with Edgewood go probably beyond these specific issues of public service. The issues of annexation, of shoestring annexation. I think Edgewood has a number of concerns that they need to work with Santa Fe County about. I'd like to try to get that dialogue going.

MR. LOPEZ: I don't know if they understand that desire on the part of the Commission to just have, to open a dialogue in general. At least from the mayor's reaction it didn't seem he was all that enthused about it in that context but I'll continue to bring it up.

COMMISSIONER SULLIVAN: Okay. We can bring the horse to water but

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we can't make it drink. The other question I had was on our detox facility. I saw the report, the kind of scoping report that was done regarding the CARE Connection that was passed out to us which I thought was done quite well. Then I also read in the papers that there was some discussion at the City over reducing the City's share of \$500,000 to \$250,000 that was going to be diverted to other projects and some City Councilors did oppose that. I'm concerned that we stay on track with that facility as a joint City/County project and just want to be sure that we're not running into problems.

STEVE SHEPHERD (Health Director): Mr. Chairman, Commissioner Sullivan, I attended the Public Works Committee for the City Council last night and they recommended to take to the full City Council that the full \$500,000 be kept intact for the detox center. I think we also got some real commitment from the Councilors that are on that committee to really work this out and make sure the project goes ahead and works.

COMMISSIONER SULLIVAN: Okay, because we need that, obviously, not only do we need their money and they need ours, it's a joint project, but also we have to get that facility rezoned for this use.

MR. SHEPHERD: That's correct, Mr. Chairman, Commissioner Sullivan. I think a lot of folks, both elected officials and staff are really looking at this project as a real good example of the City and County working together and really want to make it work.

COMMISSIONER SULLIVAN: Okay, good. I'm glad to hear that the Council is still on track with that.

CHAIRMAN DURAN: And Mr. Sandoval is still on track with that. Is that correct? Because he is really the advisor to the Council relative to this project.

MR. SHEPHERD: That's correct, Mr. Chairman. He made the bulk of the presentation last night, requested that the monies be kept intact.

CHAIRMAN DURAN: Oh, he did.

MR. SHEPHERD: He did.

CHAIRMAN DURAN: Oh, good.

COMMISSIONER SULLIVAN: The last thing I had, Mr. Chairman, was just an acknowledgement on the passing of a personal friend of mine, Kenneth DeLapp, who has lived and worked with his family here in Santa Fe most of his professional life. Passed away last week at the age of 76. For those of you who may have seen the obituary, very active in a number of civic activities and projects where he provided his services at no charge to many community groups. He was a structural engineer and just our condolences to his family. That's all I have.

CHAIRMAN DURAN: Thank you. Commissioner Varela.

COMMISSIONER VARELA: Mr. Chairman, I just want to say for the record that I wanted to thank the Project and Facilities Management Department for giving us a US flag and a New Mexico flag for the La Cienega Community Center. I just want to say that I was appreciative. I understand that we hadn't had any flags in that facility for years and the department got it accomplished in a real quick manner and I thank them.

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CHAIRMAN DURAN: Thank you. I had one for the Public Works Director. James, in my district, there's a road called Camino Carlos Rael and that thing is trashed. I'd like for you to come up with some idea on how we might be able to fix that road on a couple levels. At the last RPA we talked about finding joint City/County projects that the RPA would help fund through the GRT increase, and I think that that definitely qualifies. The road is in the county but it connects both the city and the county together.

Actually, I'm not even sure if that road should be used for that connection. I know that they've talked about a Siler Road crossing. There's been some discussion about how to connect Agua Fria with Alameda and what's happening, because nothing has ever happened, everyone's using Camino Carlos Rael. And that neighborhood has been greatly impacted by the fact that we haven't been able to address that issue. So I was wondering if you might even be able to explore the possibility of extending Camino Carlos Rael where it takes that—if you're traveling south, it takes the bend. Like you're going from Alameda to Agua Fria, right where the bend is. If you continue that with the bridge across the river that would border the western boundary of Frenchy's Park. That connector wouldn't impact any existing community or neighborhood. So, just if you could just check that for me and if you could give me some idea. Is it on any kind of program for repairing it after it rains?

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, we just discussed that this morning at my Public Works staff meeting. We've got various roads that are city/county and I guess over the years some discrepancies of who maintains them. We're going to get into an agreement with the City. My new division director is going to meet with the City Road Division and we're going to come to an agreement of who maintains what and where we take care of those roads and bring the agreement to the Commission, or just within our department so we're on a regular schedule.

Also on that Camino Carlos Rael, we did have it on the ICIP plan to possibly build a crossing there. You're talking where the curb is, the City currently has a walk bridge that they're going to make, a pedestrian bridge. I'll meet with Robert Romero and see if there's a possibility of a motor vehicle bridge but right now they've got a pedestrian bridge and I think they're going to develop it in some other way.

Also, on the RPA, I believe one of the projects is for a Siler Road crossing to Alameda, that was one of the projects that the City and the County are both looking on. As of last week, we looked at that, of doing a joint with the GRT on that project.

CHAIRMAN DURAN: Well, if they decide to do that you might want to consider analyzing Camino Carlos Rael from the standpoint that if that crossing occurs, that you would just block Camino Carlos Rael entirely. And allow that neighborhood to take advantage of the new crossing.

MR. LUJAN: Last week when we had some flooding while raining, the river running, we did go out there and block the road off. We had to close it off. Because it was flooding.

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CHAIRMAN DURAN: Because if they do the Siler Road crossing and you don't do anything about Camino Carlos Rael, then you're going to be constantly going out there to repair it. Okay. Then the other thing I have, from the GIS Department, we finally have data that is pretty much state of the art and we're able to provide the community with topo, aerial and slope analysis that we've been working on since I've been in office for the last six years. We've reached a point right now though that in order to provide this information to the public we need to establish some kind of program on how we might be able to pay for the increased cost of providing services to the community.

We went several years ago to—was it Jefferson County?—in Colorado. The County Clerk went with us, the Assessor and several Commissioners and they should us how they were able to establish a revenue, use this information to create a revenue source. And I've asked Estevan to find dates that would be, that any Commissioner that's interested and the other elected officials so that we can once again go up there and visit that county so that they could help us develop a program on how to distribute this information in a timely manner.

And then the last thing is I was wondering if staff might be able to, at the next meeting, put together an item on the agenda, a discussion item and the topic would be how do we stop growth in Santa Fe County. Because I think there is a real effort to stop growth in Santa Fe County but there's never been any real discussion about how we can do that, the impact that is going to have on our community if we're successful in doing that and I would really like to have some meaningful discussion with the public, the County Commission and any other interested party. That's all I have. Thank you.

Commissioner Campos, do you have anything?

COMMISSIONER CAMPOS: Nothing, Mr. Chairman.

IX. Consent Calendar

- A. Resolution No. 2002-136. A Resolution Requesting a Decrease to the General Fund (101)/Maternal Child Health Program to Budget a Reduction in the Grant Award Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)**
- B. Request Approval of the New Mexico Department of Health Amendment #1 to Professional Services Contract #03/665.4200.0033 Resulting in a Decrease of \$10,506 to the Santa Fe County Maternal and Child Health Program (Community & Health Development Department)**
- C. Resolution No. 2002-140. A Resolution Requesting an Increase to the General Fund (101)/Improving Health Initiative Grant Program to Budget an Award Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)**

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- D. Resolution No. 2002-__ A Resolution Requesting a Transfer within the General Fund (101)/Finance Department to the County Sheriff's Office to Budget the Salary and Benefit Expenditure Package Implemented through the CWA Union Agreement Effective July 1, 2002 (Finance Department) TABLED**
- E. Resolution No. 2002-137. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees and Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)**
- F. Resolution No. 2002-__. A Resolution Requesting an Increase to the Fire Tax ¼% Fund (222) to Budget Fiscal year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Fire Department) TABLED**
- G. Resolution No. 2002-138. A Resolution Requesting a Budget Transfer from the General Fund (101) to the EMS-Healthcare Fund (232) for Expenditure in Fiscal Year 2003 (Fire Department)**
- H. Resolution No. 2002-141. A Resolution Requesting an Increase to the General Fund (101)/Land Use Department to Budget Special Appropriation Project (SAP) Grants Received from the New Mexico Environment Department for Expenditure in Fiscal Year 2003 (Land Use Department)**
- I. Request Authorization to Enter into a Construction Agreement, #23-0108-PFMD, with the Lowest Responsive Bidder (IFB#23-14) for the Construction of Cundiyo Fire Station Renovations (Project & Facilities Management Department)**
- J. Resolution No. 2002-142. A Resolution Requesting an Increase to the Santa Fe River Restoration Fund (260) to Budget a FY 2002 Grant Award Received from the US Environment Protection Agency for Expenditure in FY 2002 (Project & Facilities Management Department)**
- K. Resolution No. 2002-143. A Resolution Requesting a Transfer from the State Special Appropriations Fund (318) to the General Fund (101) for Expenditure in Fiscal Year 2003 (Project & Facilities Management)**
- L. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB 23-18 for Re-Stucco of Rio en Medio and La Cienega Community Centers (Project & Facilities Management)**
- M. Resolution No. 2002-139. A Resolution Requesting an Increase to the Road Projects Fund (311)/Various Projects to Budget Grants Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (Public Works Department)**
- N. Request Ratification of Amendment #2 and Authorization to Enter into Amendment #3 to the Professional Services Agreement with Souder,**

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- Miller & Associates for Additional Groundwater and Methane Monitoring at the Agua Fria Landfill (Public Works Department)**
- O. Resolution No. 2002-144. A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Budget a Grant Received from the New Mexico State Highway & Transportation Department for Expenditure in Fiscal Year 2003 (Sheriff's Office)**
 - P. Request Ratification of Change Order No. One for the Santa Fe County Entrada La Cienega and Paseo C de Baca Water System Extension Improvements Project, Construction Contract #22-0186-UT for \$9,652.62 (Utilities Department)**

CHAIRMAN DURAN: Are there any items that the Commission would like to isolate for further discussion? And then I would seek blanket approval of those items that don't require any further discussion.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like just some quick discussion on item C, H, J, and item L, there's nothing in the packet on item L. I believe it goes with K, part of the Rio en Medio restuccoing contract but there's a resolution to transfer monies but there's no contract in the packet. Is there a contract that we're supposed to be reviewing and approving? So I guess we better isolate K and L then.

CHAIRMAN DURAN: Okay, we'll do that and we'll talk about it.

COMMISSIONER SULLIVAN: Get that cleared up. And N and O.

CHAIRMAN DURAN: Commissioner Varela, do you have any item you'd like to isolate for further discussion?

COMMISSIONER VARELA: No, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos?

COMMISSIONER CAMPOS: No, sir.

CHAIRMAN DURAN: Okay, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman, I move for approval of Consent Calendar items A, B, E, G, I, M, and P.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: What about N?

COMMISSIONER SULLIVAN: N was isolated.

COMMISSIONER CAMPOS: He identified it for further discussion.

CHAIRMAN DURAN: Okay. I didn't hear that.

COMMISSIONER SULLIVAN: I said M for approval; N was isolated for further discussion.

CHAIRMAN DURAN: Any further discussion?

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The motion to approve Consent Calendar items A, B, E, G, I, M, and P passed by unanimous [4-0] voice vote.

IX. C. Resolution No. 2002-140. A Resolution Requesting an Increase to the General Fund (101)/Improving Health Initiative Grant Program to Budget an Award Received from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)

COMMISSIONER SULLIVAN: To speed things up, Steve, I can be a little more specific about what my question is. In the justification it says that this amount, this \$27,500, assists in supporting a team position that functions as the Santa Fe County Health Policy and Planning Commission Coordinator, Ms. Betty Cardenas. So could you explain how that works and how this grant works with that?

MR. SHEPHERD: Yes, sir. Mr. Chairman, Commissioner Sullivan, this grant was awarded to work with out Health Planning Commission to essentially train the members of the Health Planning Commission to promote their health planning process. Betty Cardenas worked on our Smart Moves grant which was an IHI grant for the past two years that we did not receive this year. The Department of Health let us keep what was left over from those two grants to fund her position and keep her working on youth issues and Health Planning Commission issues. This contract requires that we have an actual, what's called a Health Planning Commission Coordinator, and so we're using part of this to supplement what wasn't paid out of the last year's grant.

COMMISSIONER SULLIVAN: And she serves as a full time coordinator? She attends all the meetings, is that what she does? Or what's her function?

MR. SHEPHERD: Commissioner Sullivan, she does a variety of things for us. We're actually really happy to have her. She attends all the meetings of the Health Planning Commission, all the core team meetings that are required under this contract, which is a group of people who are trying to essentially do small things in health care that will make a larger impact for the Department of Health. And she also is continuing her work at the Housing Authority with the youth prevention issues.

COMMISSIONER SULLIVAN: So she's not an employee; she's a contract—

MR. SHEPHERD: No, she's actually a term employee.

COMMISSIONER SULLIVAN: She is a term employee?

MR. SHEPHERD: Yes.

COMMISSIONER SULLIVAN: So she works 40 hours a week?

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: Okay. So this contract helps to pay her term position?

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MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: I see. Are there other questions on item C for Mr. Shepherd. Is there a motion?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Motion for approval of item C in the Consent Calendar.

COMMISSIONER VARELA: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: And a second. Any further discussion?

The motion to approve Resolution 2002-140 passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

IX. H. Resolution No. 2002-141. A Resolution Requesting an Increase to the General Fund (101)/Land Use Department to Budget Special Appropriation Project (SAP) Grants Received from the New Mexico Environment Department for Expenditure in Fiscal Year 2003 (Land Use Department)

COMMISSIONER SULLIVAN: My question on item H is, this involves an appropriation of \$30,000 to participate in I believe a water study and I wanted to get a little more information on that if someone could help.

ROBERT GRIEGO (Planner): Mr. Chairman, Commissioner Sullivan, the New Mexico Environment Department provided us with a grant for \$30,000 for this study. The first three phases of these studies have been completed through Souder Miller This would be for Phase 4 of this feasibility study. The original cost for this study was \$71,237. The first three phases have been completed so this would be for the fourth phase of the study.

COMMISSIONER SULLIVAN: And what's the purpose of the study?

MR. GRIEGO: This is a study, it's a feasibility study for the Cuatro Villas Mutual Domestic Water Users Association. Basically, this study would fund the feasibility study for a water project within the communities of La Puebla, Sombrillo, Cuarteles, and El Valle de Arroyo Seco.

COMMISSIONER SULLIVAN: This is the last phase of it?

MR. GRIEGO: There's five phases total. There's one more phase. At the previous Board meeting on September 24th the Board approved a resolution designating a project representative for another grant from the New Mexico Environmental Department. That funding would be to complete the project.

COMMISSIONER SULLIVAN: Okay, and this is all state funds. There's no County funds involved in this?

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MR. GRIEGO: This is all state funds. We've applied for a grant through the EPA for additional funds.

COMMISSIONER SULLIVAN: Okay. Any other questions for staff? If not, we'll entertain a motion on item H.

COMMISSIONER VARELA: Move for approval, Mr. Chairman, of item H.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Any further discussion?

The motion to approve Resolution 2002-141 passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

IX. J. Resolution No. 2002-142. A Resolution Requesting an Increase to the Santa Fe River Restoration Fund (260) to Budget a FY 2002 Grant Award Received from the US Environment Protection Agency for Expenditure in FY 2002 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: This is regarding a grant for river restoration work which the County Manager corrected the caption to indicate it would be for fiscal year 2003. I guess I wanted just a brief explanation of who's in charge of this grant or how we're working with it. I understand that there's coordination or monitoring or oversight by the Santa Fe Watershed Association and I was not clear about what their role is vis-à-vis the County.

PAUL OLAFSON (Open Space and Trails Manager): Mr. Chairman, Commissioner Sullivan, this is an EPA grant and it was received in 2001 I believe. And it is this project that's at San Isidro crossing, just downriver of the San Isidro crossing. And the grant was helped to be written by the Santa Fe Watershed Association and we've been coordinating the project with them. It is a County grant. It comes through us so we are managing the grant and the project but we have done it in coordination with the Santa Fe Watershed Association. And the request here is simply to rebudget the money that's already been granted from last year and back into this year.

COMMISSIONER SULLIVAN: Well, is there a contract between us and the Watershed Association, because in looking at the budget I see things like volunteer coordination, \$10,000, Santa Fe Watershed Association. So is there some contract with a scope of work that we're entering into?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, at this time we don't have contracts for any of this. We're just trying to bring it in so that we can start that process. And the way, and I'm not maybe the best financial person to answer this, but the way I understand it is that the grant was granted and these organizations or groups may be

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named in it but we're still required by the federal government and our state requirements, to go through the entire procurement process. So that's how we will proceed with this following all the rules and regulations. If that's getting to your question.

COMMISSIONER SULLIVAN: Okay. So if there's other contractors, like we have a bio-engineering contractor for restoration, \$13,000. That would, I assume, go out for RFPs. And then a bio-engineer channel stabilization being done by Santa Fe County. We're going to be doing that with in-house Public Works staff?

MR. OLAFSON: Quite possibly. We're still really working this out. So we're trying to figure out where the exact costs are going to be, where Santa Fe County can come in and where other contractors can come in. And that's really, the project right now, we have a preliminary design and then that design is being reviewed by different agencies and the Santa Fe Watershed Association and Open Space will be bringing a final proposal to the Board as we then proceed into the next processes.

COMMISSIONER SULLIVAN: I just wonder if—

MR. OLAFSON: I can't give you a direct answer like, yes, this is exactly this number and this is who will do it. I guess is my response.

COMMISSIONER SULLIVAN: That will be coming.

MR. OLAFSON: As we develop it.

COMMISSIONER SULLIVAN: I just wondered if Public Works has the time to be working on this.

MR. OLAFSON: Certainly, I understand. That's an interest of ours as well, to make certain that we're doing it correctly.

