

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

SFC CLERK RECORDING 08/17/2004

REGULAR MEETING
(Administrative Items)
October 30, 2001 - 10:00 a.m.

Amended Agenda

2028065

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda *— approved*
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes *— July 17, 2001 / 9/24/2001 / 9/25/2001 / 9/25/2001 / 10/5/2001 / 10/9/2001 / 10/9/2001*
 - regular* - *special mtg* - *Special* - *Regular*
- VI. Presentations and Awards:
 - A. Presentation on the Santa Fe County Homesales Program, Introduction of New Homebuyers *done*
 - B. Presentation of Award to Sean Trujillo for His Years of Services to Santa Fe County *done*
 - C. Presentation of Award to Diane Sena for Her Years of Services to Santa Fe County *done*
 - D. Presentation on Homeland Security
 - E. Presentation by PNM's Project Power and Micro-Turbine Steering Committee *done*
- VII. Consent Calendar:
 - A. Resolution No. 2001- *table* A Resolution Requesting a Decrease to the General Obligation Bond Debt Service Fund (401) to Realign the Fiscal Year 2002 Debt Service Expenditure Budget with the Final Debt Service Schedule as Reviewed by New Mexico Department of Finance and Administration (Finance Department)
 - B. Resolution No. 2001- *161* A Resolution Requesting an Increase to the General Fund (101)/All Departments to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
 - C. Resolution No. 2001- *162* A Resolution Requesting a Transfer from the Environmental Gross Receipts Tax Fund (212) to the General Fund (101)/Public Works Solid Waste Program to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
 - D. Resolution No. 2001- *163* A Resolution Requesting a Decrease to the General Fund (101) Operating Transfer to the Road Projects Fund (311) for Expenditure in Fiscal Year 2002 (Public Works Department)
 - E. Resolution No. 2001- *164* A Resolution Requesting an Increase to the General Fund (101)/Maternal and Child Health Program to Budget a Donation Received from the Frost Foundation for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)

*B50 Q new
2-2
AA-2*

- F. Resolution No. 2001-¹⁶⁵ A Resolution Requesting an Increase to the General Fund (101)/CRAFT Grant Program to Budget Revenue Received from a Grant from the US Department of Health & Human Services for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)**
- G. Resolution No. 2001-¹⁶⁸ A Resolution Requesting an Increase to the General Fund (101)/Local DWI Grant Program to Budget Additional Revenues Received from the New Mexico Department of Finance and Administration for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)** **2028066**
- H. Resolution No. 2001-¹⁶⁷ A Resolution Requesting a Transfer from the Housing Operations Fund (517) to the Section 8 Funds (227/228) to Budget a Reduction of Subsidy Revenue for Expenditure in Fiscal Year 2001 (Community, Health and Economic Development Department)**
- I. Resolution No. 2001-¹⁶⁸ A Resolution Requesting a Decrease to the Public Safety Complex Bond Proceed Fund (370) to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)**
- 150 added* **J. Resolution No. 2001-¹⁷⁴ A Resolution Requesting a Decrease to the Housing Special Revenue Fund (230)/Public Housing Development Grant to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)**
- K. Resolution No. 2001-¹⁶⁹ A Resolution Requesting a Decrease to the CDBG Special Revenue Fund (250)/Teen Center Project to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)**
- L. Resolution No. 2001-¹⁷⁰ A Resolution Requesting a Decrease to the State Special Appropriation Revenue Fund (318)/ Various Projects to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)**
- M. Resolution No. 2001-¹⁷¹ A Resolution Requesting an Increase to the Emergency Medical Services Fund (206)/Various Districts to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)**
- N. Resolution No. 2001-¹⁷² A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Districts to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)**
- 150 added* **O. Request Authorization to Enter into Project Agreements with the New Mexico State Highway and Transportation Department, Traffic Safety Bureau, for the Operation Buckle Down and the Operation DWI Projects (Sheriff's Office)**
- P. Resolution No. 2001-¹⁷³ A Resolution Requesting an Increase to the General Fund (101)/Traffic Safety Program to Budget a Grant Award Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2002 (Sheriff's Office)**
- 150 added* **Q. Resolution No. 2001-¹⁷⁴ A Resolution Authorizing the County of Santa Fe to Submit an Application to the Department of Finance and Administration**

Local Government Division to Participate in the Local DWI Grant and Distribution Program (Community, Health and Economic Development Department)

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tabled
R. Request Authorization to Submit a Grant Application to the Office of Juvenile Justice Delinquent Prevention for Santa Fe County Teen Court (Community, Health and Economic Development Department)

S. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #22-11, for the Construction of the Turquoise Trail Fire Station (Fire Department)

T. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #22-14, for the Roofing of the Judicial Complex, Leo Gurule Building and the Youth Development Center (Resource Development Department)

15/1/04
U. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #22-15, for an Emergency Standby Generator for the Public Safety Complex (Fire Department)

V. Request Authorization to Publish the Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 4, Madrid Traditional Community Zoning District (Land Use Department)

4-1 Submittal reviewed isolated

W. Request Authorization to Publish Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District (Land Use Department)

X. Request Authorization to Publish Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts of the Santa Fe County Land Development Code to Add a New Section 6, La Cienega and La Cieneguilla Traditional Community Zoning District (Land Use Department)

tabled
Y. Request Authorization to Enter into Amendment Number Two to the "First Amended Initial Customer Contract for Commitment of Water Service" with O.L. Beaty, Glynn L. Stewart and Beaty Electric Co. to Allow for Use of the Water Service anywhere within the County Water Utility's Service Area (Land Use Department)

Z. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

1. EZ Case #A 01-4081 - Otavio Silveira Appeal (Denied)
2. CDRC Case #V 01-5200 - Copar Pumice Co. Variance (Approved)

with changes

AA. Request Authorization to Enter into the Following Change Orders:

need need

1. Number One (Final) with EMCO for the County Road 85 and 72 Road Improvement Projects
2. Number Three with Big Sky Builders for the Eldorado and La Cienega Transfer Station Projects

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

1. Santa Fe County DWI Planning Council

B. Committee Appointments:

1. Santa Fe County DWI Planning Council

approved W/changes

4-1 - committee voted against

IX. Staff and Elected Officials' Items:

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A. Community, Health and Economic Development Department

- 1. Resolution No. 2001-¹⁷⁷ A Resolution Authorization and Supporting an Infrastructure Capital Improvement Plan (ICIP) for Santa Fe County
- 2. Resolution No. 2001-¹⁷⁸ A Resolution Amending Resolution No. 2000-65, "A Resolution Creating a Public Housing Authority (PHA) Board that Includes One Member who is Directly Assisted by the Housing Authority," to Provide for Housing Board Meetings on a Quarterly Basis
- 3. Resolution No. 2001-¹⁷⁹ A Resolution Approving Operating Budget or Calculation of Performance Funding System Operating Subsidy
- 4. Request Approval to Change a Santa Fe County DWI Planning Council Member from Voting to Non-Voting Status
- 5. Request Authorization to Enter into Amendment Number One to the Lease Agreement with St. Vincent Hospital for Space Rental for the Santa Fe County Indigent Fund Division
- 6. Annual Status Report on the CRAFT Project