COMMISSIONER SULLIVAN: Not that it's not a good and valuable project, it's just that we need to be sure that the right hand knows what the left hand is doing here. That's all the questions I have. Are there any other questions from the Commission about this restoration project? Hearing none then a motion is in order.

COMMISSIONER VARELA: Move for approval of item J, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion and a second. Any further discussion?

The motion to approve Resolution 2002-142 passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]

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- IX. K. Resolution No. 2002-143. A Resolution Requesting a Transfer from the State Special Appropriations Fund (318) to the General Fund (101) for Expenditure in Fiscal Year 2003 (Project & Facilities Management)**
- L. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB 23-18 for Re-Stucco of Rio en Medio and La Cienega Community Centers (Project & Facilities Management)**

MS. MILLER: Mr. Chairman, Commissioners, actually item L is not, the contract is not finished through legal review at the time of putting the packet together so I'd like to just table that one to the next meeting, and item K, they do go hand in hand but we need the budget in place. So since this one is already in the packet, we would like to go ahead and make the budget adjustment and then we'll bring back the contract for award at the next meeting and the budget will already be in place.

COMMISSIONER SULLIVAN: Okay, so we'll accept a motion to table item L.

CHAIRMAN DURAN: So moved.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Moved and seconded.

The motion to table item L of the Consent Calendar passed by unanimous [4-0] voice vote.

COMMISSIONER SULLIVAN: Item K then, I don't have any further questions on item K.

COMMISSIONER CAMPOS: Move to approve K.

CHAIRMAN DURAN: Second.

The motion to approve Resolution 2002-143 passed by unanimous [4-0] voice vote.

- IX. N. Request Ratification of Amendment #2 and Authorization to Enter into Amendment #3 to the Professional Services Agreement with Souder, Miller & Associates for Additional Groundwater and Methane Monitoring at the Agua Fria Landfill (Public Works Department)**

CHAIRMAN DURAN: Item N, Commissioner Sullivan.

COMMISSIONER SULLIVAN: My question, Mr. Lujan, on this, which involves additional services for methane monitoring is that in reading the back-up it seems that every time we're doing a test on this closed landfill, we're out of compliance and then

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we have to do additional testings. Where's the end to this?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, the end would probably be if we have to vent it and do some other type of remediation on that landfill.

COMMISSIONER SULLIVAN: What's kind of the prognosis after this? This is I believe the second or third amendment.

MR. LUJAN: That is correct. This will be number three. We will look at that if the levels have not gone down or if they find it in other areas. If the plume is traveling to different areas. The next process would probably be venting it and that's going to require a lot more money.

COMMISSIONER SULLIVAN: Are we looking at some grants or any kind of assistance for that?

MR. LUJAN: I believe Jill has looked into some. I don't know that there's any grant money out there. It's a clean-up that we would have to take care of, being that it's under that regulation of the landfill closure. So we'll pursue any avenue we can but right as of now I don't know of any grant money.

COMMISSIONER SULLIVAN: And this is solely a County landfill?

MR. LUJAN: Yes.

COMMISSIONER SULLIVAN: Or a former County landfill.

MR. LUJAN: That is correct.

COMMISSIONER SULLIVAN: How much would it cost to vent it?

MR. LUJAN: I don't have that figure. Depending on how many areas you want to attach to one vent. It's a matter of that and how big the plume is of the area that we have to focus on.

COMMISSIONER SULLIVAN: But potentially hundreds of thousands?

MR. LUJAN: I would say in the neighborhood of probably \$100,000.

COMMISSIONER SULLIVAN: And so will we have that decision after this monitoring done?

MR. LUJAN: Hopefully, if the levels have not decreased and if there's more areas that have increased, because that plume is traveling all over that landfill. It's just right now up in the air. We really don't know.

COMMISSIONER SULLIVAN: But after we complete this one it will be decision time.

MR. LUJAN: It's going to cover a bigger area so we might have a decision by then, yes. And if the levels haven't gone down in the previous, from the previous test areas, it may be increased or decreasing.

COMMISSIONER SULLIVAN: Thank you. That's all the questions I had, Mr. Chairman.

CHAIRMAN DURAN: What's the pleasure of the Board on item N?

COMMISSIONER SULLIVAN: I'd move for approval of item N.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER VARELA: Second.

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CHAIRMAN DURAN: Any discussion?

The motion to ratify Amendment #2 to the agreement with Souder, Miller passed by unanimous [4-0] voice vote.

IX. O. Resolution No. 2002-144. A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Budget a Grant Received from the New Mexico State Highway & Transportation Department for Expenditure in Fiscal Year 2003 (Sheriff's Office)

COMMISSIONER SULLIVAN: My question on item O involves expenditures for the Sheriff's Office—I've got to find it—and involves the purchase of, I believe, radar detectors for the Sheriff's Office and there were no bids taken for that purchase. So I wanted to ask Katherine or someone what the background was on that.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, at this point we were just requesting, although there is a memo from the Sheriff in there, we haven't gone through the procurement process yet. This is just a request to budget the funds and that's what the Sheriffs have intended to use it for. They have not even submitted a requisition to Purchasing yet and can't until the funds are budgeted. So at that point we'd come back to the Commission if it does end up being what they've requested in here, which are I think radar devices. So they've requested it be budgeted in equipment. We're putting it there and then we'll go through the procurement process. These may be off of the state contract. If they're not, we'll actually go out for bid for these items and bring it back to the Commission if it's over \$10,000.

COMMISSIONER SULLIVAN: Okay, because there is a memorandum where he indicates that he has a price for 11 units and for \$62 more he can get a 12th unit for a total of \$11,136. It appears, it says the grant has been assigned by the County Manager. "It's the third year of a plan in which I have had to equip all patrol cars with new radar units." This is a memorandum from Undersheriff Montano. So you're saying this is not a purchase situation. This is just where they got a quotation that they used in order to make the budget transfer.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, that's correct. They're just, at this point the action that we're requesting by the Board is to budget this for equipment and then they'll come back with a request to purchase and then we'll go through the procurement process.

COMMISSIONER SULLIVAN: Okay. That's all the questions I had, Mr. Chairman.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER SULLIVAN: I move for approval of item O of the Consent Calendar, Resolution 2002-144.

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CHAIRMAN DURAN: Is there a second?
COMMISSIONER VARELA: Second, Mr. Chairman.
CHAIRMAN DURAN: Any further discussion?

The motion to approve Resolution 2002-144 passed by unanimous [4-0] voice vote.

X. Administrative Items

A. Committee Resignations

1. Resignation from the Road Advisory Committee

MR. MARTINEZ: Mr. Chairman, Troy Nothwang has represented Area 9, which is the La Cienega and La Cieneguilla areas as an alternate member for the last four years. And Mr. Nothwang has moved from this area and in the Road Advisory Ordinance it requires that the member live in the area he represents. Therefore, Mr. Nothwang has submitted a letter of resignation and Public Works recommends the acceptance of Mr. Nothwang's letter of resignation.

COMMISSIONER CAMPOS: So moved.

CHAIRMAN DURAN: There's a motion to accept the resignation. Is there a second?

COMMISSIONER VARELA: Second.

CHAIRMAN DURAN: Second. Any further discussion?

The motion to accept Troy Nothwang's resignation passed by unanimous [4-0] voice vote.

X. A. 2. Resignation from the Santa Fe County Open Land and Trails Planning and Advisory Committee (COLTPAC)

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Move to accept the resignation of Blackwell??? and Liewicki.

CHAIRMAN DURAN: Okay. Is there a second?

COMMISSIONER VARELA: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

The motion to accept the resignation of Messrs. Blackwell and Liewicki passed by unanimous [4-0] voice vote.

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X. A. 3. Resignation from the Correctional Advisory Committee

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Move to accept the resignation.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER VARELA: Second.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, I just had a comment on the last item from the COLTPAC resignations. Mr. Liewicki is from the Edgewood area so when the staff is looking around for other applicants, they should look in that area, get someone from that area.

CHAIRMAN DURAN: Okay. Any discussion on this item, the Correctional Advisory Committee?

The motion to accept Ms. Luna-Anderson's resignation passed by unanimous [4-0] voice vote.

X. B. Committee Appointments

1. Appointment to the Correctional Advisory Committee

CHAIRMAN DURAN: The Chair will move to accept the appointment of Mark Boschelli to the Corrections Advisory Committee.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to add that I looked at the most recent report of the Correctional Advisory Committee and thought it was quite thorough and they're doing a good job as I think you'll agree, will you not, Greg?

MR. PARRISH: Mr. Chairman, Commissioner Sullivan, yes, that's a very intense group and it's a very intelligent group and they're really very much involved and I've been very impressed with their participation.

COMMISSIONER SULLIVAN: Thank you.

The motion to appoint Mark Boschelli passed by unanimous [4-0] voice vote.

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X. B. 2. Appointment of public member to the St. Vincent Hospital memorandum of agreement Progress Review Committee

MR. SHEPHERD: Mr. Chairman, Commissioners, the Progress Review Committee has recommended the appointment of Mr. Bruce Besser to the committee itself as the independent member from the community. I'd stand for any questions.

CHAIRMAN DURAN: I'd like to make a motion that we accept it. I know Mr. Besser and I think he would be a wonderful addition to that committee. He is very community oriented and I think that he would be very accountable to this Commission.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Steve, was this taken to the Health Planning Council?

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, no, this was not. The procedure in the MOA is to take recommendations from this from the MOA implementation team to the Progress Review Committee to the County Commission and St. Vincent's boards respectively. But that is a change we can make in the future, in the MOA negotiations. The only PRC member that's been taken to the Health Planning Commission is the Health Planning Commission member themselves, was recommended from the Health Planning Commission.

COMMISSIONER SULLIVAN: I understand. I think just in terms, as a matter of staff policy it would be get their input on who that individual would be because in this case there were two individuals who I guess responded and you're indicating that the Progress Review Committee itself met and selected Mr. Besser. And I don't have any problems with Mr. Besser, I just feel that the purpose of the independent member on a committee is to be independent. So probably the Progress Review Committee shouldn't be the one making the recommendation. More like the fox guarding the hen-house.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, I think that's something that we'll write down to address in our revision of the MOA.

COMMISSIONER SULLIVAN: Okay. Thank you for your revision of the MOA.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Oh, yes, I do have one other item. I don't see in the agreement here, what's the term of this appointment?

MR. SHEPHERD: I believe the terms of these are until they are replaced. I don't believe there's an actual term for a PRC member.

COMMISSIONER SULLIVAN: We review the situation each year. I'd like to make a recommendation that we set a one-year term on these, in particular for individuals who may not show up or just so that they don't feel it's a lifetime thing and we make it clear. That's just my suggestion to the Commission.

COMMISSIONER CAMPOS: I would concur with Commissioner Sullivan's suggestion. I think we should have a time limit and we should have an opportunity to review periodically so that we're not surprised later on and things do not happen that should be happening.

MR. SHEPHERD: Mr. Chairman, Commissioners, maybe we can make that at the time when the MOA is reviewed and negotiated, that at that point we review the PRC membership.

COMMISSIONER SULLIVAN: Automatically review the PRC members, yes.

CHAIRMAN DURAN: Well, for purposes of this action, I would accept that as a friendly amendment to my motion.

COMMISSIONER SULLIVAN: Okay, for a one-year term.

COMMISSIONER CAMPOS: Second.

The motion to appoint Bruce Besser to a one-year term passed by unanimous [4-0] voice vote.

X. B. 3. Appointments to the Santa Fe County DWI Planning Council

DAVID SIMS (DWI Coordinator): Thank you, Commissioners. The Santa Fe County DWI Planning Council has five recommendations of individuals to serve on the planning council. They are David Silva, who is a substance abuse treatment provider with RAP; our County Treasurer, Phil Trujillo; a person who works as a prevention specialist with the student wellness in Santa Fe Public Schools, Nina Salazar; a person who works with the juvenile probation office, Kathie Milan; and from the Department of Health, Paul Romero. These are the recommendations of the planning council and this recommendation is supported by the staff.

CHAIRMAN DURAN: Did Mr. Romero work for DFA?

MR. SIMS: That's correct. He used to be the program manager who we reported to when I first started with the DWI program. He's the person I submitted my quarterly reports to. So he has great familiarity with the system that we work with and particularly the major funding that we receive.

CHAIRMAN DURAN: Great. Any questions of staff? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve. Is there a second?

COMMISSIONER VARELA: Second.

CHAIRMAN DURAN: Second. Any further discussion?

The motion to appoint David Silva, Phil Trujillo, Nina Salazar, Kathie Milan and Paul Romero to the DWO Planning Council passed by unanimous [4-0] voice vote.

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X. B. 4. Appointment to the Santa Fe County Extraterritorial Zoning Commission (EZC)

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman. I've received resumes or letters of interest from Orlando Romero, Michael Trujillo, and yesterday, I received a letter or resume from Kim Shanahan. The BCC may appoint one member from the names listed to serve until December 31, 2004.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question. Mr. Abeyta, do we have information as to the new applicant? Is it in the packet or is it—

MR. ABEYTA: Mr. Chairman, I just received it yesterday at the end of the day. I have copies available for you.

CHAIRMAN DURAN: I'd like to make a motion that we approve Michael Trujillo to the EZC. This slot has been vacant for six or seven months, has it not?

MR. ABEYTA: Mr. Chairman, that's correct. It has been vacant for several months.

COMMISSIONER CAMPOS: Why has it been vacant so long?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, as soon as the vacancy is made we've made an announcement. We also took out an advertisement but we did not receive any resumes until the past month.

COMMISSIONER CAMPOS: Zero applicants.

CHAIRMAN DURAN: This is a commitment that not too many people are willing to commit to. It's late night meetings, site visits and I think that Mr. Trujillo would do a good job.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: There was some confusion in the advertising or at least in my understanding of the solicitation. We have also on the agenda an appointment to the CDRC which Roman told me yesterday is an appointment from District 3 and there were three other individuals who were interested in assisting and their resumes aren't here and they were, at least from some of them I've talked to, also interested in the EZC, once they learned that there would only be one recommendation on the CDRC. So I'd really like to get these other resumes out to the Commission and defer this until we've had a chance to look at the others who are interested in it.

CHAIRMAN DURAN: The others that are interested in—

COMMISSIONER SULLIVAN: In the EZC, yes.

CHAIRMAN DURAN: I'm sorry. I guess I wasn't paying attention. What was the—

COMMISSIONER SULLIVAN: Well, the issue was that originally my

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understanding, and I think the understanding of the applicants on the CDRC appointment—I'm jumping ahead here because both requests went out at the same time—was that the Commission would appoint a member to the CDRC. Period. So there were a number of people, three that I know of that aren't here that expressed interest in sending in resumes, indicating their desire in land use issues. The EZC, it wasn't clear to me at least, and I think to others, that we have a resolution apparently, and correct me if I'm wrong, Roman, that says that the appointments to the CDRC are made by Commission district. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's correct. Five of the seven members are appointed by one of the Commissioners.

COMMISSIONER SULLIVAN: And two at-large?

MR. ABEYTA: And two at-large, yes.

COMMISSIONER SULLIVAN: So these individuals when they responded, responded to the CDRC, some of them actually live in the EZC and are actually closer to the EZC issues than the CDRC issues but I don't think there was an understanding out there, the difference between the EZC and the CDRC. I'd like to get those resumes into your hands and include those for consideration.

CHAIRMAN DURAN: This seat's been vacant for six months.

COMMISSIONER SULLIVAN: Well, it was just at the last meeting I think that we were advised of that and we started this process.

CHAIRMAN DURAN: I've been talking to Roman and members of the EZC about getting somebody on there and they had tried—how many times did you put out, put the publication out there or request for proposals from interested individuals?

MR. ABEYTA: Mr. Chairman, I believe we took out two advertisements in the *New Mexican* and the *Journal North*. But it's been quite some time since then.

COMMISSIONER SULLIVAN: I'd just like to get as many, where we have applicants, and it's always been difficult in the past to get interested applicants, where we have three additional people who have expressed their interest, none of whom have their resumes in these packets for either position. None of them. And those resumes were submitted weeks ago. I know because I received copies of them. I just feel it would be a courtesy to have the Commission consider their qualifications.

CHAIRMAN DURAN: But the issue right now is the EZC. And we have three applicants. Commissioner.

COMMISSIONER CAMPOS: I just have a question for Commissioner Sullivan. Are you saying that three people submitted resumes for the CDRC or EZC and they're not in the packet?

COMMISSIONER SULLIVAN: That's correct.

MR. ABEYTA: Mr. Chairman, three people submitted for the CDRC, and we've had those applications. But then we remembered, we looked at the vacancy that was created, which was Brian Gallegos' and we realized that that was actually an appointment made by Commissioner Gonzales. Therefore the vacancy that was created should be filled by Commissioner Varela.

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COMMISSIONER CAMPOS: He was nominated, right?

MR. ABEYTA: He was nominated, and once I discovered that I contacted Commissioner Varela and I forwarded him copies of those resumes. This was just yesterday.

COMMISSIONER CAMPOS: Which resumes did you forward?

MR. ABEYTA: I received resumes from Hugh Nator, John Rader, Dina Chavez and this Kim Shanahan.

CHAIRMAN DURAN: This is on which committee? What are we talking about?

MR. ABEYTA: They were all for the CDRC.

CHAIRMAN DURAN: CDRC. But we're talking about the EZC.

COMMISSIONER SULLIVAN: But Mr. Chairman, what I'm saying is those applicants, as myself, did not understand that the CDRC was a district-appointed position and that's why they applied for it and based on my discussions with some of them, they're equally as interested in the EZC. So there was a miscommunication there.

COMMISSIONER CAMPOS: Mr. Chairman, I would agree with Commissioner Sullivan. In light of the fact that we want to consider as many applicants as possible for a position, I think it would be fair to wait until the next meeting and allow their resumes to be considered also.