B. Finance Department

- 1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Rated Offeror, RFP #22-16, for Professional Architectural and Engineering Services for the Youth Shelters and Family Services Center (Resource Development Department)

C. Fire Department

- 1. Request Authorization to Enter into a Revised Joint Powers Agreement with the City of Santa Fe for the Regional Emergency Communications Center

D. Land Use Department

- 1. Request Approval of the Santa Fe County Open Space and Trails Logo
- 2. Resolution No. 2001-¹⁷⁴ A Resolution Adopting a Legally Surveyed Boundary for the La Cienega Traditional Community Zoning District (This Resolution will Create a Legally Surveyed Boundary of the Existing Zoning District and is not Intended to Change Existing Zoning)
- 3. Request Direction Regarding Projects Withdrawn Pursuant to Resolution No. 2001-47, A Resolution Establishing BCC Policies for Inclusion of Agenda Material in Commissioner Packets and for Tabling or Postponing Agenda Items for Board Meetings
- 4. Request Authorization to Enter into an Agreement with Las Campanas Limited Partnership Regarding the Buckman Diversion Project
- 5. EZ Case #S 01-4300. Tierra Grande. Land Ventures LLC (Allan Hoffman), applicant, Oralynn Guerrerortiz, agent, request preliminary and final development plan and plat approval for a 16 lot residential subdivision on 40.1 acres. The property is located off a future extension of Los Suenos Trail, within Section 19, Township 17 North, Range 9 East (5-Mile EZ District). Vicki Lucero (For Deliberation Only)

E. Public Works Department

- 1. Resolution No. 2001-¹⁸⁰ A Resolution Conditionally Accepting Richards Avenue Extension, Rancho Viejo Boulevard, Avenida Del Sur and A Van Nu Po for County Maintenance 2028069
- 2. Request Authorization to Install a Three-Way Stop at the Intersection of Agua Fria Road and Henry Lynch Road Near the Village of Agua Fria
- 3. Request Authorization to Enter into an Agreement, No. 22-104-PW, with Souder, Miller and Associates to Perform Required Groundwater and Methane Monitoring and Remediation Planning Services at the Agua Fria Landfill
- 4. Request Approval of the 2002 Road Improvement Priority List

F. Resource Development Department

- 1. Request Approval to Grant Additional Military Leave not to Exceed 15 Days for National Guard/Army Reserve Members Involved in "Operation Enduring Freedom" in Accordance with Section 10.16 of the Santa Fe County Rules and Regulations

G. Matters from the County Manager, Samuel O. Montoya

- 1. Request Approval of Proposed Management Structure Reorganization for Various County Departments
- 2. Resolution No. 2001-^{16A} A Resolution Requesting a Transfer from General Fund (101)/County Manager's Department, Public Safety Complex Bond Proceeds Fund (370), Public Works & Public Safety Purposed Bond Proceeds Fund (353) and EMS/Health Care Fund (232) to the General Fund (101)/Project Management Department to Budget Department Reorganization Expenditures in Fiscal Year 2002 (Finance Department)
- 3. Resolution No. 2001-^{17A} A Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001, in the Aggregate Principal Amount of \$8,000,000, Payable from Ad Valorem Taxes Levied on all Taxable Property within the County Levied without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of their Execution, and the Method of, and Security for, Payment; and Providing for other Details Concerning the Bonds
- 4. Request Change of Date for the Board of County Commission Meeting Scheduled for December 25, 2001

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

- 1. Resolution No. 2001-¹⁸² A Resolution to Promote Understanding, Tolerance and Support Towards Arab and Muslim Americans
- 2. Resolution No. 2001- A Joint City-County Resolution Creating a Regional Community Security and Preparedness Advisory Task Force
- 3. Resolution No. 2001-¹⁸³ A Resolution Urging the New Mexico Highway and Transportation Department and the New Mexico Highway Commission to Restore Funding to the Proposed US 84/285 Highway Corridor Safety Improvement

J. Matters from the County Attorney, Steven Kopelman

1. Executive Session

- a. Discussion of Pending or Threatened Litigation
- b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

X. Public Hearing:

- A. Ordinance No. 2001- An Ordinance Adopting the Santa Fe County Redistricting Plan, Repealing Ordinance No. 1992-7 and Amending Ordinance No. 1989-10 (First Hearing)

XI. 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).

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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

OCTOBER 30, 2001

Paul Duran, Chairman

Paul Campos

Javier Gonzales

Jack Sullivan

Marcos Trujillo

SANTA FE COUNTY

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

October 30, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:30 a.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Paul Duran, Chairman
- Commissioner Marcos Trujillo
- Commissioner Javier Gonzales [late arrival]
- Commissioner Paul Campos [late arrival]
- Commissioner Jack Sullivan

Members Absent:

None

CHAIRMAN DURAN: For the record, Commissioner Gonzales and Commissioner Campos are meeting with the City on water issues and should be here soon.

I. APPROVAL OF THE AGENDA

- A. Amendments
- B. Tabled or withdrawn items

CHAIRMAN DURAN: Sam, are there any amendments?

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, good morning. There are one amendment and three tablings, Mr. Chairman. The first amendment would be to move item IX. G. 3 under item VI before the Consent Calendar. That is the \$8 million bond sale. The tablings, Mr. Chairman, are items VII. A. on the Consent Calendar, item VII. R. on the Consent Calendar on page 3, and item VII. Y, also on the Consent Calendar, Mr. Chairman. The last tabling is item IX. A. 4. That's the extent of the amendments and tablings for today's meeting, Mr. Chairman.

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CHAIRMAN DURAN: Okay, Sam, since we have such the agenda is so large, on the Consent Calendar, what if we moved those that—I take that back. If there are some Commissioners that would like to isolate some of the items on the Consent Calendar, and they are not ones that are time-sensitive, how about if we move those to the back of the agenda so that we could move through the agenda, and then deal with those issues at the end. Does that make sense?

COMMISSIONER TRUJILLO: That makes sense but we don't have Commissioner Gonzales and Commissioner Campos here—I guess that's fine. When they get here they can isolate their items and we'll discuss them at the end of the agenda.

CHAIRMAN DURAN: Is that okay?

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN DURAN: Otherwise, I think we might run into another day, which I don't mind, but—

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN DURAN: So we'll do that when we get to that. So is there any other amendments that the Commission would like to make to the agenda?

COMMISSIONER TRUJILLO: Make a motion to approve the agenda as amended, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

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

V. **APPROVAL OF THE MINUTES: July 17, September 24, September 25 (BCC and EZA), October 5 (BCC and EZA) and October 9**

CHAIRMAN DURAN: We have several minutes here. I'm going to name them all off and those that need some further discussion, we'll deal with them. So it's the minutes of July 17, BCC Study Session; the minutes of September 24, the BCC Special Meeting; the minutes of September 25, the joint BCC and EZA; the minutes for September 25, BCC regular meeting; the minutes of October 5, 2001 BCC Special Meeting; October 9, 2001 joint BCC and EZA meeting; and October 9, 2001, Regular BCC meeting.

Are there any of these minutes that the Commission would like to isolate for amendments or changes? Okay, the chair will entertain a motion to approve all those minutes.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioners Gonzalez and Campos were not present for this action.]