COMMISSIONER VARELA: I don't agree, Mr. Chairman. I think that we have the two names over here in the packet, Mr. Orlando Romero and Mr. Michael Trujillo and the one that we've just gotten. I believe that Mr. Trujillo is the best qualified and would do a good job on the EZC. As far as the CDRC, the folks that asked to be on the CDRC, when Commissioner-elect Anaya gets on in January there will be another vacancy so we're only talking two months out that these folks can come back forward and put their name in the hat again.

CHAIRMAN DURAN: Will you second my motion?

COMMISSIONER VARELA: I will second your motion.

CHAIRMAN DURAN: Okay. Any further discussion?

The motion to appoint Michael Trujillo to the EZC passed by majority [3-1] voice vote with Commissioner Sullivan voting against.

CHAIRMAN DURAN: Okay, Mr. Trujillo, congratulations. There's a lot of work and we look forward to your recommendations.

X. B. 5. Appointment to the County Development Review Committee

MR. ABEYTA: Mr. Chairman, in your packet is a resume from Juan José Gonzales, and as stated earlier, I forwarded copies of resumes received from Hugh Nator, John Rader, Dina Chavez and Kim Shanahan to Commissioner Varela for his consideration. I would

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just, Mr. Chairman, ask for a clarification. The term of this position, Mr. Brian Gallegos' position, was to expire next year, December 2003. So my question is, is it the Board's desire to have his replacement serve the remainder of his term or just until the end of this year?

COMMISSIONER VARELA: Well, I would think that the most sensible thing would be to complete the term that Mr. Gallegos left, which would be until December of next year.

MR. ABEYTA: And that's fine with staff. We don't have a problem with that.

CHAIRMAN DURAN: Okay, since it's your appointment, do you want to make a recommendation.

COMMISSIONER CAMPOS: It's a nomination, but one thing I would like to ask, Mr. Chairman, is that it is only a nomination.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Then we should have other information here, not just the person who the person in that district will nominate so that all the Commissioners have an opportunity to look at all the information. But I do agree, the agreement is that there is a nomination made and then it's up to the Commission to accept or reject that.

CHAIRMAN DURAN: Is that your nomination?

COMMISSIONER VARELA: Yes.

CHAIRMAN DURAN: I will second your nomination. Any further discussion?

COMMISSIONER CAMPOS: I'd like to hear more about Mr. Gonzales and why he would be a good nomination for the CDRC. That's what we need to hear. The resume looks pretty good.

CHAIRMAN DURAN: Who would you like to hear that from?

COMMISSIONER CAMPOS: From the proponent.

COMMISSIONER VARELA: Mr. Chairman, Commissioner Campos, I've known Mr. Gonzales for over 20 years. He's active in the community. He knows a whole lot about water issues. He's been involved in community the planning process. His family's been from the area and had property. He is also on the acequia associations and he was a really valuable resource as we were going through and doing the La Cienega/La Cieneguilla community plan. I think he's very knowledgeable about the issues and has served his community well and I think that he would also do the same for the CDRC.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, in January when another vacancy comes up, then will that also be the District 3 nomination?

MR. ABEYTA: No, Mr. Chairman. This would take the position of Brian Gallegos until December of 2003. So any vacancies that come up would either be from a different district or the two at-large positions.

COMMISSIONER SULLIVAN: And Mr. Mike Anaya, which position does he serve?

MR. ABEYTA: He's District 3 but he would have to wait until the end of next

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year to make a new nomination.

COMMISSIONER SULLIVAN: But he'll be coming off the committee in January.

MR. ABEYTA: Okay. So then his—

COMMISSIONER SULLIVAN: Who makes the nomination?

MR. ABEYTA: He was at-large.

COMMISSIONER SULLIVAN: He was at-large.

MR. ABEYTA: He was an at-large member.

COMMISSIONER SULLIVAN: Okay, so in January there will be another at-large member.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: An at-large member is up for grabs for anybody on the Commission, it's my understanding. So I would encourage, as Commissioner Campos said, that we have all the resumes. That all the Commissioners have all the resumes in front of them. I think we put a lot of weight on the nomination of the Commissioner from that district and barring any information to the contrary we'd certainly want to go along with that Commissioner's nomination. But I do think we need all the information in front of us. So those three applications that you have, all from very public spirited and involved citizens, I would certainly like to see come back in January.

MR. ABEYTA: Mr. Chairman, we'll hold on to those resumes and we'll also maybe put out one more advertisement before January and we'll bring all names forward to the Commission in January to consider.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just another suggestion. We're making appointments to the EZC and CDRC which are very important appointments. I would like to have the applicants come here and be present and make statements as to why they want to be, and how they can contribute. This will give us an opportunity to ask questions and to have a little bit of dialogue. When I spoke to Mr. Abeyta yesterday about the EZC applicants you said you didn't know either of them. All you had was the paper. It would be better if we could at least have some dialogue, some face to face discussion. I think these appointments are important enough to warrant that. So that's a suggestion. I don't know what the other Commissioners think.

COMMISSIONER SULLIVAN: I think that's a good suggestion. I don't have any problem with Mr. Gonzales on the CDRC for this appointment.

COMMISSIONER CAMPOS: He has a good application. He looks like a solid candidate.

COMMISSIONER SULLIVAN: But for the future I think these committees have—I put a lot of weight in their deliberations and I read their minutes as I'm sure the other Commissioners do, and that helps me in getting a lot of the issues and understanding the issues before they come to the Commission. So I value their deliberations and I'd like to meet the

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applicants and as you say, make a statement or a few comments.

CHAIRMAN DURAN: Okay, good. Why don't you have them come next time.

The motion to appoint Juan José Gonzales to the CDRC passed by unanimous [4-0] voice vote.

[The Commission recessed from 12:15 to 1:50.]

COMMISSIONER SULLIVAN: Chairman Duran is in the area. He will be back shortly. He asked if one item be brought up at about 1:30, item D. 3 regarding a land purchase agreement between Santa Fe County and the Reed Family, Ltd., Company in the Arroyo Hondo area. Do you want to do that now, Estevan, or does Commissioner Duran want to be present for that?

MR. LOPEZ: Mr. Chairman, my understanding was that he wanted to have that item moved up because there was going to be some people that represented the sellers who were going to be here. Are they here? Maybe we could go on to the first item under Community Health and then come back to that item, Mr. Chairman.

XI. Staff and Elected Official's Items

A. Community and Health Development Department

1. Resolution No. 2002-145. A Resolution Amending Resolution 2002-73 to Expand the Membership of the Santa Fe County Health Policy & Planning Commission to Include a Youth Representative

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, the request to include a youth representative to the Santa Fe County Health Policy and Planning Commission, while it's a directive according to the memo that you have from the Department of Health is something that the Health Policy and Planning Commissioners themselves have been wanting representation from. There is actually no one from the youth community on that Health Policy and Planning Commission and many of the decisions they make do directly affect them. The proposal before you is to amend the resolution to include the membership for that youth representative. This will expand the membership to a 16-member Health Policy and Planning Commission. And I stand for questions.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Vigil, how would you find this adolescent? Are you going to advertise? Go to the high schools? What do you plan to do?

MS. VIGIL: Exactly, Mr. Chairman, Commissioner Campos. We actually just previous to this meeting discussed the alternatives that we have. Through some of our

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prevention programs we do have some identified youth who might be interested, but we also will be contacting the teen parents center. We will be contacting the public school prevention division and doing some advertising through the newspaper to receive alternatives and bring those before the Health Policy and Planning Commission for recommendation to you all.

COMMISSIONER CAMPOS: Would you notify some of the high schools too?

MS. VIGIL: The Santa Fe Public Schools, yes.

COMMISSIONER CAMPOS: But there's more than the Santa Fe Public Schools. There's St. Michael's High School. There's other high schools.

MS. VIGIL: We can. Yes.

COMMISSIONER CAMPOS: I think it should be as broad as possible. I don't think we should exclude any high school for whatever reason.

MS. VIGIL: I'm in total agreement. That will be part of the mission.

COMMISSIONER SULLIVAN: Other questions of Ms. Vigil? I'd like a motion.

CHAIRMAN DURAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion and a second for Resolution 2002-145. Any further discussion?

The motion to approve Resolution 2002-145 passed by unanimous [4-0] voice vote.

XI. A. 2. Resolution No. 2002-146. A resolution in support of the regional black tar heroin prevention initiative

MR. SIMS: Mr. Chairman, Commissioners, Santa Fe County Health Division staff have been involved in this effort for some time now and this fiscal year we are not handling any of the funding for this project as the fiscal agent as has been true previously. However, we do believe that it is important that as a regional effort and in partnership with Rio Arriba County and with the Eight Northern Indian Pueblos that we be engaged in this effort to reduce the prevalence of black tar heroin from use in our communities. I stand for any questions.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: David, what's the need here for a resolution? We've been involved in this program for some time, right?

MR. SIMS: Part of this was a request of the Department of Health because they are currently providing a lower level of funding than we had previously. However, they are providing funding and they wanted to ensure that there was still a direct linkage with the County government, with this project, so that there would be an ongoing relationship there and then it would be an official action taken by the Commission endorsing the effort that's being made.

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COMMISSIONER SULLIVAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I had the same question, why were we doing it now. It seems that we do have a commitment to this program. Do we make an additional commitment by approving this resolution? Any resource commitments?

MR. SIMS: Not any resource commitments as far as dollars. However, it does include the last, the whereas, therefore part of it is that the County will endeavor to provide staff support as needed to the committee work. We have already, I have personally and other members of my staff and other members of the Health Division have been personally attending steering committee meetings that occur once a month and have been involved in providing technical support and other people resources. This does not make any financial commitment of dollars. It simply means that the County is pledging ongoing involvement in the work of the steering committee as far as staff being there and participating in the planning and implementation of the work.

COMMISSIONER SULLIVAN: Do you have any idea as to how much staff time or how many people are going to be involved?

MR. SIMS: Right now, I am the person who is assigned to be a part of this and we, the steering committee meets once a month for about two hours.

COMMISSIONER CAMPOS: Okay. So staff time would be limited to that meeting, a two-hour meeting a month?

MR. SIMS: That's usually all that's involved.

COMMISSIONER CAMPOS: So it's not significant staff report.

MR. SIMS: No, sir.

CHAIRMAN DURAN: If there are no other questions, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve Resolution 2002-146 passed by unanimous [4-0] voice vote.

XI. D. 3. Request Approval of Land Purchase Agreement Between Santa Fe County and the Reed Family Ltd., Co. for Approximately 86.9 Acres of Land in the Arroyo Hondo Area

CHAIRMAN DURAN: Let the record show that I'm going to recuse myself from discussion and voting. So I'm going to turn the chair over to you.

COMMISSIONER SULLIVAN: Go ahead, Paul.

MR. OLAFSON: Thank you, Mr. Chairman, Commissioners. I handed out a

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memo to you all and I just want to briefly run over this purchase. [Exhibit 1] This was of course approved by the Board on June 12, 2001. The County's contribution, and it is 86.9 acres, approximately, Santa Fe County's contribution is \$656,667. The Reed Family has donated approximately 20 percent of the appraised value, \$197,000 and the Committee to Preserve the Arroyo Hondo Open Space, which is the local community group organized around this project is committing \$131,333 to the project. Then underneath that the appraised value was \$985,000. There's also a contribution to the maintenance fund and this is a little bit unique in that the contributions were collected with the understanding that the fund would be administered through their community foundation and it's approximately \$30,000. They're still finalizing those numbers. It's actually going to be a little bit more than that. So that maintenance fund will then be committed to the community foundation and will be open for the County to draw from for future maintenance over time.

Staff is recommending approval of this purchase. I have a couple quick, just typographical corrections on the purchase agreement that was in your packets. Under item number 2 on the first page, the price would change from \$636,000 to \$656,000. That was a typo. And then under paragraph 5, the last sentence, beginning with the earnest money deposit "and" should be stricken and just the word "the" inserted there. So it would begin "the balance of the purchase price paid by the County..." And the last typo is on page 2, item 6, the last sentence beginning with "The cost of deletion of standards exemptions 1 through 4 from the owner's title policy shall be paid as provided in paragraph—15 should be change to 11. It's just changing the number of the paragraph. And that's all the comments I have and I stand for any questions. And also I'd like to acknowledge that Mr. Reed, the property owner who has also generously donated quite a bit to this project is here with us and also Mr. Fred Nathan representing the Arroyo Hondo Community Group is also here with us if there's any questions for either of them.

COMMISSIONER SULLIVAN: Questions of Mr. Olafson from the Commission? I have two, Paul. One, is the \$197,000, is that a cash donation or is that just a reduction from the appraised price?

MR. OLAFSON: It's a reduction from the price.

COMMISSIONER SULLIVAN: Okay. Then, the maintenance endowment fund, why is that going to the community foundation? Doesn't that normally stay with COLTPAC?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's correct. And the reason it's going to the community foundation is that when it was solicited, when donations for this project were solicited from the community, the Arroyo Hondo Community Group, the Committee to Preserve Arroyo Hondo Open Space, advertised that this money would be collected for the purchase as well as for long-term maintenance and that money would be put into the community foundation. And so it basically comes to that they collected it under this premise and try to honor that premise and it is quite a sizable amount of money to be collected and to keep the commitment that was made, I guess, in the collection solicitation. It is unique. This is not a normal process in the program.

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COMMISSIONER SULLIVAN: And where does the \$30,000 come from?
From the \$131,333?

MR. OLAFSON: No, it's above that. The \$131,333 goes to the purchase and the \$30,000 is on top of that.

COMMISSIONER SULLIVAN: So that is being provided by the seller.

MR. OLAFSON: No, that's being provided by the community group.

COMMISSIONER SULLIVAN: Oh, okay. So they actually—

MR. OLAFSON: The seller is dropping that 20 percent off the appraisal price.

COMMISSIONER SULLIVAN: So the community group actually collected \$161,333.

MR. OLAFSON: Somewhere in that vicinity. I think actually a little bit more. So the \$30,000 is an estimate. It's going to be a little more than \$30,000.

COMMISSIONER SULLIVAN: So whatever the actual final number is it will go into that endowment fund. And Mr. Kopelman, is that in accordance with our COLTPAC procedures?

MR. KOPELMAN: Mr. Chairman, this situation is a little unique and I think the COLTPAC procedures don't really take into account a sizable reduction in the purchase price or having the money raised by the community. And so I think it's something that the Commission, certainly it's consistent in my view with what we've been doing. It's a little unique as Paul indicated but when you step back from it I think it's an incredibly generous situation that we're involved with because we're getting a huge reduction from what the County would otherwise pay on this. And the amount collected by the community is really coming directly out of what we would have otherwise had to pay. So I think on balance it's a very, very good arrangement for the County.

COMMISSIONER SULLIVAN: Okay. Could we hear from the representative from Arroyo Hondo.

MR. OLAFSON: Mr. Fred Nathan.

COMMISSIONER SULLIVAN: Fred, your last name?

FRED NATHAN: My last name is Nathan; my first name is Fred. Well, first of all, we just want to thank the Commission again for giving us a year's time to raise the money and I know Commissioner Varela is new to this whole situation but this was as Mr. Kopelman said, sort of a unique situation where the community promised to raise a third of the money privately and I also want to thank Al Reed because he started the ball rolling by offering a 20 percent discount. I don't know if anybody has ever done that before for the County. So we went ahead and raised the money and realized that there would need to be some money for maintenance.

We weren't aware of the five percent rule but independently, on our own, realized that there would be that need and Paul and Steve have done a very good job of explaining the deal, but I would just add one small thing that there's a real advantage, I think to the County partnering with the Santa Fe Community Foundation because there is so much, in our community there is so much warmth felt towards this project and towards this land that I expect

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that of the 116 people that donated money, many of them will continue to donate to this endowment at the Santa Fe Community Foundation.

I probably shouldn't get up on my soapbox but you ought to really think outside of the box in terms of your open space projects because there are many advantages to you pooling your five percent and having it managed at the Santa Fe Community Foundation. First of all, it will be marketed by them. There's a lot of good will in the entire Santa Fe County community for the open space community for the open space project as you all know better than anyone else, and I think it might be a source of revenue for people to make charitable contributions to the endowment that would come back to the County, which would be the major beneficiary of those gifts. So I think you're breaking new ground but I think it's something that you will look back on as a major accomplishment and a legacy for this Commission.

COMMISSIONER SULLIVAN: Thank you. Other questions? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman, I just want to thank Mr. Nathan, Mr. Reed for a good job, for what they did for the community. I've known Fred Nathan for some time and I know he works very hard collecting the money that was necessary. So good job. Really appreciate it.

COMMISSIONER SULLIVAN: Would you like to make a motion?

COMMISSIONER CAMPOS: Yes. I would move that we approve the purchase. That would be item XI. D. 3. As amended.

COMMISSIONER VARELA: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: Motion and a second. Is there other discussion?

The motion to approve the Reed land purchase passed by unanimous [3-0] voice vote. [Chairman Duran abstained from voting.]

XI. B. Fire Department

1. Resolution No. 2002-147. A Resolution Approving and Adopting Bylaws for the Operation of the Santa Fe County Fire Department Fire Districts

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, Thank you. I come before you today with this resolution adopting fire district bylaws for the operation of the fifteen fire districts within Santa Fe County. Currently all fifteen fire districts have their own existing bylaws that they've operated on since their existence has begun with the creation of the fire districts, again by resolution by this Commission. Currently those bylaws were never adopted or approved by the Commission and there's some thought that perhaps they may be completely independent of the County.

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In accordance with Santa Fe County Ordinance 1997-11, which created and established the Santa Fe County Fire Department, which also includes the 15 fire districts, I'm proposing, jointly with the Santa Fe County Fire Chiefs Association that the Commission adopt these fire district bylaws for administration and operation of the 15 fire districts, and I stand for questions.

CHAIRMAN DURAN: Any questions of Stan?