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VI. PRESENTATIONS AND AWARDS

A. Presentation on the Santa Fe County Home Sales Program, Introduction of New Homebuyers

ROBERT ANAYA (CHEDD Director): Mr. Chairman, Commissioners, it brings me great pleasure to come before you today to introduce two of the families that have purchased homes. The home sales program has been effective because of the direction that you've provided staff to make this program work for our community and provide homeownership opportunities for families here in Santa Fe County. The families that we have today to introduce are Angelo and Gina Trujillo, and little Joaquin there. And then also, one of our own, Mr. Frankie and Edna Baca.

Mr. Chairman, Commissioners, I'd like to defer to the County Manager at this time.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: Mr. Chairman, it is with great pleasure that we invited these two families. There are the first families that have signed their documents to own their home that has been the American dream provided by Santa Fe County to its own constituents. So Mr. Chairman, I would like to call these two families up and introduce you to our new homeowners. Mr. Chairman, we'd like to ask these families to tell you a little bit about how they feel about their new homes and we want to thank the progressive leadership of the County for providing this opportunity for these families.

FRANKIE BACA: Thank you very much. I'd like to thank the Commissioners and the County Manager, Robert Anaya and his staff and everyone else who had something to do with this for my wife and I getting our beautiful home. I'd like to thank you all.

CHAIRMAN DURAN: Thank you. It gives me great pleasure to see such a big smile on your face. That's great.

COMMISSIONER TRUJILLO: Enjoy your new house.

GINA TRUJILLO: I would also just like to say thank you. Without this program we wouldn't be able to afford our home. We've got two children and now we've got a house for them, so I just want to say thank you very much.

CHAIRMAN DURAN: Congratulations.

COMMISSIONER SULLIVAN: Congratulations.

CHAIRMAN DURAN: Thank you, Robert. It's a pleasure to see all this hard work that you've put in in your department. We can actually see the fruit of all your hard work. Thank you.

VI. B. Presentation of Award to Sean Trujillo for His Years of Services to Santa Fe County

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KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, I'd like to introduce Sean Trujillo. He's been with the County for about 13 ½ years. He retired on Friday for 25 years of government service through PERA. Sean has been a wonderful asset to the Finance Department. He is just a great welcome to the public. He works with all the public that come in and ask for dump permits. He's been in accounting. He's been the Accounts Receivable supervisor. He's been the Accounts Payable supervisor and most of all, he has been a tremendously valuable member of the Finance Department as a family. We will miss him greatly and we appreciate everything that he did here for the County and for the department.

And most of all we wish him luck. We understand he's going to go to Las Vegas, Nevada. So we wish him the best in his retirement.

CHAIRMAN DURAN: Thank you, Sean for being such a valuable employee of Santa Fe County for the past 13 ½ years and I'm sure we're all going to miss you. I've interacted with you quite a bit the last few years and you've always been very professional and courteous. I wish you a lot of luck in your new life. And here, I have a little—what is this? Form of recognition, but the only thing, it's not signed by the other two Commissioners. Oh, Commissioner Campos, we need your signature.

He looked too young to retire.

VI. C. Presentation of Award to Diane Sena for Her Years of Services to Santa Fe County

MR. ANAYA: Mr. Chairman, Commissioners, unfortunately, Ms. Sena was unable to be here today but Mr. Montoya and members of the Commission wanted to publicly acknowledge her over 17 years of service for the Santa Fe County Housing Authority. The staff and I are greatly appreciative of that and we will miss her very much. With that I would also like to defer to the Manager, Mr. Montoya.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: Mr. Chairman, just very succinctly, I'd like to say that longevity is a very important thing and career development as well. We're very proud that today we highlight the pinnacle where we have one individual putting in 13 years, another 17, with the County. We're very proud of that and we like to nurture our employees and help them progress along in their career development. So we're very proud of Ms. Sena and Mr. Trujillo and we wish them all the best and thank you, Commissioners, for providing this career opportunity for citizens of this county.

COMMISSIONER TRUJILLO: Well said.

CHAIRMAN DURAN: Thank you, Sam. Give Ms. Sena our regards and congratulate her for us.

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VI. D. Presentation on Homeland Security

STAN HOLDEN (Fire Chief): Mr. Chairman, if possible, we'd like to defer for a few minutes, while you consider other agenda items until Chief Blackwell gets her. He's at an AOC briefing now that was called early this morning by the FBI, specific to some threats in the state of New Mexico and should arrive here shortly. So if possible, we'd like to defer.

CHAIRMAN DURAN: Okay. Let us know when he's here and we'll bring it up.

CHIEF HOLDEN: We will, Mr. Chairman.

VI. E. Presentation by PNM's Project Power and Micro-Turbine Steering Committee

MATT O'REILLY: Mr. Chairman, Commissioners, good morning. My name is Matt O'Reilly and I'm speaking to you today as a member of the community working group for PNM's Project Power, and also as a member of the steering committee for PNM's micro-turbine demonstration project. Today we'd like to give the Commission just a short description of these projects, and to do that, I'd like to introduce Laurie Moy from the Public Service Company of New Mexico.

LAURIE MOY: Mr. Chairman, Commissioners, I'm Laurie Moy with Public Service Company of New Mexico and I just would like to update you about our micro-turbine demonstration project. This is a result of Project Power, and I believe I've given you a briefing on Project Power, which is dependable energy for Santa Fe and Las Vegas. As a result of the public input and the public work that we've done, PNM has elected to do a micro-turbine demonstration project and you should have had this flier in your packet.

I would like to recognize the fact that Commissioner Campos has served on the Search Conference, the community working group, and the micro-turbine steering committee. Thank you very much, Commissioner. Our other committee members were Matt O'Reilly, Chris Rael, Laura Montoya from Las Vegas, John Pacheco, Ben Luz, John Stevens from Sandia National Labs, David Bacon and then of course, Commissioner Campos.

This is a \$400,000 project. It's two years in length. PNM is purchasing the micro-turbines, the instrument packages, monitoring packages, paying for training of the facility personnel to go to California to be trained on how to run these micro-turbines. PNM for the two years will be paying the gas fuel use of the micro-turbines. Everything has been ordered. We're getting ready to install these micro-turbines. There are two sites in Santa Fe, one at St. Vincent Hospital and one at the El Dorado Hotel.

There will be a website link so that the citizens of Santa Fe, Las Vegas and the state

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of New Mexico will be able to see just what these micro-turbines are doing and that will be posted on the Project Power website and the PNM website. Can I answer any questions?

CHAIRMAN DURAN: Any questions of Ms. Moy?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: For some time I've inquired about the possibility of some kind of alternative form of energy for our new public service building. And I wonder if you or Commissioner Campos or any of the staff have looked into that. That's our new facility out on Route 14.

COMMISSIONER CAMPOS: We had talked, Ms. Moy about maybe the County participating but you had decided that you wanted to go with private entities so that they could go through the review process. I think that's what Commissioner Sullivan is asking about.

MS. MOY: Right. We met with County Manager Montoya, Commissioner Campos, Frank Aragon, who's our district manager and I met, and what we decided to do is I think it would be important for PNM to do this two-year demonstration project, just so everyone can see how effective these micro-turbines really are. Then at the end of two years, if the County would like to place one of these in their building, they'll have two years worth of data to be able to do that.

This project is also part of a national EPRI project to test the effectiveness of the micro-turbines.

COMMISSIONER SULLIVAN: And are you testing them on residential sites, or just commercial sites?

MS. MOY: No, only commercial sites. This is a 60 kW unit and a 30kW unit.

COMMISSIONER SULLIVAN: So it's a lot more than you need for a residential site. Well, I would certainly be interested and I think the Commission and the County would. We have a public safety complex which is currently under construction, which I even suggested that we look into wind power as a generation assist, and we have another facility coming up as well, a public works complex that's going to be constructed in the near future. So I would really hope that we could look at this, even if all the data isn't in yet as a part of that facility.

MS. MOY: Mr. Chairman, Commissioner Sullivan, we can certainly come back and give updates and of course Commissioner Campos will continue on our community working group and on the advisory committee also.

COMMISSIONER SULLIVAN: Thanks.

COMMISSIONER TRUJILLO: Mr. Chairman, Ms. Moy, will this alleviate the need for transmission lines permeating the countryside? What will they do to the overall infrastructure, if you will, and needs of PNM?

MS. MOY: Mr. Chairman, Commissioner Trujillo, these are relatively small units based on the Santa Fe-Las Vegas area demand of 150 megawatts, as opposed to

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60 kilowatts. There would have to be many, many of these micro-turbines put in place to alleviate the load.

COMMISSIONER TRUJILLO: Okay. Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman, I have a quick question.

Ms. Moy, when do you expect to have the units installed at St. Vincent's and the El Dorado?

MS. MOY: Mr. Chairman, Commissioner Campos, we're hoping to have everything in place by the end of December. So we're anticipating being able to install these November. We're hoping to do them in November and we'll certainly have a ceremony to do that.

COMMISSIONER CAMPOS: Now, the unit at St. Vincent's is different from the one at El Dorado, correct?

MS. MOY: That's correct. Yes.

COMMISSIONER CAMPOS: Could you briefly explain to the Commission what the differences are?

MS. MOY: Certainly. Mr. Chairman, Commissioner Campos, there are two different units that are being placed here in Santa Fe. One is a straight unit, which is the one that's going into the El Dorado Hotel. The second unit is called a co-generation unit and it's a combined heat and power. It takes the waste heat from the micro-turbine and connects it back into the boiler system and that way, they're reusing more of the energy that is created. At this point I may defer to our engineer. Matt or Frank, would you like to talk further about—do you want more detail than that?

COMMISSIONER CAMPOS: Well, co-generation is probably the most efficient way.

MS. MOY: It is the most efficient.

COMMISSIONER CAMPOS: For a turbine to function because it preserves the heat, reutilizes the heat, that's what you're looking at now is probably the most efficient use of using natural gas, converting it and actually lowering your bills a little bit perhaps.

MS. MOY: That's correct. Using the heat created can go and for instance, at St. Vincent's they have boilers and they can use the steam heat, the heat created from the micro-turbine to heat the boilers, run the boilers.

COMMISSIONER CAMPOS: Thank you very much. Appreciate that.

CHAIRMAN DURAN: Thank you. Thank you for the update.

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IX. G. 3. Resolution No. 2001-160 A Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001, in the Aggregate Principal Amount of \$8,000,000, Payable from Ad Valorem Taxes Levied on all Taxable Property within the County Levied without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of their Execution, and the Method of, and Security for, Payment; and Providing for other Details Concerning the Bonds

MR. MONTOYA: Mr. Chairman, thank you very much. This resolution before you today revolves around the bond sale for the \$8 million for the COLTPAC project. Mr. Chairman, I'd like to introduce to you Mr. Chris Blackwood from Kilpatrick Perez, Mr. Paul Donnesthorpe and Mr. Tommy Hughes who are here to assist us with this bond sale today.

CHRIS BLACKWOOD: Thank you. Today we served as financial advisor to the County to auction off your bonds today. It's a little bit different than in the past. In the past, the County received single bids from companies. We created a more competitive environment, we think, for the County's bonds. As a result, the County received eight bids from five bidders and in total, the interest rate the County will have to pay on its bonds will be 4.25 percent, approximately, over the next 15 years.

The issue, the firm that bought the transaction was Southwest Securities out of Dallas. However, they had three syndicate members. In other words, there were three companies that joined them in the bidding process. Those were Paine Webber, Solomon Smith Barney, and a local company, Kayos and Company. So I think it was a very successful transaction. It was very efficient. We were able to pass on the savings to the County of doing the entire thing electronically. We didn't print any documents for this transaction, so that saved the County about \$6,000 right off the bat and I think it was a very successful transaction.

Anybody from the public, by the way, can view the results of the transaction on the website, KP Auction.com. Go and look at it, see who bid, when they bid and so forth. So that's available to the public. They don't have to have a password or anything to go look at that information. That's all I had to say. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Since we have some bond experts here—come on back up. I didn't want to see all this expertise leave without taking as much advantage of it as we can. With interest rates continuing to decline as they have been during the year, does that also mean that bond rates are declining? And the second part of that question is should the County, perhaps in its joint efforts with the City as well, be

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considering refinancing because of that?

MR. BLACKWOOD: In general, the answer is yes. However, the municipal bond market has not enjoyed the drop in interest rates that you've seen like from the prime rate or something like that over the last, since the start of the year, the Federal Reserve has lowered rates. It has had a modest effect at most on the municipal bond market. Sort of like the mortgage markets have only been marginally affected. So the answer is yes, you should continue to look at refunding opportunities for your bonds, but generally, most counties and I think Santa Fe County is no exception, have a minimum threshold of savings to be achieved from any refinancing, of at least three percent.

I haven't run any numbers on it, but Paul has looked at it and I don't think anything hits that threshold level yet. The Federal Reserve is expected to reduce rates two more times this year before the end of the year and that could have an effect on municipal rates and the refinancing opportunities. We usually, Paul and I, will stay on top of this very closely because the window of opportunity might be there for just a week or two for refinancing, and then we have to go very quickly to get it done. But if it hits that threshold we'll make sure Katherine Miller knows that and we'll jump on it right away.

COMMISSIONER SULLIVAN: And the gentleman to your left is—

MR. BLACKWOOD: This is Paul Donnesthorpe.

COMMISSIONER SULLIVAN: Okay, and you're—

MR. BLACKWOOD: I'm with Kilpatrick. Paul is with Spectrum Capital out of Albuquerque, and they've been assisting us on the transaction.

COMMISSIONER SULLIVAN: And you're kind of keeping an eye on our bond obligations to see if the red flag pops up?

MR. BLACKWOOD: Exactly. If that flag gets raised we jump on it and get something done, absolutely.

COMMISSIONER SULLIVAN: Okay, good. Thank you.

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

COMMISSIONER SULLIVAN: Move for approval of Resolution No. 2001-160.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

I was wondering if the Commission might be willing to entertain another change to the agenda. How many people out there have something that they would like to bring forward for this Commission to consider? Since Matters from the Public is at the end of the meeting and there's only one couple here, I think at the end of the meeting we'll ask again if there's anybody that would like to speak to the Commission, but since there's only one couple and rather than have them wait here until the end of the day, I was wondering if the Commission would allow me to make an amendment to bring this public hearing

issue forward so these people can get in front of us and then on their way.