COMMISSIONER SULLIVAN: Stan, who composes the Fire Chiefs Association? Is that a chief from each of the 15 districts?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct. Each fire district is represented through their fire district chief on the association.

COMMISSIONER SULLIVAN: So we have grassroots support here for these bylaws?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, yes. On the 19th of September, the Santa Fe County Fire Chiefs Association unanimously approved proposing these bylaws for adoption to the Commission. I might add, Commissioners, that was after almost a year and a half of working, not only with the fire district chiefs but also with a large contingent of membership as well from the fire districts. And I think we went through a total of 17 drafts to get to this final document.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER CAMPOS: I have a couple of questions, Mr. Holden. How was this developed? Did you meet with all the chiefs? Come to a consensus as to what you should do? Were there any objections by any of the folks out in the Fire Department about what you are proposing to do right now?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, there were objections initially when we first proposed in draft one. Subsequent to that, again, over a year and half's period of time and through 17 drafts I think we've come to the point, we've reached a point of consensus as indicated by the unanimous support of the 15 fire districts, which I must say, in and of itself is a fairly rare accomplishment to get the 15 fire district representatives to agree unanimously on one topic, much less a document of this size. And really is a groundbreaking type of idea for them to switch from what they've used from their beginning as bylaws, the way they operate their fire districts, to adopt something that has now been approved by the Commission, which they now recognize is the true authority, the elected officials of Santa Fe County, on how their fire districts are operated.

COMMISSIONER CAMPOS: Mr. Kopelman has raised an issue about regulations as they relate to, let's say, a chief saying you are no longer a volunteer in this district and then they having appeal rights, I believe, to your office.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, that's correct. Today, that is not in existence today. Once these bylaws are adopted, if they're adopted as drafted, an individual member of a fire district, if there were to be problems at the mid-management level, which we described as the fire district chief level or below, the decision of the district chief can be appealed to myself.

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COMMISSIONER CAMPOS: Have you had this kind of problem where you've had this conflict with a volunteer and a district chief?

CHIEF HOLDEN: Commissioner Campos, yes we have.

COMMISSIONER CAMPOS: Is it a serious problem?

CHIEF HOLDEN: There have been serious problems.

COMMISSIONER CAMPOS: Now, Mr. Kopelman, if it's okay with the Chair, I'd like to hear Mr. Kopelman's assessment of this particular issue.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the Fire Chief and I have spent a fair amount of time talking about this and reviewing it. I called the Association of Counties to alert them that this is a change in our policy. There may be some additional legal exposure but I think on balance it makes a lot of sense. These are uniform documents. They actually give our volunteers some due process rights, which arguably, they didn't have before. And that always goes both ways. On one hand you've got all these volunteers who put a tremendous amount of time in, and as the Chief indicated, this is some safeguard that if there's going to be adverse action taken against one of them, that it will at least go through two tiers of review. It will be the district chief, and then it will come up to the Fire Chief.

And I was going to propose on page 17, Section 2.D to add, at the very end of subparagraph D where it says, "The department chief shall then have three days to consider the information and render a written decision to the aggrieved and the district chief." I would propose adding "the decision of the department chief shall be final and non-appealable." I think that helps also but I believe on balance that even though it may increase our legal exposure somewhat, we're at a point where we have so many volunteers and people that we rely on that if we have decisions being made, as Stan indicated that are arbitrary and we're losing good people it really presents a serious problem. So on balance, I certainly understand why the grievance process was included. And again, we do have insurance coverage on it if need be. I think the exposure is generally going to be pretty small, because the volunteers are not paid salaries. So I think that really makes a big difference too.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any questions of Stan? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: With the proposed change to Section 2?

COMMISSIONER SULLIVAN: With the addition of the language in Section 2.D that the decision of the department chief shall be final and non-appealable.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve Resolution 2002-147 passed by unanimous [4-0] voice vote.

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XI. C. Land Use Department

1. Update and Discussion Regarding the Santa Fe Community College District Fiscal Impact Study

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, good afternoon. Jack Kolkmeier, Planning Director. This item is a discussion/information item only so there will be no need to take action here. What we'd like to do, as you know, we've been working now for several months on preparing a request for proposal and going through a selection process for a fiscal impact study for the Santa Fe Community College District and we wanted to take an opportunity to just go over with you where we are right now to make sure that you understand what we're doing and that we can once again go over this information so we understand what it is that you asked us to do from the beginning so that when we get ready to hire a consultant here we'll be getting the information that we all collectively understand is what we set out to do with this project.

During the course of review and deliberations on master plans being submitted for the Community College District, the Board requested staff to consider preparing a fiscal impact study for the Community College District area to better understand the costs and benefits of the proposed projects that were coming forth during that period. RFP #23-05, the Santa Fe Community College District fiscal impact study was issued by the purchasing section of Santa Fe County on July 7, 2002. This RFP outlined contract objectives and a scope of work that were prepared by a team of staff members. The list of that group is included on the next page of this memo.

Six proposals were received by the deadline of August 1st. Staff right now is in the evaluation and selection process and met on October 11th to make recommendations for a final selection. At the October 11th meeting, staff concluded that an update should be presented to the Board before a final selection is recommended. Staff wants to clearly understand the objectives of the Board before we proceed in this matter. And again, we think this is really an important study as we know you do too, so we want to make sure that we're all understanding the components of the study that we want to go forward with. And there are basically five things for us to consider and double-check each other on at this point.

One, a market analysis. The fiscal impact study would provide an analysis of the projected population of this area in relation to jobs, residential, commercial and institutional needs, and in relation to market conditions for proposed developments within the Community College District. Secondly, the study would include a fiscal analysis which would provide a cost/benefit evaluation for revenues and services of the proposed land uses in the Community College District to the County over time. Third would be master plan evaluation. The fiscal impact study would create a model that could evaluate all of the proposed CCD master plans in relation to the market analysis and fiscal impact analysis. And also this model would be used for other project evaluations such as the Airport Development District once we have concluded that in fact it works, which we hope it will.

Fourth, there would be a series of scenario evaluations. I think all of the proposals

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indicated that they would do three. The study would assess the fiscal impact of several scenarios but would have to include an evaluation of the Community College District land alternative as it is proposed in the ordinance and plan, and also would do a scenario evaluation of the previous 2.5-acre zoning option that was there prior to the Community College District Ordinance.

And finally, the cost of the study. All of the proposals that we have received, there are six of them, have come in over the current amount that we have budgeted for the project. So when we make a selection and come back to you we assume that there will have to be a discussion on where this money will come from for us to proceed with the study. Staff recommends that the BCC reconfirm the focus of the study according to those four principles that we had in the scope of services and assist us in reviewing the budget requirements for this project.

And I believe that Katherine and Roman from the team are here, as is Diane Quarles, the RPA Director, who was also part of the staff team. And with that, I would stand for questions and comments.

CHAIRMAN DURAN: Jack, how much is this going to cost us?

MR. KOLKMEYER: The six proposals—

CHAIRMAN DURAN: What's the lowest?

MR. KOLKMEYER: They range from \$53,000 to \$156,000. That's the range and if there are specific questions I guess Katherine would have to let us know on what kind of detail we can go. Is it all right for me to give the range, which I already gave? From \$53,000 to \$156,000 at the moment.

CHAIRMAN DURAN: Have you made your final selection?

MR. KOLKMEYER: No, we have not.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, in looking at the RFP, I don't really see an item four in there, evaluating the fiscal impact of 2.5-acre zoning option. I think the Commission has made a decision to proceed with the Community College District and I don't think we need to go back and rehash theoretical 2.5-acre zoning options. So not having seen it in the RFP, that may be an area where you can reduce some costs. I don't think it adds to the study. We have what we have now and we need to work with it and we need to make it work better.

The other question I had, that was just a comment, and the other question I had was in the body of the RFP, and this is the first time I've seen it, there's reference to creating an "assembly," multi-property owners association, and determining what services the County should pass on to this assembly. And I don't recall discussions of that but what was the genesis of that?

MR. KOLKMEYER: Commissioner Sullivan, let me address both of your issues. If you look at the scope of work, item number 14, you will notice that that item said provide findings of impacts to County without the CCD plan and ordinance assuming growth at

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one DU per acre. In the responses that we got from the proposals, most of them recognized that the zoning was 2.5 acres and brought that out in our discussions with them and they wanted, the ones that we interviewed, all want to use that as the baseline to be able to show whether in fact the Community College District land use ordinance does better or does worse than the 2.5. So it is in there. It's number 14, but it was one acre and that was really—I'm not sure exactly why we put in one acre at that point but the consultants, most of them, picked up on it because when they came to interview with us they knew what the zoning was. So in fact it is in there but not at 2.5 but at one acre.

COMMISSIONER SULLIVAN: I guess whether it's 2.5 or one, my personal feeling is that it's not necessarily germane to the study, which is saying given what we have now, where do we go and what fine-tuning do we need and what general broad guidelines of market and feasibility that the public is asking us about should be applied to this in future projects. I see all of those things as being right on target.

MR. KOLKMEYER: Commissioner Sullivan, regarding the use of the assembly idea, that is an idea that's actually being worked on right now in the Community College District in negotiations among all the property owners as a mechanism to try to essentially bring together groups of homeowner associations, if you will. Because that was the old mechanism and recognizing that we have to deal with multiple properties, projects, the idea of this assembly has come forward and I believe that came again from the discussions of that concept as it's being discussed in the Community College District right now with the people that submitted the proposals.

COMMISSIONER SULLIVAN: And is this assembly idea, you say it's being discussed in the Community College District. I've never heard of it before. I live there. Is this—with whom is this discussion taking place?

MR. KOLKMEYER: We've had several meetings here, large meetings with a gentleman, a lawyer who's come in from Washington, D.C. I believe you were at one of them. Who started to discuss with us how we could bring together all of the homeowner associations and create a new body that would guide resident and community participation, and it was referred to at that point as an assembly. I can't remember his name. Do remember his name off hand? Sure, it would be. We've had numerous meetings here with Commissioners and with various—

COMMISSIONER SULLIVAN: Have these been publicly advertised meetings?

MR. KOLKMEYER: No, they've been just for staff only at this point.

COMMISSIONER SULLIVAN: Because obviously, there's 600-plus homeowners out there that would want some input in something like that.

MR. KOLKMEYER: And whatever the mechanism, of course the Board would have to come back and approve that.

COMMISSIONER SULLIVAN: Well, that just raises a red flag to me. It raises a taxation flag. And when we have a group and a study that has a focus of how are we going to put these assemblies together to assess people for maintenance costs I think that we're getting into a public policy issue that is—if we're going to go that route, then we should have public

policy meetings about that issue, as opposed to strictly a study, a technical study of market and feasibility and models. So I would, and I don't know if that's what was proposed by the six firms but if so, if there's going to be some additional burden on the homeowners out there by virtue of additional memberships in some super-association beyond the associations and the fees that they already pay, then we better think about having some public process about that. Which would probably cost more money.

CHAIRMAN DURAN: I'm a little confused. You're the one that wanted this fiscal impact study and—

COMMISSIONER SULLIVAN: I don't think I was alone in that.

CHAIRMAN DURAN: No, I think there was two of you, then we all agreed that it was an appropriate thing to do, but you're the one that really wanted it. My understanding is that this study, my feeling is that you all wanted that study because you thought that it was going to prove something that would allow the Commission to go back and maybe make some major changes to what was already approved. I don't know. We have agreed in meetings, in the past several meetings that we needed to get this fiscal impact study completed and if you're now asking that they expand this study to include all kinds of public hearings and everything, I don't think that's the direction we gave them. We gave staff direction to hire someone to do a fiscal impact study for us and then come back and report to us.

COMMISSIONER SULLIVAN: Right. And I think in basis I agree with you. I would say that the assembly theory is not a part of this study and it could be taken out and then you wouldn't need the public hearings. But my opinion is that if it's left in, since it directly affects all of the homeowners who are in this and future developments then it becomes a major public issue which we need public comment on. It might in fact be a second step to the initial feasibility study and we have a time limit on this study. We have approvals of developments that are key to it so we don't want to drag this study out. But I think that issue, tying it to this study might do that.

CHAIRMAN DURAN: Like I asked earlier, this let's stop growth in Santa Fe, we need this study to be completed so we can make some decisions on how to manage growth out there. And I think we need to let staff move forward on this and get someone that can advise on it.

COMMISSIONER SULLIVAN: I agree with that, I just feel that that component of the study is broader reaching than the intent of the study and would cause time problems.

CHAIRMAN DURAN: How would you suggest we deal with it then?

COMMISSIONER SULLIVAN: I suggest we not deal with it in this study. This study was to deal with market and fiscal analysis and an evaluation of how we apply those to growth management in the district. And to give a cost estimate of what the impact to the County was of these developments, the impact on all fronts, water, sewer, roads, emergency services, etc., that the County's involved in that tells us when we have a development, what are we committing the County long term to. And that could result, and that's one thing, Jack, that I

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didn't see in the summary and that is impact fees. This is not necessarily an impact fee study but we should have some results if we see that that fiscal impact is more than the revenues that that development generates in the Community College District, because we do hear frequently, oh, it's better than vacant land. It generates more revenue. That's true. But it takes more services than vacant land takes. Then we should be ready to take the next step and that's to consider how we finance that deficit with impact fees or with raises in taxes or with what mechanism. So I would see that as a component as well.

CHAIRMAN DURAN: I would just hate to have this study complicated with further studies of how we're going to implement impact fees. I think that if it turns out that we have a major issue about how we're going to fund these services based on what the study reveals, that impact fees would be something we would obviously need to consider.

COMMISSIONER SULLIVAN: I agree.

CHAIRMAN DURAN: But hopefully, we're going to have that decision—I thought we had a City/County impact fee study being—

COMMISSIONER SULLIVAN: I thought we did too, and it seems to have disappeared into the woodwork. I don't know what's happened to that. Does anybody know? Jack? I thought it was a joint City/County. Maybe Diane knows. Here we go.

DIANE QUARLES (RPA Director): Commissioner Sullivan, Commissioner Duran, actually the impact fee is just about to come forward. The land use assumptions are currently moving through committee and they'll be coming forward to you probably in the next several weeks. And once land use assumptions are adopted, the impact fee structure is coming right behind it. The drafts are already coming out of the consultant's hands. So it's right behind you. There are limited pieces of the impact fees that are being done through the joint City/County process. It would include roads, parks, and the dispatch center, since you already have a fire impact fee in place. So it is limited in scope but there is a regional component.

COMMISSIONER SULLIVAN: I think, and when you say committee, Diane, you mean a City committee.

MS. QUARLES: Right. It's going through City committees at this point and there was some discussion actually of whether it goes to the Regional Planning Authority. Should it go to the CDRC? What path should it take coming to you, to the BCC, because it clearly is a joint project and the land use assumptions do have to come before the BCC for approval.

COMMISSIONER SULLIVAN: It's my understanding, Mr. Chairman, that when we get, if we get to impact fees, that we can't just impose impact fees arbitrarily. We have to have by statute a rationale, a dollar amount of proven fees. We can't just say our impact fees should be x-dollars per square foot. So I think this study gives us that basis. I agree with you that this is not an impact fee study. But the early draft I read of the one that's going on now, there was a lot of mention of the impact fees in Santa Fe County are low compared to other jurisdictions. They're low compared to Santa Fe City and therefore—

CHAIRMAN DURAN: I don't think we have any.

COMMISSIONER SULLIVAN: We have fire impact fee and we have one

other. Waste? What is it? We have two impact fees. For fire and one other. I forget. Fire is the large one. The other one's smaller. So the rationale is that Santa Fe County should raise it's impact fees because they're so low. The real question is, what's the cost? We need to raise the impact fees to the level of the cost of providing the services and I think that's what this study has been all about all along.

MR. KOLKMEYER: Mr. Chairman, also if you look at number 7 on the scope of work it says the contractor shall provide findings and recommendations to the County, such as implementation of impact fees, developer contributions, capital improvements, programming, etc. And then to go back to 11 for just a second, really, assembly is just another form of homeowner association and that's already being discussed by the homeowner associations in the Community College District and we just put in parentheses there assembly because that's what they're calling themselves as a group of homeowner associations. You can cross that off if you want but it's still what's the role or what might be the role of the homeowner association. And impact fee is already in there in the scope of work.

COMMISSIONER SULLIVAN: I just didn't see it in your five summaries there but I'm glad to see—

MR. KOLKMEYER: Well, it's part of fiscal analysis. All those things become part of what a cost/benefit analysis does. That's how, they are aspects of what the cost benefit analysis actually is. They're all parts of that.

COMMISSIONER SULLIVAN: And I think 7 is a very important part of that scope of work. I'm glad to see it there.

CHAIRMAN DURAN: Commissioner Sullivan, which is the one that you wanted to remove?

COMMISSIONER SULLIVAN: Eleven. And it's also on page 7. It's an arrow up on page 7. I just didn't want us to get entangled into multi-property owner associations as a part of this study. I guess it could be touched on as a funding mechanism.

CHAIRMAN DURAN: Do you want to qualify it a little bit more?

COMMISSIONER SULLIVAN: Well, I think the staff is looking for direction here. Again, my personal opinion is that this study is not the format for establishing multi-property owner associations. But what comes out of this study as to who does this, for example, in work item 11 on page 8, where it talks about what items should be passed on to the homeowners association. That would be good to know for new homeowners associations that don't yet exist. We can't pass them on to existing homeowner associations; they are already in place. But we might want to change the bylaws of new homeowners associations to indicate what their responsibilities are.

That seems to me that would be well within the context of the study. But then to say, well, now, let's consider getting together an assembly of homeowners associations or other things like that. I think that goes beyond what we need at this point.

CHAIRMAN DURAN: Well, why couldn't we say, which the County should pass to developers and future homeowners associations?

COMMISSIONER SULLIVAN: That's fine, and I think that's what Jack was

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saying, just take out the word assembly.

MR. KOLKMEYER: It sort of works that way, yes. And bear in mind that this is a scope of work that's already gone out, so what we have to do now as we're choosing our final consultant, just make sure that this gets the emphasis that you want it to have. So we're perfectly content to changing it to say, "to pass on to developers and new homeowner associations." That's fine with us. But they are mechanisms, potential funding mechanisms. We don't want to drop it. I wouldn't feel good if you just wanted to drop 11 because we do have to talk about what needs to be passed on to developers and what does need to be passed on to homeowners. So I think if we fix it that way, that would be fine with us.

COMMISSIONER SULLIVAN: I think that's fine. I'm just suggesting it as a cost savings thing there that just doesn't become—

MR. KOLKMEYER: A major discussion with the consultant. Sure, we could do that. Not a problem.

COMMISSIONER SULLIVAN: It may be able to assist you in the negotiations with the selected firm.

CHAIRMAN DURAN: Okay. What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question for Katherine Miller about the money. Do you want to address resources? I assume you've discussed this with staff.

MS. MILLER: Mr. Chairman, Commissioner Campos, we have \$40,000 budgeted for this at the moment and the proposals we've received are all above that. And although we have not entered into negotiations with any of the proponents to see if we can reduce that cost, we're aware that it might cost more than that. The committee doesn't see really where we would be able to get what we have requested, especially based upon the discussion that we just had, that all of those components are important to the Commission, that we would be able to get an adequate fiscal impact study with the market analysis for less than \$100,000.

So one of the areas we would request some funding is if the Commissioners want to contribute any of the district funds that you have in the capital package. That would be one area.

CHAIRMAN DURAN: I know where we can get it. We got \$200,000 last week from Solid Waste, so why don't you use that money?

COMMISSIONER CAMPOS: Is price a factor in deciding who will get the contract? Is price a factor?

MS. MILLER: Commissioner Campos, yes. All of that will be a factor. I can't remember exactly right now what it was weighted in the evaluation but it is one of the factors.

COMMISSIONER CAMPOS: The other suggestion I would make, Ms. Miller, is that time is a factor because I think this Commission, last time they approved something at the Community College District, voted that the date, that the one year date would run from the date of master plan approval which is a few months ago. And the clock is running and we still

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haven't gotten, we still don't have a contract. So that's a factor maybe this Commission will have to consider later on in amending that particular condition to allow us more time to finish this contract. I would say you need to talk to the contractors about time and getting this done within the time frame set. If they cannot, then we have to bring it back here and decide whether we need an amendment.

MS. MILLER: Mr. Chairman, Commissioner Campos, yes, we are aware of that time frame. All the proposals we had ranged from approximately six months to 12 months but it also depended on what components and how much emphasis we wanted on each one of those components. So when we go back to negotiating a final agreement we'll keep that in mind.

COMMISSIONER CAMPOS: Okay. Thank you. Mr. Chairman, a question for Commissioner Sullivan. You've asked that item number 4 in the report scenario evaluation be deleted. Is that right?

COMMISSIONER SULLIVAN: I don't see the necessity for it. I'm just trying to speed the study up and reduce the cost. I think it's water over the dam.

COMMISSIONER CAMPOS: Scenario evaluations. Then a question for staff. Mr. Kolkmeier, would that affect, would that help you out as far as time and money?

MR. KOLKMEYER: To eliminate that?

COMMISSIONER CAMPOS: To eliminate number 4. Is that critical or is that relevant to this discussion or evaluation?

MR. KOLKMEYER: Commissioner Campos, well it would help probably with time and money in the study but in our discussions amongst ourselves as the review staff, and also with the consultants that we've interviewed, which is two of the six, we've all felt that it's very important for us to have something to compare this with, because then it's not going back to anything but it is all part of what is the better scenario for us to be looking at in the future. And if we don't want the Community College District—the consultants themselves have recommended three. What would it be like with the Community College District, which is the whole intent, that's what they would work out, what would it be like if we reverted back to 2.5-acre large lot residential development and then a scenario of their choice. What would be some combination or some other alternative that might be different than either of those, which we might want to consider.

We think from that perspective it's very valuable because when you attend the meetings on the master plans and you read the articles in the newspapers, it's really all about that. What are our choices? So without having some kind of cost/benefit numbers to relate to the scenarios, either as they have existed or where we're going, we feel the study doesn't have the value that it should. But I would say if we eliminated it, it would save us some money, but maybe we could put a little bit less emphasis on it. Because don't forget, we'll be getting one answer to that already. We'll be getting the Community College District answer to that. Then it's a matter of how does it relate to maybe some other combination of less density or more density, more residential or less residential and then looking back at where we came from with the 2.5-acre large lots. So we think it's valuable to keep in.

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COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, is that an option that the staff feels is viable, going back to the original 2.5-acre development?

MR. KOLKMEYER: Commissioner Sullivan, we don't know. But if the Community College District were changed radically, for example let's say, it might be that we move back towards that direction in the preliminary and final development plan adoptions of these projects. So we would like to be able to tell you that if you as a Commissioner, as a result of this study, if you as a Commissioner are proposing less density, more residential that goes back towards the 2.5-acre large lot option, is that good or bad in the cost/benefit analysis that you've asked us to do. And as Roman just reminded me, we'll take that same model and we'll be able to say, okay, here's an idea we have for the Airport Development District. Here's how it works according to that model. If you want us to move to the left or to the right of that model, here's the way the numbers would look.

COMMISSIONER SULLIVAN: I can see the value of that but I can't see the value of just using this as a promotional piece to say, Oh, look how bad it would have been under 2.5 and look how good the Community College District is. I think what we need to do is to say if the consultants have some recommendations based on the model, as you say, that would adjust, would reduce commercial, would increase residential or vice versa, based on their own models, I would say that we'd want to see what that recommended alternative is. But I can't see a value of going to yet a third alternative and making them go through all those calculations, to go back to the 2.5-acre zoning, because certainly you haven't proposed it. I haven't heard any Commissioner propose it. We're dealing with the zoning that's in place.

MR. KOLKMEYER: Well, Commissioner Sullivan, the two people that came in to interview with us, they both showed us—this is not really a time consuming thing. Once they get the model set up to do the work, they just put the numbers in and put whatever numbers that they want in. And the suggestion here was just to give us some scenarios that we would be able to—it's not a promotional tool for one or the other, but to be able to gauge how the cost/benefit aspect of it really works if you change one thing on one side or change another thing on the other side. With that we can run as many scenarios as we want because don't forget, the 2.5-acre large lot paradigm is one that exists throughout the county. We would then be able to take that and say, Well, if it worked over here this way. How can we compare it against that because if we're doing this to clearly understand what the costs and the benefits of the change in development patterns might be, then this is the tool that we would use for that.

CHAIRMAN DURAN: I think that the Community College District is an example of evolution. I think that to do this study without factoring in where we came from would be doing an injustice to the plan. In the 2.5-acre scenario we wouldn't have cluster development. We wouldn't have open space. I don't think we can go forward with this evaluation without factoring where we came from. And I think we need to keep 4 in there. It just makes sense. Even if it costs a little bit more. We're here to put together a complete and

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concise study and if you're going to admit what I consider to be a major component of that I don't think you're doing any of us any favors.

MR. KOLKMEYER: Mr. Chairman, going back to Commissioner Campos' question though. We can clearly be cognizant of this in terms of the cost and make sure that we're not going into four scenarios or five scenarios and to make sure that it's really clearly focused on the objectives of market analysis and fiscal analysis too. And I don't think that given the fact that this is what the model is supposed to do, that once they plug their numbers in there it should be a real cost factor. But we'll keep our eye on that as we negotiate with the final consultants.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I think what staff is asking for is direction. It's not an action item, and I would concur with the amendment as proposed by staff that we do all four items. I believe Commissioner Sullivan has some ideas about the assembly language but I think we should go forward as soon as possible, make time a factor and keep us abreast with what is going on with this thing and how much time it's going to take so if adjustments need to be made, we can make them on a timely basis.

CHAIRMAN DURAN: I agree. I think the community is expecting for us to complete this study and there's a concern out there that we have approved large-scale development out there without any regard to infrastructure, the availability of services, the impact that development is going to have on our community as a whole, and I really think we need to move forward as quickly as possible, so that we can either amend the Community College District appropriately or dispel any false concerns or false claims.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that's fine. I just can't see—when I see gathering data, the question I ask myself is what am I going to do with that data. So if we this hypothetical scenario, which is going to cost \$10,000 or whatever, as what if the Community College District had all developed at 2.5-acre lots, how evil that would be and here's what the cost would be. It's a promotional piece and if the Commission feels that's important, fine, but once you have that data, what do you do with it? Nothing. That's in the past. That's not even what we're talking about. What we're talking about is the proposals that are coming forward now based on the existing zoning and how those relate to the commitments the County's making. If the Commission feels it's important to justify past action, do it. But it will have some cost impact and it may have some time impact as well. The crux of the issue is getting down to the other items in there and really getting a handle on what these costs are.

CHAIRMAN DURAN: I really rely on you to bring us a balanced report so that we can make some reasonable decisions.

MR. KOLKMEYER: And you'll pay for it, correct, Mr. Chairman?

CHAIRMAN DURAN: Yes, we have \$200,000. We got it last week.

MR. KOLKMEYER: Okay. Thanks.

CHAIRMAN DURAN: And Commissioner Sullivan said it was okay if we spent it.

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MR. KOLKMEYER: Thank you very much.

COMMISSIONER SULLIVAN: I think that's a good use for \$100,000 of it.

CHAIRMAN DURAN: Yes. Okay. Thanks, Jack.

XI. D. Project & Facilities Management Department

1. Request Authorization and Approval of a Professional Service Agreement, #23-0085-PFMD, with the Highest Rated Offeror (RFP #23-01) for Architectural/Engineering/Planning Services for Phase II of the Multi-Purpose Teen Center

CHAIRMAN DURAN: Oh, where's that going to happen? Where's it going to be built, I guess that's what I meant to say?

RAY MIER (Project and Facilities Management): Arroyo Seco Teen Center. It's the second phase.

CHAIRMAN DURAN: Oh, okay. I'm with you. Any questions of staff? When are we going to build one here in Santa Fe?

MR. MIER: That's a good question, Mr. Chairman.

CHAIRMAN DURAN: Bad answer.

MR. MIER: Maybe the Agua Fria Park.

COMMISSIONER SULLIVAN: Mr. Chairman, let me make a suggestion on that. The State Fair Board, in concert with the consultant and the staff, is just now completing a master plan for the fairgrounds.

CHAIRMAN DURAN: On Rodeo Road?

COMMISSIONER SULLIVAN: On Rodeo Road.

CHAIRMAN DURAN: Oh, good.

COMMISSIONER SULLIVAN: And that was one of the things that several of the Commissioners put some of their discretionary money into. And I attended one of those meetings last month and that's moving forward and I think they're getting close to a resolution. They've had a number of meetings with the Fair Board and so forth. One of the focuses of that property is youth facilities and rodeo is essentially a youth function. The 4-H functions out there. So there is a youth component in that planning. And I don't know whether a teen center would be appropriate somewhere on that site but it's something that's generally been discussed in terms of youth facilities. So we might want to keep an eye on that.

CHAIRMAN DURAN: Perfect.

COMMISSIONER SULLIVAN: It's certainly a central location for something like that.

CHAIRMAN DURAN: Okay, any other questions of staff? If not, what's the pleasure of the Board?

COMMISSIONER VARELA: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion to approve with a second. Any further discussion?

The motion to approve the professional services agreement for the teen center passed by unanimous [4-0] voice vote.

XI. F. Regional Planning Authority

1. Request Approval of Amendment to the Joint Powers Agreement Between the County and City of Santa Fe for the Regional Planning Authority Regarding the County Capital Outlay Gross Receipts Tax

MS. QUARLES: Members of the Commission, staff is requesting approval of the fourth amendment and restated Regional Planning Authority joint powers agreement. The amendments include provisions that will allow the Regional Planning Authority to review and consider joint regional projects in accordance with the County ordinance 2002-05. I think most of you are aware of what the Regional Planning Authority recommended for approval on October 15th. And I would stand for questions.

CHAIRMAN DURAN: Any questions of Diane? If not, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: I move for approval, Mr. Chairman. I think this agreement has been worked over in the Regional Planning Authority with the City and the County and we've come to a consensus on it and it has to be approved by both bodies and I think Santa Fe County should be first.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: For discussion, this is what we discussed at the RPA last week, right?

COMMISSIONER SULLIVAN: That's correct.

CHAIRMAN DURAN: Okay. Any further discussion?

The motion to approve the amendment to the Regional Planning Authority's JPA passed by unanimous [4-0] voice vote.

CHAIRMAN DURAN: Good work, Diane.

XI. G. Utility Department

1. Request Approval of First Amendment to Customer Contract for Commitment of Water Services Between Santa Fe County and Ranch Partners, Inc.

GARY ROYBAL (Utilities Director): Good afternoon, Mr. Chairman, members of the Board. I believe the item one on the agenda for Utilities was tabled or withdrawn.

MR. LOPEZ: Mr. Chairman, apparently I was supposed to have asked that it be tabled but I didn't.

COMMISSIONER SULLIVAN: Because it's not in the packet.

MR. LOPEZ: I'm sorry. They asked me to request tabling for that and I forgot to do that.

CHAIRMAN DURAN: Do you want to make a motion to table?

COMMISSIONER SULLIVAN: Move to table?

CHAIRMAN DURAN: Is there a second?

COMMISSIONER VARELA: Second.

The motion to table XI. G. 1 passed by unanimous [4-0] voice vote.

XI. G. 2. Request Approval of Water Service Agreement Between Santa Fe County and Rancho Viejo de Santa Fe, Inc.

MR. ROYBAL: Mr. Chairman, members of the Board, before you is a water service agreement between the County of Santa Fe and Rancho Viejo de Santa Fe, Inc. This water service agreement before you is a modification to the standard water service agreement approved previously by the Board, I believe in August. And I'd like to just go over the modifications for you just very briefly. I did present a memo to you that reflects those modifications. The modifications basically take place in paragraph III of the agreement. The first modification is to Section A.1 of paragraph III.

The modification basically addresses the actions that have been taken by Rancho Viejo to move certain water rights into the Buckman wellfield. The second modification takes place within Section A.1.i. and this modification requires that Rancho Viejo pay the cost to transfer the cost of those water rights to the Buckman wellfield to the Buckman diversion project if and when that project becomes operational. The next modification also takes place under Section A.1.ii. This modification gives the flexibility to Rancho Viejo to attempt to negotiate, I believe, with one of the other entities holding wheeling capacity with the County to attempt to get those entitlements under some type of an agreement with that entity. And the final modification comes in in Section D. of paragraph III. Basically what this provision allows is it allows Rancho Viejo the flexibility to move the point of diversion from the Buckman wellfield that was

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ordered by the Commission to another point of diversion that could be designated by the County or to a point of diversion that they choose if water cannot be provided from the Buckman wellfield.

Those are the only modifications to the standard water service agreement and I stand for questions on that.

CHAIRMAN DURAN: Gary, on the final modification, what are the options other than the Buckman?

MR. ROYBAL: Currently, the County has two diversion points, the Buckman wellfield being one of them and the Valle Vista wells is the other diversion point. Those are the only two diversion points available to the County today.

CHAIRMAN DURAN: What are we thinking of in the future?

MR. ROYBAL: The future water supply sources or diversion points that the County has either under consideration or under contract would be the Buckman surface diversion off of the Rio Grande, the Hagerman well, which is under contract for purchase. We also met all the requirements of the legislature to begin lease negotiations for the penitentiary wells. So there are three other potential diversion points in addition to the Buckman wellfields and the Valle Vista wells.

CHAIRMAN DURAN: Can these rights be transferred to the Raney collector, the San I project?

MR. ROYBAL: Mr. Chairman, I couldn't say whether they can or they can't be. It's my understanding that the Otowi gauge is the demarcation point for transferring, so they may be some. I know there's a resolution or memorial that doesn't favor the transfer of water rights up or below the Otowi gauge.

CHAIRMAN DURAN: What kind of rights are these? Are they Middle Rio Grande?

MR. ROYBAL: Mr. Chairman, they're Middle Rio Grande rights. They're well water, groundwater rights.

CHAIRMAN DURAN: But they're Middle Rio Grande?

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

CHAIRMAN DURAN: Any other questions of Gary?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Roybal, yesterday we talked a little bit about this case and I'd asked you for more information about the water rights that would be transferred, the priority dates, etc. Did you come up with anything?

MR. ROYBAL: I talked to Mr. Utton, our water rights attorney and he said there was no problem. They can be produced and there are no identifiable problems or issues with them.

COMMISSIONER CAMPOS: Did he tell you what the priority date was?

MR. ROYBAL: Mr. Chairman, it's my understanding that because these are groundwater rights that there is really no priority because of the basin having been declared or

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not declared, I'm not quite sure just exactly what the priority dates are but I do know that these are pre-1956 water rights. Before the basin was declared.

COMMISSIONER CAMPOS: Where does that leave us in case of a water call, if we don't have a priority? Isn't priority date key to understanding how a call would work and who would have water and who wouldn't?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I couldn't give you any real detail. I did ask Mr. Utton about this and he said that these water rights are good water rights. He has himself transferred some of these water rights to the Buckman wellfield. And I believe these are probably subject to any other type of restrictions—well, they would be subject to any restrictions the State Engineer would put on them. And we would know that with the transfer or the order approving any such transferring, and the amount that could be transferred.