COMMISSIONER TRUJILLO: Agreed.

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IX. H. Matters of Public Concern –NON-ACTION ITEMS

HERMAN MONTOYA: Herman Montoya, La Cienega.

JULIA MONTOYA: And I'm Julia Montoya-King. And we have concerns about the bear plight in the area and we thought that we could maybe have a suggestion to do something about it.

MR. MONTOYA: I'm a native New Mexican and I lived at one time in Nambe. My grandfather had a ranch out there. And the bear would come at this time of the year, they would come every night to eat fruit. The bear have a natural instinct to go chase after fruits like the apples and so forth. And we were thinking that if the County or somebody—we're running out of bear. And we were thinking that if we planted trees, the bear would no longer be in jeopardy. They would have a protected area where they could come and eat fruit, like apples and so forth. And we were thinking the County might try to get involved in it. We don't want any money for it. We just want to get the bears to survive. We think that the County should get involved in it because this is a county problem.

I'm very good at acquiring and checking land. I would do it for nothing. There's a lot of land right there close to the Big Tesuque, the Little Tesuque. I'm not talking about way up in the mountains. I'm talking where it's plain, where you could grow trees. We have the Nambe River, the Rio Chiquito, there's the La Cienega River right there at Las Bocas where it ends. And we have Deer Creek right there at Cañoncito where you could grow trees and there would be plenty of water. My concern is the bear and I think that the bear has to survive and I think it's the County's duty to help the bears survive.

MS. MONTOYA: I thought that maybe we could have the local nurseries or somebody donate the different fruit trees and then volunteers to help plant them. And just leave that kind of like a protected area, like down south where the birds are at the Bosque, that we could have the same thing for the bears here and they would be in a protected area and just plant the trees and they could come eat the fruit. So I think that with the help maybe of the Forest people and the County we could accomplish this without too much expense.

CHAIRMAN DURAN: I have an idea. How about you get the County Manager's phone number and he could set up a meeting with you to discuss—

MS. MONTOYA: Sounds good.

CHAIRMAN DURAN: Options.

MS. MONTOYA: Right. Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. and Mrs. Montoya, another possibility is there's a lady right in the back of the room. Do you see the lady in the back there? She's with

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the Santa Fe County Open Space, Lands and Open Space Program. And we've just spent millions of dollars to buy open space land and as a part of that, maybe on some of those we could do some planting of fruit trees and accomplish that. Her name is Alina Bokde.

MR. MONTROYA: Mr. Chairman, could I also ask the Board if they could look at the Consent and isolate any issues or concerns they have then we could possibly move on the ones that don't have any particular issues relative to questions.

CHAIRMAN DURAN: Okay, so let's look at the Consent Calendar and those that you'd like to isolate please make note and then the chair will entertain a motion to approve those that don't need any discussion and then we'll move on. So let's take a few minutes to look at the Consent Calendar. Commissioner Campos, did you—

COMMISSIONER CAMPOS: Mr. Chairman, question. VII. C—was that moved out of the Consent? Or is that still on?

CHAIRMAN DURAN: VII. A is out. VII. C is still in.

CHAIRMAN DURAN: A has been tabled.

COMMISSIONER CAMPOS: VII. C. has been moved to the Manager's agenda, is that correct?

MS. MILLER: Mr. Chairman, Commissioner Campos, that was moved, that's where the budget adjustment is actually with the reorganization and that's the budget adjustment that goes with it.

COMMISSIONER CAMPOS: With the Manager's. So it's not part of the Consent?

MS. MILLER: I believe that the people putting the packet together actually did put it in with the Manager's caption, under there.

Commissioner Sullivan requested consideration of items B, J, O, Q, U, W, Z. 2, and AA. 2.

VII. CONSENT CALENDAR:

- A. Resolution No. 2001-__ A Resolution Requesting a Decrease to the General Obligation Bond Debt Service Fund (401) to Realign the Fiscal Year 2002 Debt Service Expenditure Budget with the Final Debt Service Schedule as Reviewed by New Mexico Department of Finance and Administration (Finance Department) [TABLED]
- B. Resolution No. 2001-161. A Resolution Requesting an Increase to the General Fund (101)/All Departments to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
- C. Resolution No. 2001-162. A Resolution Requesting a Transfer from the Environmental Gross Receipts Tax Fund (212) to the General Fund (101)/Public Works Solid Waste Program to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance

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- Department)
- D. Resolution No. 2001-163. A Resolution Requesting a Decrease to the General Fund (101) Operating Transfer to the Road Projects Fund (311) for Expenditure in Fiscal Year 2002 (Public Works Department)
 - E. Resolution No. 2001-164. A Resolution Requesting an Increase to the General Fund (101)/Maternal and Child Health Program to Budget a Donation Received from the Frost Foundation for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - F. Resolution No. 2001-165. A Resolution Requesting an Increase to the General Fund (101)/CRAFT Grant Program to Budget Revenue Received from a Grant from the US Department of Health & Human Services for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - G. Resolution No. 2001-166. A Resolution Requesting an Increase to the General Fund (101)/Local DWI Grant Program to Budget Additional Revenues Received from the New Mexico Department of Finance and Administration for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - H. Resolution No. 2001-167. A Resolution Requesting a Transfer from the Housing Operations Fund (517) to the Section 8 Funds (227/228) to Budget a Reduction of Subsidy Revenue for Expenditure in Fiscal Year 2001 (Community, Health and Economic Development Department)
 - I. Resolution No. 2001-168. A Resolution Requesting a Decrease to the Public Safety Complex Bond Proceed Fund (370) to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - J. Resolution No. 2001-174. A Resolution Requesting a Decrease to the Housing Special Revenue Fund (230)/Public Housing Development Grant to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - K. Resolution No. 2001-169. A Resolution Requesting a Decrease to the CDBG Special Revenue Fund (250)/Teen Center Project to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
 - L. Resolution No. 2001-170. A Resolution Requesting a Decrease to the State Special Appropriation Revenue Fund (318)/ Various Projects to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash

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- Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)
- M. Resolution No. 2001-171. A Resolution Requesting an Increase to the Emergency Medical Services Fund (206)/Various Districts to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - N. Resolution No. 2001-172. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Districts to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - O. Request Authorization to Enter into Project Agreements with the New Mexico State Highway and Transportation Department, Traffic Safety Bureau, for the Operation Buckle Down and the Operation DWI Projects (Sheriff's Office)
 - P. Resolution No. 2001-173. A Resolution Requesting an Increase to the General Fund (101)/Traffic Safety Program to Budget a Grant Award Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2002 (Sheriff's Office)
 - Q. Resolution No. 2001-175. A Resolution Authorizing the County of Santa Fe to Submit an Application to the Department of Finance and Administration Local Government Division to Participate in the Local DWI Grant and Distribution Program (Community, Health and Economic Development Department)
 - R. Request Authorization to Submit a Grant Application to the Office of Juvenile Justice Delinquent Prevention for Santa Fe County Teen Court (Community, Health and Economic Development Department)
[TABLED]
 - S. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #22-11, for the Construction of the Turquoise Trail Fire Station (Fire Department)
 - T. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #22-14, for the Roofing of the Judicial Complex, Leo Gurule Building and the Youth Development Center (Resource Development Department)
 - U. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #22-15, for an Emergency Standby Generator for the Public Safety Complex (Fire Department)
 - V. Request Authorization to Publish the Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 4, Madrid Traditional Community Zoning District (Land Use Department)