CHAIRMAN DURAN: Any other questions of Gary?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Actually, this is a question for Steve, for staff. I'm concerned that the direction of the Commission in the conditions that were approved for the development were that the water rights would be, the diversion points would be in the Buckman wellfield area. And yet here we've added in a condition which seems to be setting new policy, new conditions, of allowing the applicant the choice of where that diversion would go if for some reason they run into some delays with the State Engineer's Office. What's your read on that, Mr. Kopelman?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, a couple of things. One is I think there's an implied provision at the end of this that I think should be added expressly which is—a couple of things. One is that if the County doesn't approve the point of diversion ultimately, then the applicant would not be able to use those water rights for the development. It ultimately comes back to the Commission but I think part of the point of this is this could come in two years, it could come in three years, where the transfer occurs and in two or three years, the County may have other points of diversion. So this keeps it open but the County always has to approve that point of diversion or else the water would not, if it gets moved to that point it wouldn't be usable in our system. But the County always has that right of approval.

COMMISSIONER SULLIVAN: But as currently written, it says that the applicant can transfer water rights to an alternative point of diversion made available by the County, or to an alternative point of diversion of applicant's choice. And it seems unclear to me who makes that decision. It could be one or the other it seems and I don't think this is something that in the Commission's action is a matter for the applicant to choose. I think it's a matter for the County Commission to determine. Am I reading this paragraph incorrectly?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, if I could respond to that. The purpose of this provision is that right now we're restricted as to the wheeling capacity of the Buckman wellfield to 500 acre-feet. That, unless that gets expanded, we're not going to be able to move any additional water from the Buckman wellfield no matter how much water

rights we transfer to the wellfield. That water won't be able to be produced and moved. The purpose of this is if we cannot do that, and we have alternate points of diversion, the County at its discretion could delineate or require another diversion point for these water rights to be transferred into so that we can produce and move that water.

COMMISSIONER SULLIVAN: I'm not reading it that way. Let's suppose that the County doesn't at the particular time have any other points of diversion. It still only has the two that you mentioned. And for some reason, then, as I read this, the applicant can move the water rights to a point of its choosing, which could be the well that they have in the Community College District. Is that correct?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, that's correct, but that doesn't necessarily mean that they can produce that well to serve their subdivision.

COMMISSIONER SULLIVAN: The point is that that wasn't the condition that was placed on the approval of the subdivision. It appears to me that we're changing the master plan approval conditions by virtue of this contract. If you want to change the master plan conditions, it would seem to me that you've got to go back and readvertise and resubmit an amended master plan and go through the public process that we went through before. Not in an administrative meeting change the master plan approval to allow the applicant to put a point of diversion at the well that it has drilled in the Community College District.

CHAIRMAN DURAN: Gary, I think that Commissioner Sullivan has a point there. I think that if Rancho Viejo at some point in time is successful in getting the State Engineer to approve the use of that well for something other than an exploratory well, they can come to this Commission with actual proof of that and perhaps more information relative to the productivity of that well and how it may or may not impact downstream users because you know that that's been the main concern of this Commission, that the well would have a major impact on downstream users and people in the immediate area. I agree that the language like it is right now could be giving them a green light to transfer it there without having it go through the process that we as a Commission feel it should go through.

MR. ROYBAL: Mr. Chairman, if the County cannot serve, if Rancho Viejo is successful in transferring these water rights to the Buckman wellfield, and we are unable to produce that water and wheel it to the subdivision for that service, those water rights would then—they still retain ownership of those water rights. They may want to market those water rights and move them to some other point of diversion if they're not going to get service from the County, from the Buckman wellfield. What this provision does, it basically recognizes that provision that they have ownership and use of those water rights and if we cannot provide them that service from the Buckman wellfield, then they're free to move those water rights wherever they can move them and use them as they can within the law and the requirements of whatever the local government is.

CHAIRMAN DURAN: Why couldn't we say to an alternate point of diversion approved by the County?

COMMISSIONER SULLIVAN: I think you could say that or I think you could just eliminate paragraph D. It has the same effect as Mr. Kopelman has already indicated. We

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have an implied codicil here that the County has to approve the diversion points, which I think you said you'd like to have spelled out, perhaps a little.

CHAIRMAN DURAN: There's a distinct possibility that we'll never get this Buckman well built. And I think that if we actually have it in writing that if they're unable to get the water from the Buckman wells that we're going to have to work together to find another reliable source for the Community College District.

COMMISSIONER SULLIVAN: Well, I think that's true. And this paragraph that's been inserted only talks about the Buckman wellfield. Now, these are surface water rights. So it's most likely that they're a prime candidate for the San Juan-Chama diversion, is where they'll get their water, and it won't be the wellfield rights at all. Am I wrong about that?

CHAIRMAN DURAN: Gary, what's the intent of that last paragraph? Can you go over the intent of that paragraph one more time for us?

MR. ROYBAL: The intent of this paragraph is if the County cannot serve or produce these waters and wheel them to the subdivision, Rancho Viejo, that they would have the opportunity to approach the Commission and ask for an alternate point of diversion if we have one available, or that they have the ability to be able to move those water rights to another point of diversion of their choosing and do as they wish with those water rights, either sell them or keep them at that point of diversion.

If they move them to a point of diversion that is not acceptable to the County, I don't believe that we have the obligation to provide them that service. Let's say that they move these water rights to a well in Eldorado. There's no way that we could hook up that water and move it into their facility. Or if they moved it down to Albuquerque. They can pick the point of diversion that they wish.

CHAIRMAN DURAN: So is this 120 acre-feet over and above what we've agreed to give them under our water service contract? Or does this offset that?

MR. ROYBAL: No, Mr. Chairman. I believe they have 168 acre-feet entitlement under the 500 acre-feet, under the wheeling agreement. This is in addition to the 168 acre-feet. This would go to serve Windmill Ridge Unit 3.

CHAIRMAN DURAN: Well, what did Rancho Viejo say about—did you talk to them about—

MR. ROYBAL: I'd rather, Mr. DuMars is here representing Rancho Viejo. I'd rather him speak to the issue.

COMMISSIONER SULLIVAN: And also we have local residents here too.

CHAIRMAN DURAN: So we'll hear what they have to say because we have some questions then you can come up.

COMMISSIONER SULLIVAN: I think it boils down to applicant's choice means that they can move it to the Rancho Viejo well and they can pump that well.

CHAIRMAN DURAN: I understand that and I also think that striking it entirely might not be the best thing either. Would you be amenable to changing it so that—to an alternate point of diversion approved by the County? You know the intent here, all we're really trying to do is protect the public.

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CHUCK DUMARS: Sure, I totally understand the intent and I'm trying to figure out what would be the best. The situation, and I'll respond to your question in a moment, the situation Rancho Viejo doesn't want to find itself it is they're going to go ahead and transfer the rights into the Buckman wellfield and then if the County says we can't serve you out of Buckman and we can't serve you out of the surface diversion, in fact we have no way to serve you, but you can't transfer them anywhere else unless we choose, unless the Commission decides where to transfer them.

Now it is not the intent of Rancho Viejo to modify anything of whatever rules this Commission has in the master plan for use of wells within the College District control. But it would be, the idea is if we turn over these 120 acre-feet of rights to the County, we would expect service. If there isn't any service, then it's hard to say, someone else who wanted to buy them and use them somewhere else couldn't do that. It is certainly not the intent to move these Rio Grande rights into that well and maybe a better suggestion might be to insert the words "to an alternative point of diversion of applicant's choice, outside the College District." If that was the intent of the—if that's the concern, if that's the only concern that they not be put into that well, then if later on, if the Commission changed its view we could come back and re-evaluate it but it's hard for me to advise my client to transfer the rights in and then not be guaranteed service, find out there is no service, and then not be able to move those rights somewhere else. If there's service they immediately are going to become County's rights and we're just a customer.

CHAIRMAN DURAN: Maybe you're trying to move them—maybe you're premature in trying to move them at all. My understanding about the Buckman wells is that they are already over-committed and if you are transferring 120 acre-feet—I need some understanding. If you're going to transfer 120 acre-feet from the Buckman wells, is the City going to be able to increase our wheeling agreement and allow us to provide you that additional water based on the productivity of those Buckman wells and the impact that pumping another 120 acre-feet is going to have on that aquifer.

MR. DUMARS: Yes, Mr. Commissioner, that's a good question. The answer is that the Buckman wellfield, where it currently sits has a capacity of about 5,000 acre-feet, but the Buckman well permits in the supplemental wells that they're proposing to drill, could produce up to 7,500 acre-feet, that's what the hydrology shows and the City is rapidly moving to expand the area defined as the Buckman wellfields. So I think there will be ample water and I know that the City is certainly pursuing putting more rights into the Buckman wellfield. That's part of their overall plan, so I think there will be ample water.

And I realize the risks involved in transferring them now, but the transfer process is time consuming and it was our view if simply put, if we could get 120 acre-feet of well rights from the Middle Valley, which have had commercial use in the past and get them into the Buckman wellfield. That would be an asset for the County and it would be an asset for Rancho Viejo because they're in the region and then assuming the wheeling agreement is renegotiated and expanded, it's a way to wheel some, in effect, imported water into the region. So the only, my suggestion, my two suggestions—another way we might phrase it would be to simply say,

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after the sentence that says, "Applicant reserves the right in the event the County is unable to serve applicants from the Buckman wellfield to not convey the rights to the County of Santa Fe. And in that sense there's no suggestion that they would be affirmatively placed anywhere. They simply would be in the Buckman wellfield. It would be up to the applicant to move them somewhere else if the County cannot make use of them, or in fact the County might want to acquire them and use them somewhere else for someone else.

CHAIRMAN DURAN: That would be okay with me. You haven't been to any of the RPA meetings I guess. I tell you the City is not too thrilled about increasing our wheeling agreement at all.

MR. DUMARS: I'm familiar with that.

CHAIRMAN DURAN: So I think that if we agree to allow you to transfer, or bought onto the idea that you would transfer them to the Buckman wells with the idea that the City's going to look kindly on increasing our wheeling agreement we're really under the wrong assumption here. Don't you think?

COMMISSIONER SULLIVAN: Well, bear in mind I think the point is right that the City is focusing on the supplemental wells. They're going to drill six supplemental wells, and remember at the RPA meeting we just jointly agreed to contribute \$1.2 million towards that effort. So that's the consensus as to where the groundwater is going to be developed. And that's where the hydrology says that it exists over the near-term future. Another problem here is the statement that if the County is unable to serve them from the Buckman wellfield. I say again that more logically we may be able to serve them from the surface diversion.

CHAIRMAN DURAN: That we might be able to?

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: So we don't want to limit the options to the wellfield because the surface diversion may come on line, they're talking 2004, 2005, before this application came. But if this application was approved first then that would be fine too. But I don't think we want to eliminate the Buckman surface diversion.

CHAIRMAN DURAN: Would it be okay then if we allowed them to transfer to the Buckman wells or to another site? I'm sorry, not transfer them to the County, but rather transfer them to whatever approved site works.

COMMISSIONER SULLIVAN: Well, they've got to go to the County because the County's delivering water, ultimately. My understanding of this agreement as I read it is if the application is not approved, then the rights go back to Rancho Viejo.

MR. DUMARS: That is correct.

COMMISSIONER SULLIVAN: So we're not grabbing their purse and running down the street here. They're protected in that regard. But I think the two main options that everyone feels are appropriate are the Buckman wellfields and the Buckman surface diversion. That surface diversion could be what we're talking about now. It could be San I, whatever comes on line first and whatever we can work out the wheeling agreement with the City for.

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That's where we've got to look forward to to provide the County water system. We need those water rights in the water system to add to the 500 that's already committed.

CHAIRMAN DURAN: Don't you think that the City is going to recognize the Community College District as an appropriate area for the community to grow into? Or do you think—

COMMISSIONER SULLIVAN: Yes, I think so.

CHAIRMAN DURAN: At some point.

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN DURAN: It's going to take a while to get there but I think with the Regional Planning Authority Director's help and knowledge we can probably get there.

COMMISSIONER SULLIVAN: And I think they've always agreed, at least in general concept, to increase our wheeling agreement. They've always said, You bring the water rights to the table. And once we do that for this development and any others then we've got the mechanism to increase the wheeling agreement because the physical capacity of the lines is not a problem.

CHAIRMAN DURAN: So how would you suggest we change it?

COMMISSIONER SULLIVAN: A, suggestion one would be take it out. I don't think it's needed. If you want to keep it in, "is unable to serve the applicant from the Buckman wellfield or a surface diversion, or a Rio Grande surface diversion, to transfer applicant's water rights to an alternative point of diversion made available by the County or to an alternative point of diversion." Then I'd use your wording, "approved by the County."

MR. DUMARS: I think that would be fine. That was the intent. I think, however, it needs to be very clear on the record that once the approval, certainly the County should be able to prove—if they're going to provide service, they should select the point of diversion, not Rancho Viejo. But as long as it's clear, and Steve, you help me out on this, as long as it's clear that if we are not served by the County, if we aren't within the County's service area, then Rancho Viejo would be, as he suggested, it is not possible—if we can't get service and we hope we can, and it was the intent to move it to the Buckman surface diversion, that's why the agreement promises to pay for all the expenses involve in doing that in the future, and any place else the County selects but I think it needs to be clear that if Rancho Viejo doesn't get service in the end, then the water rights won't be transferred to the County because that's the idea of it I think.

CHAIRMAN DURAN: Can't you withdraw your application to transfer the rights at any time prior to actually transferring them?

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MR. DUMARS: Well, we could, but I think it would not be prudent to withdraw. I think for all kinds of practical reasons, it's very important to get these rights transferred into the Santa Fe area, into the Buckman wellfield and they will become in the future, once the surface diversion is constructed, a part of the surface diversion water rights, or they'll become part of the County's share of some expansion of Buckman. But I think it's really important. If you'd repeat the language I think we'd probably agree to it. Why don't we hear that again.

COMMISSIONER SULLIVAN: I can repeat it. I just want to make a clarification that if for some reason the County can't supply water, then I think the mechanism that Rancho Viejo has aside from where you're going to divert is then you need to come back and request an amendment to your master plan, because your master plan clearly indicates that water will be supplied from the County water system. So if everything went awry and that couldn't take place then you would come back to the County and you would say we tried but we can't do it; we can't meet our time frame, whatever reasons. Or hydrologically, the State Engineer has denied it or whatever, and here's our alternative suggestion, or here's our alternative plan. That would then be an amended master plan and we'd go back and the Commission would consider that based on the facts.

In terms of the language, and I defer to Mr. Kopelman on this. I'm just suggesting lay language. Mr. Kopelman, do you have something that sounds better? I'm sure you do.

MR. KOPELMAN: Mr. Chairman, Commissioner, I guess there's another concept I think. I think what Rancho Viejo is saying that if it turns out that the County cannot serve Rancho Viejo because we either don't have the point of diversion, there's no more capacity, then the water rights would go back to them and they can do with it what they wish, but they would not be able to serve the development. And we can come up with language that, I think that's the point that Mr. DuMars was trying to make. Again, I think that any time they're transferring water—if it's in our system, we have the right to approve it. We have to approve the point of diversion. And if they can't move the water within our system to use it then basically the agreement terminates and they take their water rights and go home and sell them in Albuquerque or do something else.

COMMISSIONER SULLIVAN: Right. But there's not an implied condition here that they can then use those water rights for some other well located within the development or within the Community College District.

MR. KOPELMAN: And what we'll do is we can come up with that language. If that's the concept, that shouldn't be difficult to come up with the language if that's what the Commission wants to see.

CHAIRMAN DURAN: Unless it's proved—unless something else—

COMMISSIONER SULLIVAN: And then they would come back and prove to the Commission an alternative, through an amended master plan. They would come back and say, Here's where we're going to drill a well. It's going to be over in Section so-and-so.

CHAIRMAN DURAN: And then we run them through the grinder then.

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COMMISSIONER SULLIVAN: Well, we—then they have to go through the State Engineer's approval regardless. I think the likelihood of where it's going to come from is right where we've indicated it's going to come from.

CHAIRMAN DURAN: I agree.

COMMISSIONER SULLIVAN: Because our geologist, hydro-geologist tells us that even the basin and basin fringe areas that are shown on our 1980 plan are way too far south. They really are further north.

CHAIRMAN DURAN: The basin and the basin fringe are further north.

COMMISSIONER SULLIVAN: Correct. Than they are. And conversely, she's told me that the basin area is actually further north on the north side than it's shown. Of course up there, you get into problems of water quality. At present time, hopefully we can get that rectified. So the analyses seem to be showing that this kind of the centroid where the water is going to come from. But I don't think we can go along with this blank check here.

MR. DUMARS: I'm in complete agreement with what Mr. Kopelman has said and as often as is the case he said it more clearly than I could. I think we can work out that language and we understand the sense of it and delaying going through the grinder is always a good principle that we would rely on and certainly come back for the change to the master plan if in fact it was not possible. I think we will be served by the County. I think those rights are a wonderful asset for the County water rights base. I think we're prepared to accept that amendment right now.

CHAIRMAN DURAN: Okay. Well, we have someone from the audience that would like to address the Commission. Please state your name for the record, sir.

HUGH NAZOR: Hugh Nazor of the San Marcos Association. I thank you very much for this unusual opportunity to address you. We had two concerns. You probably each of you caught some of the dozens of e-mails that were going around the last two days since the agenda was published. I'm here to speak simply because most people involved and concerned down there are not able to at this time of the day on a weekday.

One of our concerns was what we considered undue flexibility about points of diversion and you've handled that admirably. I'm a fan of Rancho Viejo and I'm not going to speak against them in any way. Our concern is simply wet water in the part of the basin that we live in. The board has a letter, as you all know, to the State Engineer's Office asking for a study considering the area to be a critical resource area. I think this is a well taken area. This study needs to be done. There is great trouble in that area. Article after article and welldriller after welldriller has pointed out that this is the most troubled area in the county for water right now. The only study we have, the 1994 hydrology study shows not only that the water for what is now called the North Galisteo Basin down where I live but the La Cienega area flows through this very area.

So our second concern is that the other points of diversion, the Valle Vista and the penitentiary area are also within that same general aquifer and would cause actually more trouble to La Cienega than it would to us a little farther south. La Cienega so far is a pretty wet area but according to the only studies that exist now, their horizontal flow recharge runs right

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through here. And until such time as the studies that you've already requested are done, I would hate to see anything pointing to a greater mining of the wet water in that area. Thank you very much.

CHAIRMAN DURAN: Thank you, sir. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: I have one other question. On this issue, are we going to approve it with the option to review that modified Section D at the next meeting. I really would like to see the actual language that you do.

MR. KOPELMAN: Mr. Chairman, I can give you the language right now. I think the language should be, at the end of that paragraph D, "A point of diversion of applicant's choice as approved by the County." And then if the County is not able to provide service to Rancho Viejo, this agreement, at that point this agreement shall terminate and Rancho Viejo retains ownership of the water rights. I think that's all we're saying.

COMMISSIONER SULLIVAN: I would like to add in, I would like to take out "of applicant's choice" and just say "a point of diversion approved by the County." And I would also like to add in "Rio Grande surface diversion" in addition to the words "Buckman wellfield" because I think everyone has their view of what the Buckman wellfield is and you're right, there is that interconnection. The surface diversion comes from that but I want to be clear that that, if we're able to provide water from the surface diversion, our commitment has been realized. Does that work with your language?

Okay, then when you say—say the last part of it again about—

MR. KOPELMAN: If the County is unable to provide water service to Rancho Viejo, this agreement shall then terminate and the water rights shall revert to Rancho Viejo. Or Rancho Viejo shall retain ownership of the water rights.

COMMISSIONER SULLIVAN: Okay. And that doesn't give them any implied authorization to go to any other point of diversion until they come—

MR. KOPELMAN: That just means that we don't have a contract to provide service to them but their conditions of approval in the master plan don't change.

COMMISSIONER SULLIVAN: They would have to come back.

MR. KOPELMAN: They would have to come back. Absolutely.

COMMISSIONER SULLIVAN: Okay, so let's go through the language once again. "Applicant reserves the right in the event the County is unable to serve the applicant from the Buckman wellfield or a Rio Grande surface diversion to transfer applicant's water rights to an alternative point of diversion made available by the County or approved by the County, or to an alternative point of diversion approved by the County." Period. Then comes your sentence. And read it again.

MR. KOPELMAN: "If the County is unable to provide water service to Rancho Viejo, this agreement shall then terminate and Rancho Viejo shall retain ownership of the water rights."

COMMISSIONER SULLIVAN: And I would just use the word "applicant" instead of "Rancho Viejo."

MR. KOPELMAN: Okay.

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COMMISSIONER SULLIVAN: Since you've used the applicant throughout here.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: So that seems to work. Then I had one other question. Do we get, Gary and Steve, what do we get ourselves into on the 500 acre-foot maximum issue in III.A.1.ii? We have—is the intent of this that of the 500 acre-feet that the County has already committed to other developers and to itself, that Rancho Viejo can then go out and negotiate with one of these individuals and purchase their water rights. Or their—the water rights that they have through the County. Is that the idea?

MR. ROYBAL: Mr. Chairman, in general, that's correct. That they can approach another entity holding an entitlement, a portion of those 500 acre-feet, an entitlement to a portion of those 500 acre-feet and negotiate some type of an agreement with them where they could do possibly an exchange of the water rights that they transfer for an exchange of their entitlement. This provision simply gives them the opportunity to try and do that. These water service commitments that we have for the 500 acre-feet all have a provision that allows the County first right of first refusal if there's going to be a transfer in assignment of these water rights. So even if they were to negotiate some type of a transaction or agreement with an entity that has an entitlement under those 500 acre-feet, it would still have to come for Board approval.

COMMISSIONER SULLIVAN: And then what position does that place that developer in from whom they've purchased the water rights?

MR. ROYBAL: Mr. Chairman, that would be the risk analysis that developer would have to undertake in doing an agreement. Every agreement is different and every developer has their own risk that they take when they undertake this type of—

COMMISSIONER SULLIVAN: Because as I remember the numbers, Rancho Viejo has like 168 acre-feet as you've indicated. That's a third of all of our wheeling agreement rights right there. About 100 acre-feet, give or take, are allocated to the County, I believe. That's for the Public Works, the jail, all of that. I may not be right on the number but it's something close to that. So that's 268 acre-feet, give or take. Let's just call it 250. So they have the right by virtue of this clause to negotiate with owners of the remaining 250 acre-feet of water rights. Is that correct?

MR. ROYBAL: Mr. Chairman, yes.

COMMISSIONER SULLIVAN: Okay. And they need 120 to serve the third phase. So they'd have to buy a half of that remainder. Is that correct?

MR. ROYBAL: Mr. Chairman, you're math is correct.

COMMISSIONER SULLIVAN: Okay. I'm just trying to get a handle that in order to make that clause work, they would need to buy up half of the remaining water rights that are not already committed to them or to the County, to get 120 acre-feet, give or take.

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

COMMISSIONER SULLIVAN: So it's just a matter, we'll see how much water is worth, I guess. Or the cost of time in the issue. There may be other developers that are

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further down the road that don't mind waiting and going through this process whereas Rancho Viejo for some premium might say We'll take those water rights off your hands.

MR. ROYBAL: And Mr. Chairman, I'd just like to emphasize that any type of transaction or agreement of that nature would have to come before the Board for your approval.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, I'd move for approval then, based on the amended language in paragraph III. D.

CHAIRMAN DURAN: Okay, is there a second?

COMMISSIONER SULLIVAN: There you go, see? We went through all that work for nothing.

CHAIRMAN DURAN: I'll second it. Any further discussion?

COMMISSIONER VARELA: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER VARELA: Question of Mr. Kopelman. Would the modification to the language that we had concerning Section D, does that still put the points of diversion that could be designated by the County, would those still be Valle Vista, Hagerman, etc., etc.? Would those still be adequate points of diversion for language?

MR. KOPELMAN: Mr. Chairman, Commissioner Varela, at this point now, the points, the areas that they can use would be in conformance with the master plan approval, and we're really talking about the Rio Grande surface diversion, or the Buckman field. Anything beyond that would have to have a modification of the master plan. And that can be done by the Commission. Okay? So at this point they couldn't use Hagerman or Valle Vista.

COMMISSIONER VARELA: Right. So it would have to come before the Commission again before they could suggest using an alternate diversion.

MR. KOPELMAN: That's correct.

COMMISSIONER VARELA: Thank you.

CHAIRMAN DURAN: Okay any other questions or discussion?

The motion to approve the modified water service agreement with Rancho Viejo passed by majority [3-1] voice vote, with Commissioner Lopez voting against.

XI. G. 3. Request Direction and Approval of Water Service Agreement Between Santa Fe County and Komis Land Company

MR. ROYBAL: Thank you, Mr. Chairman. Before you is another water service agreement, this one with the Komis Land Company. Komis has requested a water service agreement with the County to serve approximately 52.5 acres of property that's within the service area of the utilities. As part of this water service agreement they've agreed to transfer approximately 39.55 acre-feet of water rights to the County for this water service. The water service agreement is the standard water service agreement that has been approved by the Commission. One of the requirements in that water service agreement is that the Board

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designate a point of diversion. The Utilities Department is recommending that that point of diversion be the Valle Vista wells and the purpose and the reason for our request to move these into the Valle Vista wells is that these are groundwater wells, these are groundwater rights that were permitted within the basin. The Valle Vista wells have diminishing water rights that will have to be replaced and this is a good location to be able to begin to place water rights into these wells, not that they're going to be produced more but the water rights will be there and made available when the water rights that are used to serve the Valle Vista system basically decline over a period of time. These water rights will be available there to produce that water and move it into the system. With that I open myself up for questions.

CHAIRMAN DURAN: Gary, is this the site where the—no, that's a different site. Never mind. Any questions of Gary?

COMMISSIONER VARELA: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER VARELA: Gary, how much water—I understand what you're talking about about bringing this water into the Valle Vista well system, but wouldn't Komis be keeping that water as part of their development?

MR. ROYBAL: Mr. Chairman, Commissioner Varela, that water would be made available to the County to produce and move into its system. We would provide up to whatever's approved for transfer by the State Engineer's Office for his development. If it's moved into the Valle Vista well system, right now we're not bringing water from the Valle Vista wells into our system. That water is being produced and used within the Valle Vista Subdivision. So as those water rights decline over time, these water rights will replace them and still be used to provide service within that area. We would find another source to move that water into our pipes to serve the subdivision. I'm sorry, the business park.

COMMISSIONER VARELA: So you're saying that by moving these rights that there will be no added pumping of the aquifer?

MR. ROYBAL: Mr. Chairman, Commissioner Varela, I cannot—there may be additional pumping of the aquifer, maybe not from the Valle Vista wells. There could be some from, say for instance, the State Penitentiary wells or we could use it from the wheeling agreement. Right now we're using approximately 170 acre-feet out of our 500 acre-feet. So we have an inventory of 330 acre-feet of wheeling capacity. From an operational point of view we would probably purchase or wheel that water that's needed for that business park under our 500 acre-foot entitlement or wheeling agreement and not produce any more water from these wells or increase the pumping until we've hit the capacity of 500 acre-feet.

COMMISSIONER VARELA: Under optimal circumstances, but we have no assurances that we're not going to, either in the short term or the long term, be pumping more water than is currently being pumped, right?

MR. ROYBAL: Mr. Chairman, Commissioner Varela, I don't believe that we will be pumping more out of the Valle Vista wells, even if these water rights are transferred in there. At least not on the short term. We may look at maybe increasing the wellfield, maybe adding some supplemental wells to increase capacity in that area but that's not in our plans right

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now. So there could in the future be increased pumping in that area but I do not see it in the short term. I think we would use our wheeling capacity at this point because we have an inventory in there to be able to move this water and provide the service that we need. What we're looking at in the Valle Vista, by using that as a point of diversion is more or less like a place-setter for these water rights.

COMMISSIONER VARELA: Thank you.

CHAIRMAN DURAN: Can Komis pump these water rights from his location now?

MR. ROYBAL: Mr. Chairman, these water rights and I believe the major portion of them are from the Zafarano well. That was that mobile home park that was off of Zafarano where they put that little strip mall in there. And then the other ones are the Neal rights. These are groundwater rights all in the same vicinity. I think these water rights were just a little east from the Zafarano rights I believe.

CHAIRMAN DURAN: But could Komis drill a well at his site and start pumping these water rights from there, create his own point of diversion?

MR. ROYBAL: Mr. Chairman, I believe part of his master plan approval required that he hook up to the County water system.

CHAIRMAN DURAN: I don't think so. I think that we—I think he was going to drill a well. I think, I might be wrong.

MR. ROYBAL: Mr. Chairman, I didn't do the research on the Komis property. I did some research on the Pierson property which is really adjacent to this property.

CHAIRMAN DURAN: Yes, I get confused with that too.

MR. ROYBAL: And the Pierson master plan condition of approval required them to tie into the County water system and there was a provision in there that they get together with Komis to move a waterline down there. So I believe that it could be a condition that they hook up to the County water system. I will check that and get back with you and let you know.

CHAIRMAN DURAN: Any other questions of Gary?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Gary, you indicate in your memo that the County has two points of diversion available, the Buckman wells and the Valle Vista wells. We've just been through an extensive discussion about the feasibility of the Buckman wells and why wouldn't we do the same thing with this one that we did with the Rancho Viejo application?

MR. ROYBAL: Mr. Chairman and Commissioner Sullivan, the Commission in approving the Rancho Viejo Subdivision master plan required them to go to the Rio Grande or to the Buckman wellfield. These are also mainstem, Middle Rio Grande water rights that are outside, I would say, the Santa Fe Basin. And I think the appropriate place and point of diversion for those types of water rights are off of the Rio Grande. These water rights are Santa Fe Basin water rights or groundwater rights and they're local water rights. The impacts are

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local from their pumping so there's no increased impact from these water rights by moving them to the Valle Vista because they have been produced in this basin. The impacts have been felt already in this aquifer. Whereas if you're moving mainstem water rights from down south up to this area, that would be additional impact if we were to move them into wells within the Santa Fe Basin.

CHAIRMAN DURAN: Okay. What's the pleasure of the Board? Did you have something to say?

CHRIS GRAESER: Mr. Chairman, very briefly, Gary said it but—Christopher Graeser, I represent Komis Business Park, Komis Land Company, LLC. Gary said it but I think it's worth echoing that as it currently stands, transferring these rights to Valle Vista is not going to result in increased pumping at Valle Vista and that the water for Komis Business Park, whenever that actually comes on line, is not going to be coming from Valle Vista. It will be coming at this time from Buckman or a diversion project as it would if you required the Komis project to transfer its rights out there. The difference here is you've got rough figures, 75 acre-feet at Valle Vista being pumped now. Those rights are diminishing. The main reason the County bought the Valle Vista system was to sort that out and protect the people in Valle Vista. In the next fifteen years, you lose about half of those rights.

These 39.5 acre-feet of rights will make that up to keep the Valle Vista well serving the Valle Vista customers there. We're transferring about 39.5 acre-feet. The water budget for this business park when it eventually all comes on line is about 31 acre feet so there's certainly a cushion there. That 31 even includes a 10 percent reserve imposed by the Land Use Department.

CHAIRMAN DURAN: So is your client asking that if we agree to transfer these to the Valle Vista with the understanding that you just, the scenario you just mentioned where that would actually ensure to the Valle Vista residents a reliable and sustainable water source that we would provide him with the same number of acre-feet of water rights through our system?

MR. GRAESER: Correct. Mr. Chairman, the County is, within the next 15 years going to have to make up those water rights somehow.

CHAIRMAN DURAN: Make up the Valle Vista water rights?

MR. GRAESER: Correct.

CHAIRMAN DURAN: We have to buy some and transfer them.

MR. GRAESER: You do. Mr. Chairman, you've got—over the last couple years before the County bought that system it was overdiverting, so there was a historical deficit that needs to be made up.

CHAIRMAN DURAN: Right.

MR. GRAESER: Plus, now the rights are going away. Those are going to have to be made up, 35-odd acre-feet.

CHAIRMAN DURAN: And we have people that live out there that rely on the water that was established. So basically we're saying we're going to run out of enough water rights to provide water to the community that's been established out there.

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MR. GRAESER: Absolutely, Mr. Chairman. They are pumping those rights to their capacity and beyond over the course of the last couple years and those rights are going to be diminishing. Those have to be made up to be able to keep pumping to serve that subdivision.

COMMISSIONER SULLIVAN: But if for any reason we wouldn't transfer or didn't transfer water rights there, we could still serve the community in the future from the Buckman diversion. It's not a given fact that you need to pump the Valle Vista well in order to serve the Valle Vista community. Once we had Rio Grande diversion in place we could shut the well down completely. We're tied into them now. We just don't—right now we're pumping internally. So it's not a doomsday thing here. The Valle Vista residents aren't going to run out of water. They're either going to get water in the future by the County transferring more water rights to that well, if the well can survive, and I understand it's not in the best of condition.

CHAIRMAN DURAN: I understand.

COMMISSIONER SULLIVAN: Or we bring it in through the wheeling agreement. So nobody's going to be out of water in Valle Vista and I think the issue here is that the staff cannot assure the Commission or the residents, as Commissioner Varela said that the pumping won't exceed what's being pumped now, in the future. In the near term, there's no need to pump Valle Vista because we're still under our 500 acre-foot. But as soon as we hit the 500 acre-feet, then if we transfer these water rights we are in fact going to pump it more. And I don't think that's the best long-range plan for this area.

MR. GRAESER: Mr. Chairman, final observation. You had asked about Komis Land Company putting a well on its property. I didn't have a chance to look at the conditions of approval in the master plan. I talked to Joe Catanach, he assured me that hooking onto the County water system was a condition of approval of the subdivision so we do need to be able to hook on. In response to the question as to whether Komis could sink a well, Komis could sink a well on that property and turn it over to the County and thus become part of the County water system. I guess that's the only way it would work under the conditions of approval.

MR. LOPEZ: Mr. Chairman.

CHAIRMAN DURAN: Estevan.

MR. LOPEZ: I'd like to add another perspective to this as well. I think all of what's been said here is correct. We have actually a number of wells at Valle Vista with some water rights that are diminishing over time. The first step in that diminishment happens in 2004 and then we have another relatively large step in 2019, I believe. And if we were to move these, as has been pointed out by various speakers here, if we were to move these water rights to Valle Vista, under the current conditions, we wouldn't necessarily have to pump those wells to access these water rights. And if, and this is at this point still a big "if," if we are able to bring on line a direct surface diversion within three or four years, presumably, once we've got the direct surface diversion on line, for the most part we wouldn't have to pump or utilize these water rights either. And as has been correctly pointed out, we wouldn't even have to pump the Valle Vista wells at even for even the Valle Vista subdivision.

But I think it's prudent from the perspective of a utility overall to diversify in terms of our water supply sources. If we rely solely on surface water rights, and we have years like we

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had this last summer, and we're not able to get what we need from there, I think that for times like that it would be very prudent for us to actually have a portfolio of groundwater rights as well that we can access locally. And ideally, we should be looking at a resource management plan that will allow us to basically minimize pumping during times when there's plenty of surface water available and reserving those water rights in essence for a drought reserve.

But if we don't have groundwater rights, it doesn't matter. Then we don't have a basis for establishing a groundwater reserve. So I think that it behooves us to acquire some groundwater rights and then manage them prudently.

CHAIRMAN DURAN: Okay, well, then I'll make a motion to approve the request with the understanding that before any increased pumping from this well occurs that the Commission is advised of that. So that it would be a zeroed out effect until you can bring new information to us. Does that make sense?

MR. LOPEZ: Mr. Chairman, could you repeat that?

CHAIRMAN DURAN: No. I would move for approval of this request with the understanding that upon the transfer of those water rights, that the amount of water that's being withdrawn from that point of diversion right now, that we don't exceed that. That's with the understanding that we have a diminishing number of rights allocated towards that point of diversion. So that if there is an increase in the water rights, it can only be increased with Commission approval. With the intent of protecting downstream users.