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- W. Request Authorization to Publish Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District (Land Use Department)**
- X. Request Authorization to Publish Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts of the Santa Fe County Land Development Code to Add a New Section 6, La Cienega and La Cieneguilla Traditional Community Zoning District (Land Use Department)**
- Y. Request Authorization to Enter into Amendment Number Two to the "First Amended Initial Customer Contract for Commitment of Water Service" with O.L. Beaty, Glynn L. Stewart and Beaty Electric Co. to Allow for Use of the Water Service anywhere within the County Water Utility's Service Area (Land Use Department) [TABLED]**
- Z. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:**
1. EZ Case #A 01-4081 - Otavio Silveira Appeal (Denied)
 2. CDRC Case #V 01-5200 - Copar Pumice Co. Variance (Approved)
- AA. Request Authorization to Enter into the Following Change Orders:**
1. Number One (Final) with EMCO for the County Road 85 and 72 Road Improvement Projects
 2. Number Three with Big Sky Builders for the Eldorado and La Cienega Transfer Station Projects

CHAIRMAN DURAN: The chair will entertain a motion to approve the Consent Calendar excepting those items that Commissioner Sullivan pulled for further discussion. [The items were: C, D, E, F, G, H, I, K, L, M, N, P, S, T, V, Z. 1 and AA. 1]

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

- B. Resolution No. 2001-161. A Resolution Requesting an Increase to the General Fund (101)/All Departments to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)**

MS. MILLER: Mr. Chairman, Commissioner Sullivan, you had a question concerning this?

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COMMISSIONER SULLIVAN: I had a question. This was a budget transfer to cover the performance incentives for County employees. And at our last Commission meeting, and this is for \$150,886. At our last Commission meeting we approved performance incentives by department which totaled \$133,875. So I was asking why do we need to transfer \$150,886?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, the item that personnel handed out, that Helen gave out describing how the incentive would be done was based upon salaries at a particular time and it was based on actual salaries of people in positions. When that concept was formed, that's what the situation was but when we actually went to make the budget adjustment to move the money into each department based upon their actual salaries paid and based upon the benefits that are given for those employees and the rates, when it was all calculated out to move into their budgets, this is the budget adjustment that was calculated. So it did increase by about \$15,000, or \$18,000.

COMMISSIONER SULLIVAN: There's a line item in this one that I didn't see in the one that the Commission approved at the last meeting called general fund directors' pool for \$4,254. Could you explain what that is?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it's my understanding that the directors were in the original concept and that sheet that was given to you by personnel. It may not be down at the bottom. I think it's somewhere in there. It might be a little bit different order than the sheet that was given to you.

COMMISSIONER SULLIVAN: I guess without getting into massive detail, there seems to be a substantial difference here of \$17,000 in what was calculated before and I can't imagine that the salary changes in less than 30 days amounted to \$17,000 so I just wondered where the change was from this as opposed to what the Commission had approved last time.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, the change was based on that the percentage was not given equally in the sheet that's given to you there. When we used the percentage basis, across all departments as it was presented to you, when Finance went to calculate it, there were errors in the sheet that was given to you and we adjusted those so that the percentages across the board as that statement says that it will be distributed to the departments. The deputy director of Finance and the budget analyst and the personnel director worked out where those problems were as far as distributing the amount given in the incentive on a percentage basis to all departments. And when it was calculated out and that percentage was applied evenly across all departments as it was presented, there were some adjustments that needed to be made and it increased it.

COMMISSIONER SULLIVAN: But the actual amount allocated per department in the presentation that was made last time was \$119,000. In this resolution, the amount allocated per department is \$100,000 even and the rest is general fund directors' pool, evaluation fund, road maintenance fund, Indigent Fund, EMS Health Care fund, water enterprise fund, housing enterprise fund, which brings the total up to \$117,801, and the then all the employee benefits add to that \$33,000 for a total of \$150,886. Can you point to me where

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that \$17,000 is or is it a little bit in each item? Is that what you're saying?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I believe it's a little bit in each item but Helen just handed me the spreadsheet that was redone and it was in the PERA with the law enforcement personnel, at 27.76 percent. I don't think that that had been included in, and also the FICA for non-law enforcement personnel at 6.2 percent and FICA/Medicare at 1.45 percent that when the concept was done, the actual rates were not applied as they actually would have to be paid out.

COMMISSIONER SULLIVAN: And have we budgeted for this increase somewhere?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it was not an increase across the board for everybody on our current salaries. What it was in calculating what the incentive would be, in order to actually equitably distribute that incentive pay, when Finance started to calculate using the actual rates that apply, we had to increase the amount that was on the sheet that you received at the last BCC because we couldn't force those numbers to fit equitably across the board without reducing the incentive to the departments.

COMMISSIONER SULLIVAN: My question was that before we had budgeted \$133,000 and do we now have the ability for the \$17,000 more?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, we did not budget before. This is the actual budget adjustment. What was brought by personnel to the Commission was the request to move forward with the concept. This is the actual budget adjustment and that's how that concept plays out when we actually try to move it into the budget.

COMMISSIONER SULLIVAN: Okay. And where are we getting the \$150,886?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, that's from cash balance. At the last meeting, the Commission also approved the resolution with the contingencies of \$1.7 million. That does not affect that. There was enough cash balance to cover the increase to this incentive plan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Katherine, is this the base-building incentive? This is going to augment the base pay on the individuals, the employees that receive the merit increase, right? This is not the bonus?

MS. MILLER: This is the bonus.

COMMISSIONER TRUJILLO: This is the bonus.

MS. MILLER: Yes. This is the actual budgeting for the cash balance for the one-time bonus payments that were approved in concept by the Commission last month.

COMMISSIONER TRUJILLO: So why are we getting FICA expenses and all of that other stuff on a non-base-building incentive?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, with each payment to

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an employee, whether it's in a bonus form or an hourly payment, it still has associated taxes of FICA and also, because of the way we have to do the incentives, it also has the PERA and FICA and retiree health associated with it. We can't make a payment to an employee without the applicable benefits.

COMMISSIONER TRUJILLO: All the taxes except the insurance premiums.

MS. MILLER: Correct. It doesn't affect their insurance premiums or those other benefits.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: Any other questions? Do we want to approve this as we discuss it? The chair will entertain a motion to approve or disapprove.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman, to approve.

CHAIRMAN DURAN: Is there a second? I'll second it. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

VII. J. Resolution No. 2001-174. A Resolution Requesting a Decrease to the Housing Special Revenue Fund (230)/Public Housing Development Grant to Realign the Fiscal Year 2002 Budget with the Fiscal Year 2001 Cash Balance Available for Expenditure in Fiscal Year 2002 (Community, Health and Economic Development Department)

COMMISSIONER SULLIVAN: Mr. Chairman, let me just preface Robert's remarks by, this was a question I had which was also addressed in this morning's Housing Authority meeting. And it was addressed adequately for me, but I wanted to continue to isolate it so Robert would have the opportunity to explain it to the public and also to Commissioner Campos. It has to do with our public housing sales program. So you don't have to go into as much detail, Robert, but perhaps just a little summary.