MR. LOPEZ: Mr. Chairman, I think I understand you but I think perhaps rather than before there's an increase in water rights, I think what you're trying to say is before there's an actual increase in pumping of those wells relative to historic values or current values I should say.

CHAIRMAN DURAN: That's what I meant to say. Thank you. I thought I said that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: A question for Mr. Graeser. Mr. Graeser, if this application or request is not approved, what are the options that Komis has?

MR. GRAESER: Mr. Chairman, if the request for approval of the contract isn't approved, or—I don't know what his options are, because the Commission imposed a condition, as I understand, that requires him to use the County water system to serve his development. If that condition wasn't imposed his option would be to sink a well on his property and transfer the rights there and have a small—this is an 18-lot subdivision. It's not large. However, because the Commission imposed that requirement and if he's not permitted to hook onto the County water system it puts him in quite a bind. I can't answer for what Komis and Company would do at that point, but they're limited.

CHAIRMAN DURAN: Okay, so is there a second to my motion?

COMMISSIONER CAMPOS: Mr. Chairman, I'd move to table it to the next meeting. I think I need more time to talk to staff about this to fully understand it.

CHAIRMAN DURAN: I'll second that.

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The motion to table tied [2-2] with Commissioners Duran and Campos voting for tabling.

CHAIRMAN DURAN: Okay, then this will be heard at the next County Commission meeting.

COMMISSIONER SULLIVAN: No, it's not tabled.

COMMISSIONER CAMPOS: It's tied.

COMMISSIONER SULLIVAN: Excuse me, Mr. Chairman. The other alternative, which the staff lays out in their agreement is that the point of diversion be the Buckman wells. Then we can provide water through the wheeling agreement in the future.

CHAIRMAN DURAN: Is that a motion?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER VARELA: Second.

CHAIRMAN DURAN: Okay. Any further discussion? I actually think that it may not be a bad idea to table it for one month until we can weigh out the options. Maybe what you're suggesting is the best thing but I don't know. We haven't had a lot of time to really analyze the other option.

The motion to approve the request with the stipulation that the point of diversion be the Buckman wellfields tied [2-2] with Commissioners Sullivan and Varela voting in favor.

MR. GRAESER: Mr. Chairman, Commissioner Campos, my request was going to be if the motion was to move it to Buckman that we impose the same conditions in the contract that you did for Rancho Viejo.

CHAIRMAN DURAN: I change my nay to a yea. I'll agree with your motion. So do we need to bring that back?

COMMISSIONER CAMPOS: Motion to reconsider.

CHAIRMAN DURAN: Okay. I make a motion to reconsider the motion to require that this development be provided water through the Buckman system upon the transfer.

COMMISSIONER SULLIVAN: Second. I don't know if I can second it. I think Commissioner Campos has to second it. Can I second it? Okay. Our parliamentarian says I can second it so I'll second the motion. This is just to reconsider.

The motion to reconsider the previous motion passed by majority [3-1] voice vote with Commissioner Campos casting the nay vote.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So the motion was to approve the water service agreement between Santa Fe County and Komis Land Company with the stipulation that

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the point of diversion shall be the Buckman well system.

CHAIRMAN DURAN: And it would mirror the other conditions of the Rancho Viejo relative to number, the third option.

COMMISSIONER SULLIVAN: D?

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: Mirror the D conditions.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: That's reasonable.

CHAIRMAN DURAN: You were here for that.

MR. GRAESER: That's acceptable, Mr. Chairman.

The motion to approve the request with the stipulation that the point of diversion be the Buckman wellfields passed by unanimous [4-0] voice vote.

MR. ROYBAL: Mr. Chairman, I have a couple of questions. First of all, would you like me to bring an amended agreement for ratification with Komis based on these conditions that were based on an agreement I believe—

CHAIRMAN DURAN: Why don't you just bring it and give it to Estevan and have Mr. Kopelman review it. Unless you want to see it.

COMMISSIONER SULLIVAN: No, we're just going to put in condition D the way we did with Rancho Viejo and specify the Buckman well system instead of—

CHAIRMAN DURAN: And let Mr. Kopelman review it and approve it.

COMMISSIONER SULLIVAN: I don't think it needs to come back.

MR. ROYBAL: Mr. Chairman, I believe there were other revisions to the contract that were reflected in paragraph III, Section A.1 that I think—

COMMISSIONER SULLIVAN: We just added in D.

MR. GRAESER: Mr. Chairman, we were requesting that all the same provisions, the changes from the standard contract were made in the prior contract with Rancho Viejo.

COMMISSIONER SULLIVAN: You want the wheeling and dealing provision also?

MR. GRAESER: Mr. Chairman, I think we have to do that because none of us know what is going to happen with the diversion agreement, what's going to happen with Buckman and we have a requirement to use the County water. We need to be able to get County water.

CHAIRMAN DURAN: That's reasonable. Is that okay?

COMMISSIONER SULLIVAN: Yes. I'll amend my motion to include the provision in paragraph A, which was Rancho Viejo's contract. If the seconder will agree to that. That was the one whereby they could buy other water rights from the holders of the 500.

CHAIRMAN DURAN: Did you find it?

COMMISSIONER VARELA: Yes, I found it. That's fine.

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CHAIRMAN DURAN: Everybody's okay with it? Okay, so this is a restatement on the motion which is to include all the conditions as the previous.

COMMISSIONER SULLIVAN: Those two paragraphs that we discussed. Maybe we better specifically refer to them as the language for paragraph III. A.1. Now that has some language in there about the applicant having submitted four applications for 120 acre-feet which is not pertinent, but the substantive part of III. A. 1, including i. and ii, that's the one that allows them to buy other water rights from the 500 foot owners, not including the County. And then the other paragraph was paragraph III. D, as amended.

CHAIRMAN DURAN: Right. Is that clear, Mr. Graeser?

The motion to approve the restated motion, to include paragraphs III A. 1. i. and ii. as revised in the Rancho Viejo contract passed by unanimous [4-0] voice vote.

MR. ROYBAL: Mr. Chairman, I have just one more request of the Board. It appears that we're looking at—I have an additional water service agreement request that's before me right now that would also envision a transfer of water rights to the County. Is it fair for me to just take the direction that all water rights that are to come to the County should be transferred to the Buckman wellfield? Or point of diversion that may be designated later on by this Board so that at least we don't go through this exercise every time a water service agreement comes before the Board. At least the applicants will know what their requirements are.

CHAIRMAN DURAN: Well, I think that the basis for this is that we really can better manage this resource if it's from the Buckman fields at this point.

COMMISSIONER SULLIVAN: If they have information that would disagree with that, I think they'd be free to bring the contract to the Board and say We don't like your standard contract and here's the changes we propose, but I think that's good direction on hammering out your basic agreements for these types of developments. We can always have an alternative if they feel the circumstances are unique, come back and make the case.

MR. ROYBAL: Okay, but I guess Mr. Chairman and Commissioner Sullivan, and that's my understanding, but I just want to be clear to them that the priority of the Board is the Buckman wellfield and if they have an alternative they can approach the Board and discuss that with you and place whatever evidence they have for you to change the point of diversion. And I will move forward with that direction.

CHAIRMAN DURAN: Okay, good.

COMMISSIONER SULLIVAN: Thank you, Gary.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Are we going to have an executive session today?

CHAIRMAN DURAN: No, it will take too long.

COMMISSIONER CAMPOS: Because we do have the EZA at six.

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CHAIRMAN DURAN: We just have this last—I don't have anything for the session. How about the rest of you?

COMMISSIONER SULLIVAN: I don't have anything for executive. Do you? No, there's no executive session.

XI. H. Matters from the County Attorney

1. Update/Direction on National Pollutant Discharge Elimination System (NPDES)

MR. LOPEZ: Mr. Chairman, we've got an update and request for direction relative to an NPDES permit that we're now required to submit for stormwater drainage issues. This is a relatively new requirement for small municipalities and we've been alerted that it's a requirement that both the City and certain areas that are classified as urbanized beyond the city boundaries, we are going to have to meet. The state agency that's kind of overseeing or administering this program has requested or suggested that we work together with the City for a joint NPDES permit.

At a staff level, we had a little bit of concern in terms of, I think, both sides. The City staff and the County staff had some concerns as to our ability to work through issues efficiently and make sure that we don't use the fact that we've got a joint permit as a way to kind of dodge responsibilities and say, Well, it's the other entity that's not dealing with this. But after thinking about this and given that it's a watershed-wide issue, we felt that it was prudent for us to opt to work with the City on this issue and we've sent a letter to the City to that effect, and we just want to make sure that this Board is comfortable with that. We're not exactly sure all of what that's going to entail, but preliminary discussions have indicated that at some point we may have to actually bring forward to this Commission a joint powers agreement to specify how we interact with the City relative to these issues.

I can—Charlie Gonzales is here to talk about a lot of the technical aspects of this if there's any questions regarding what this NPDES requirement is all about, and also Sophia Collaros has been researching the legal aspects and is working with us on that as well. So I guess what I would say today is our intent, unless we hear otherwise, is to continue to work with this, with a joint application with the City and to the extent that there are agreements as in joint powers agreements that are necessitated by doing this that we'll be bringing them forward to you.

CHAIRMAN DURAN: Sounds good to me.

COMMISSIONER VARELA: I agree.

MR. LOPEZ: Mr. Chairman, Commissioners, I'd like to bring up one other issue. Several months ago this Commission asked about grant money that we had gotten from McCune Foundation for tribal summits and so forth and what the status of that was. And initially, McCune Foundation alerted us that we should have spent the money that we had by last April. Although the grant documents that we had had no deadlines on them or anything else

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of that nature. We corresponded with McCune Foundation back and forth a number of times and ultimately about a month ago we got a letter from the saying You can still use the outstanding balance. We have an outstanding balance of that grant of about \$23,000 for additional tribal summits and they told us how we could use that money. They did tell us they would give us until April 2003 to spend that money.

So with that, Virginia and I have begun working on trying to coordinate a new tribal summit schedule. And we'd like to get one going relatively soon, hopefully before the end of the year, given that once we get into late in the year we've got a lot of holidays and a lot of the tribes have traditional feast days and so forth. Once we get into January and February and even into March, we're going to have the legislative session going on. So I would just ask whether there's any interest in trying to hold at least a session now in November. We've identified a few dates that might work and that we could start to work around if this Commission is interested in doing so.

The dates that Virginia has identified possibilities are November 15th, November 19th, November 20th or November 22nd in terms of doing something relatively quickly. But I'd just like some feedback on that whole issue.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd just note for the record that I think the Jemez y Sangre meeting is on the 22nd and that's going to be a major meeting with the local public bodies.

COMMISSIONER SULLIVAN: Mr. Chairman, I think from our past tribal summits, I think we need to start with the tribes because the issue is when, as you say, because of their religious commitments they can make it. We've had spotty attendance at these because of that. And I think also, the suggestion for a whole day summit may be less palatable than if it were a half-day one.

CHAIRMAN DURAN: Why can't we do it in conjunction with the legislative session?

MS. VIGIL: Mr. Chairman, members of the Commission, to answer your immediate question, in January there is a new elected tribal governor and his lieutenant governor. From the first of January till about mid-February they are unavailable for anything outside of their governing tribal areas because of the transition that they're making. They go into training. So they schedule absolutely nothing from the first of January until about mid-February.

CHAIRMAN DURAN: So then you're suggesting that we meet with the outgoing members so that when we start the new year, the people that got elected—why are we doing this with ones that are going out?

MS. VIGIL: Through our consultation with some of the tribal governors, what usually happens with the transition—well, first and foremost, what has happened is we have established a protocol already. Policy and procedures that's been signed by all eight surrounding governments.

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CHAIRMAN DURAN: Oh, that's right.

MS. VIGIL: And the Board of County Commissioners. We really want to refocus on that protocol. Also through our consultations, what usually happens with the tribal governments is whatever is committed to from one year to the next is usually followed through within the elected officials. Part of the problem with waiting until the end of January also is that we're going to have a 60-day session with the legislature and the tribal governments themselves get involved in that.

CHAIRMAN DURAN: We really need to go. How about if you just find out from the tribes when they can meet with us and let us know.

MS. VIGIL: And that was going to be my next statement to Commissioner Sullivan. We have consulted with them and the latter part of November, perhaps the first part of December is something that they've recommended.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: We've got two Commission meetings in the first part of December. And I think we need to think about what's the purpose of this meeting. I think we've gone through the protocols and those types of things. I think you need to focus in on what do we want to accomplish in this period and I think if we're very specific about that we'll be more successful.

MS. VIGIL: In agreement, Mr. Chairman, Commissioner.

CHAIRMAN DURAN: So a half-day?

MS. VIGIL: Focus on a half-day is what we will create.

COMMISSIONER SULLIVAN: Some of us work for a living.

CHAIRMAN DURAN: I know. Can we do it on a weekend?

COMMISSIONER SULLIVAN: No, no. Absolutely not.

COMMISSIONER CAMPOS: Mr. Chairman, my comments would be one, I would like to have a really interesting agenda that really focuses on some solid policy issues which we have not had. It's been kind of a feel-good deal. But if we get into that, a half-day doesn't cut it, I don't think.

COMMISSIONER SULLIVAN: Well, if we could get into that, I'd go for a whole day.

COMMISSIONER CAMPOS: Just going there for lunch and just having some nice conversations, that's what we've been doing. And I think that's important but I'd like to move to the next phase. I'd like to talk about some important policy issues. And I think there are plenty of them.

MR. LOPEZ: Mr. Chairman, Commissioners, I think I get the sense of what we need to do. We'll try to identify some specific dates that work out for the tribes and when there's hopefully not a lot of Commission meetings going on at the same time and try to identify an agenda that has some substance to it and then proceed accordingly. I would further point out that we may have, we probably do have enough money that we could do something, possibly before the end of the year and then have a follow-up, possibly shortly after the session in done in March and still be able to meet the grant requirements right now. So we'll continue

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on that basis.

COMMISSIONER SULLIVAN: I'd ask them what issues they feel are—what issues our Native American—

MR. LOPEZ: And they've given us some and we've got some ideas as to what some of the things we'd like to bring up. So we'll continue discussions with you on that basis.

CHAIRMAN DURAN: Okay. Thank you.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 4:20 p.m.

Approved by:

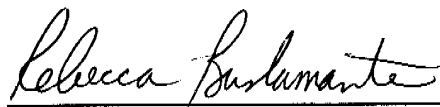


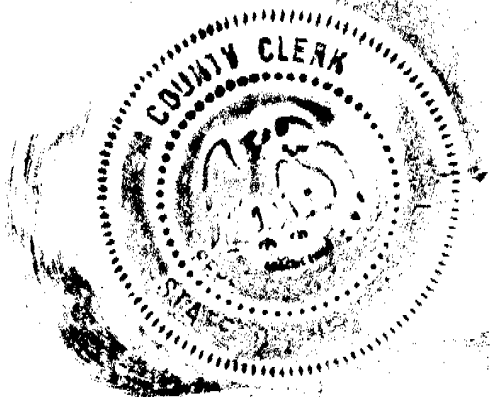
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:

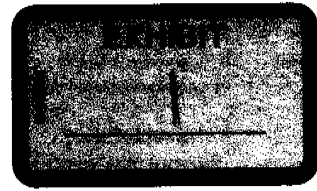
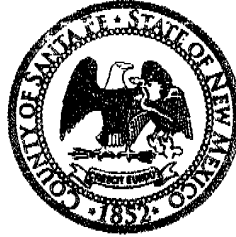

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

José Varela-López
Commissioner, District 3



Estevan R. Lopez
County Manager

MEMORANDUM

2313991

Date: 29 October 2002

To: Santa Fe County Board of County Commissioners
Marcos P. Trujillo, District 1
Paul Duran, District 2 (Chairman)
José Varela López, District 3

Paul Campos, District 4
Jack Sullivan, District 5

From: Paul Olafson, Open Space and Trails Program Manager

CC: Vincent "Corky" Ojinaga, Director, Project and Facilities Management Department

Re: Arroyo Hondo Open Space Purchase Agreement

Background:

At the Board of County Commissioners' meeting on June 12th, 2001, the Board directed staff to proceed with negotiations to purchase the "Arroyo Hondo" property from the Reed family (86.9 acres). One aspect of the approved project was that the County would pay two-thirds (2/3) of the purchase price of \$985,000 and other parties would pay the remaining costs. To this end, the Reed family has donated \$197,000 (approximately 20% of the land's appraised value) toward a discounted price in order to facilitate the land being protected through the County's Open Space program. Arroyo Hondo community members, via The Committee to Preserve the Arroyo Hondo Open Space, have raised nearly \$154,000 to be applied toward the purchase of this property. The final details of the participants' contributions to the project are as follows:

<i>Santa Fe County</i>	<i>\$656,667.00</i>
<i>Reed Family</i>	<i>\$197,000.00</i>
<i>The Committee to Preserve the Arroyo Hondo Open Space</i>	<i>\$131,333.00</i>
Total:	\$985,000.00

(Appraised Value of Property: \$985,000.00)

Maintenance Endowment Fund

\$ 30,000.00

(This total is an estimate provided by The Committee to Preserve the Arroyo Hondo Open Space)

This fund is to be held in Trust by the Santa Fe Community Foundation in accordance with the solicitation by The Committee to Preserve the Arroyo Hondo Open Space. This is a separate fund from the County's Open Space Maintenance Fund, yet is only accessible by the County and may be used for maintenance and upkeep of this property. The fund may also be increased in the future through earnings and additional contributions.

Action Requested:

Staff recommends approval of the purchase agreement between Santa Fe County and the Reed family for the purchase of their property for inclusion in the County's Open Space and Trails Program. The County's financial commitment in this transaction is \$656,667.00 to be paid with funds from the general obligation bonds that established the County's Wildlife, Mountains, Trails and Historic Places Program.