CHAIRMAN DURAN: In 25 words or less.

COMMISSIONER SULLIVAN: And two box tops.

MR. ANAYA: Yes, sir, Mr. Chairman. Mr. Chairman, Commissioner Sullivan, in 1995, Santa Fe County Housing Authority received a \$5.9 million grant to build new housing that we're currently in the process of selling. At the beginning of the budget cycle we made a projection on how much revenue we would expend. We actually expended \$1.2 million more than we had projected, so this particular request realigns the budget to put it to where it actually should be. After the construction of the 40 units we'll have just over a million dollars remaining.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further

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

VII. O. Request Authorization to Enter into Project Agreements with the New Mexico State Highway and Transportation Department, Traffic Safety Bureau, for the Operation

MR. ANAYA: Mr. Chairman, the Sheriff was just here and he stepped out, but this grant goes directly to the Sheriff's Department. I just want to clarify that.

CHAIRMAN DURAN: Does the Sheriff have anything to say? Any questions of Robert or the Sheriff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This was one that I isolated but I have to find it in my packet. It's way down in the packet so if you could bear with me for just a minute till I find it. Okay, I found it, Mr. Chairman. My question, Sheriff, is on these traffic safety projects, and this one I understand is a combination of two grants, totaling \$22,500 for putting additional personnel out on patrol and doing a super-blitz effort. When we do that, as a part of these grants, is there any measurement component? How do we measure the success of this? Is there any way that you or your officers can measure the success of these grants?

RAY SISNEROS (Sheriff): Mr. Chairman, Commissioner Sullivan, the measurement of success is done by the State Highway Traffic Safety Department. All we do is, they award these grants for the governing body to accept for us to do these projects. We turn in the statistics that we achieve from handling the projects themselves. They go into the database at Traffic Safety and it's part of their statewide campaign, not just Santa Fe County but they look at the rates on previous blitzes. They look at the conviction rate. They track everything that occurs during those blitzes whether it's Buckle Down or the DWI traffic stops, the road blocks that are set up. The tool for measuring is done by Traffic Safety at the Highway Department.

COMMISSIONER SULLIVAN: Okay. So in our—one of the goals of this grant is to reduce the use—to increase, excuse me, the use of occupant restraints by children under 12 from 82 percent in 1999 to 84 percent in 2000 and 85 percent in 2005. So you're department doesn't get involved in the assessment. You put the personnel out in the field. You conduct the stops and then you submit the data to the Highway Department.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Sullivan, that's correct. We're not analyzing the data. We're doing the enforcement itself. The analysis is done, like I say, at the Highway Department, and their percentages that they're trying to achieve are statewide. That's why they're allocating these grants to the different agencies around the state and our numbers are just going to be put in the pool.

COMMISSIONER SULLIVAN: And then just finally, how successful are

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these over your normal enforcement. You enforce seatbelt restraint laws 365 days out of the year, I assume.

SHERIFF SISNEROS: Mr. Chairman, that's correct. We enforce, but the blitzes also do. What the blitzes allow us to do is take off-duty personnel that are not involved with answering calls for service, handling accidents and doing other stuff that is a normal work day, and assigning them only to this area. Like the Buckle Down operation, the deputies are going to be assigned to that. That, 95 percent of their time during that time period is going to be on Buckle Down on seat belt enforcement.

The only exception which traffic safety agrees with us is if they're in the area at the time of an emergency call and they're close by, they're allowed to answer and assist on that call. But other than that, they will only do that enforcement. A regular deputy in his normal day, he may be headed to a priority type of call but not red lights and siren, and he may see you not wearing your seat belt. But he won't do the traffic stop on you because he's got a priority call that he's headed to. So he can't do that enforcement at that time. If he's on just standard patrol, he'll stop you and either cite you or make his decision on the spot. But yes they do enforce.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

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

VII. Q. Resolution No. 2001- A Resolution Authorizing the County of Santa Fe to Submit an Application to the Department of Finance and Administration Local Government Division to Participate in the Local DWI Grant and Distribution Program (Community, Health and Economic Development Department)

COMMISSIONER SULLIVAN: My question Robert, on this was this is an annual funding from DWI, is that correct? An annual application and funding?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, yes. We've had several, at least I have had several discussions with several City Councilors and members of City staff from time to time about the County and City participation in the DWI program. Is this a grant program that we also do cooperatively with the City?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, through a state statute, the state legislature set up the DWI Planning Council. The DWI Planning Council has a representative from the City Police Department. They formerly had a representative

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from the Community Services Department but that individual, Mr. Sandoval, resigned. The DWI Planning Council is the body that organizes the budget, makes recommendation to the County Commission, which then ultimately gets approved at this level.

COMMISSIONER SULLIVAN: So the expenditure of monies, and how much are you anticipating? It doesn't say in the packet.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, we are going to ask—we don't know exactly how much we get annually from the local liquor excise tax revenue, because they give it to you at the end of the quarter. We're projecting right now around \$770,000 approximately. And normally what we do is we make a projection of right now, \$770,000 and then we budget less than that so we don't fall short. So it will be in the range of probably \$740,000 that we'll actually budget for.

COMMISSIONER SULLIVAN: And those programs, these are all programs that are approved by the DWI Council then?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, yes. They make recommendations and then the County Commission makes the final decision.

COMMISSIONER SULLIVAN: And the City has just one member then on that council as of now because of the resignation?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, there's one City employee on there, if you will, but there's various different community groups that are represented on that body that are listed actually in the statute as to which areas need to be represented. In fact this body has made several new appointments over the last several months, but yes, the City of Santa Fe has one individual right now.

COMMISSIONER SULLIVAN: But all the contracts that are written, regardless of whether they affect the City or they affect the County, are written through the County. Is that correct?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Quick question. Does this—what do you expect to spend this money on? Is it the assessment and the treatment centers?

MR. ANAYA: Mr. Chairman, Commissioner Campos, no. It could potentially, there could be some resources for that particular facility but this particular program has funded various programs for Life Link to programs that work in the hospital to schools programs to law enforcement. We fund officers for the Sheriff's Department checkpoints.

COMMISSIONER CAMPOS: Mr. Anaya, do you have money now for the assessment and treatment? Has that been provided to the County by other funding?

MR. ANAYA: Mr. Chairman. Commissioner Campos, we have several different pots that are currently in place that are separate from LDWI money that in fact have been tagged to be used in that direction but we have not received formal direction

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from you the Commission as to the exact scope. But we do have money, yes.

COMMISSIONER CAMPOS: Do you propose bringing forth these ideas and plans in the near future?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we would like to meet with the Commission in a work study to go over that particular program so that we could receive some formal direction so that we could get that money expended and moved in the right direction, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: Have the staffs, City, County staffs, been in dispute as to how to develop these programs?

MR. ANAYA: Mr. Chairman, Commissioner Campos, for the last two years, Santa Fe County has been working with about 30 to 40 organizations that deal with substance and alcohol abuse in what's called the CARE connection. The City of Santa Fe has been invited on numerous occasions to participate in that process, participated early on, didn't participate for several months, and now at our most recent meeting of last week, the City has come back to the table. We want the City to come and work with us on this process because that's the direction that we received. They're back in the process as far as working with the care connection and the City Council last week encouraged the Community Services Department to continue to work with that process, to work on a program jointly.

COMMISSIONER CAMPOS: Are there any deadlines, time lines that we have to meet?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we have a couple allocations of state money that we need to keep our eye on the mark with, but the vast majority of the revenue that we currently have for that project already set aside. We won't be in jeopardy of potentially losing. But we do have some money that's time sensitive and we are moving at a quicker pace on that. So it is very important that we do have some type of discussion and dialogue with the Commission so that we can get some formal direction from you.

COMMISSIONER CAMPOS: I think that's an important issue. I'd like to hear it at some time in the near future. Thank you, Mr. Anaya.

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

MR. ANAYA: Mr. Chairman, I would just add that there's been a lot of dialogue relative to what the DWI program has done and where the money is going, so what we've started to do and what we'd like to do is pass out some informational stuff for the entire Commission to go over so that they could see exactly where a lot of those revenues are going and that in fact, a large amount of money does go into the City for a lot of the programs that are funded through the DWI program. Thank you, Mr. Chairman.

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

VIII. U. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #22-15, for an Emergency Standby Generator for the Public Safety Complex (Fire Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had a question for staff?

COMMISSIONER SULLIVAN: Yes. Chief Holden, the question I had, obviously, we need a standby generator for an emergency facility such as this. Why wasn't it included in the original bid?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, it was my understanding that originally, when we looked at designing the building that there was not enough money left over in the construction project. The money to purchase this generator is coming out of the quarter percent gross receipts tax, fire protection money. So it's not the bond money that's paying for the public safety building.

COMMISSIONER SULLIVAN: And what is the quarter percent tax? The impact fees, is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's not correct. Quarter percent is the gross receipts tax that we collect for fire protection funds throughout the county. The impact fees area specific to development—

COMMISSIONER SULLIVAN: And have to stay in that area

CHIEF HOLDEN: They have to stay in the specific fire district that they're collected in and they have to be directly associated with improved development within that fire district. So impact fees would not qualify to purchase this particular generator.

COMMISSIONER SULLIVAN: These are coming out of gross receipts tax funds, the EMS fire gross receipts tax funds.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's correct. We budgeted for it.

COMMISSIONER SULLIVAN: We just found some extra money there or was it budgeted at the beginning of the year or we're ahead of the power curve on that income source? Is that kind of what's happening?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we actually budgeted \$65,000.

COMMISSIONER SULLIVAN: For this.

CHIEF HOLDEN: In this year's budget, we set aside that amount of money for this generator.

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

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

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

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

VII. W. Request Authorization to Publish Title and General Summary to Amend Ordinance No. 1996-10, Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District (Land Use Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had a question for staff?

COMMISSIONER SULLIVAN: Yes, Mr. Chairman, and I discussed this in some detail with Paul the other day, but my concern with this particular one was that, as the Commission may remember, when San Pedro, part of which is in District 5, came forward with its community plan, there were some components of that plan that weren't yet complete and as a part of the plan, they indicated a time frame which was a year, to complete those components. And they particularly had to do with open space and trails and some of the little more prickly issues that a community has to deal with in addition to the easier issues that they have of keeping mining out and some of the other concerns that San Pedro has.

My concern is that I think we should finish that process. I believe it's been ongoing in the Land Use Department. I know we can come back later and amend the ordinance, but I feel that the incentive and the motivation that's been going forward on this will be lost if we put this thing right away into an ordinance. I'd like to see us finish those components of the plan. I feel that if we put it into an ordinance now any other changes will be perhaps put on the back burner and we won't get to them, given the work load that the land use staff has.

So my feeling is, and I'd like to of course get the staff's response, is that we need to finish a couple more months worth of work on the plan, put it into ordinance once and for all and move on to other items.

PAUL OLAFSON (Planner): Mr. Chairman, Commissioner Sullivan, yes, again, we did discuss this yesterday on the phone briefly and staff's opinion is that the plan was adopted and what we're asking for here is to publish title and general summary to come forward with an ordinance supporting the plan as it was adopted. Again, I was just reviewing the notes from that hearing as well, the minutes, and it was discussed at that time and I think there was an expression of commitment from the community as well as staff to continue with that open space and trails element as was outlined in the plan, and to bring forward then something when it was addressed or when it was ready.

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I think part of that discussion was that if we're talking about putting the developing trail system along private property as well as public lands, and that it is kind of a sensitive issue and it takes some time. During the planning process, the community did look at it and discuss it at length. And their discussions resulted in wanting to move forward with the plan and the ordinance which would then enact it, and then come back with the trails as it was. And your comment or question I think is, do we have the time or the commitment to do that. One is, at that hearing, we did express that the open space program would work with the community and the community would work with the County to make this happen and go forward. So I feel that there is the element of time and commitment put into this to make it go forward and staff's opinion is that if we're moving forward with the plan and it was adopted, then the Board could direct us to go back and reopen that planning process, or continue with the process as it is, and then make the amendment in the future. I think the question is can that or will that amendment process happen, and staff's opinion is yes, it can and it will.

COMMISSIONER SULLIVAN: Paul, have they made any progress on the open space planning to date, since the approval of the plan by the Commission?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, to date we have not moved forward on that. We're focusing on trying to get the ordinance and the next step is then enacting the other elements along with the plan and doing this ordinance process again takes some time. We have meetings in the community. Then we have a community-wide meeting. Then we come back to the CDRC, and then back to the Board. And that is a time-consuming process. As you see that we're doing it with two other communities at the moment as well.

Because it has not been specifically addressed to this date does not mean that it cannot be or will not be.

COMMISSIONER SULLIVAN: Correct me if I'm wrong, did it not actually say in the plan that these items would be addressed within a year?

MR. OLAFSON: I believe that plan states, Mr. Chairman, Commissioner Sullivan, the plan states that within a year a survey will be sent out and the planning process will then be initiated based on the results of the survey on local landowners' interest and I guess willingness to voluntarily participate in the easement or a trails program involving easements and accesses.

COMMISSIONER SULLIVAN: And has the survey been sent?

MR. OLAFSON: No, to this date it has not. But again, this was adopted, Mr. Chairman, Commissioner Sullivan, in April and I think the time frame is still open for that to happen and for that to move forward.

COMMISSIONER SULLIVAN: Well, we're seven months into it and I just feel that we need some incentive. I think this is a difficult part in any plan. I'm not isolating San Pedro residents versus Eldorado residents or anybody, but these are the hard issues of the plan and I feel that they're being swept under the rug. I move to table.

COMMISSIONER TRUJILLO: We've got a motion to table. Is there a second? Motion dies for lack of a second.

COMMISSIONER GONZALES: Move for approval.

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COMMISSIONER TRUJILLO: Got a motion to approve. I'll second that. All those in favor? [Commissioners Gonzales and Trujillo voted with the motion.] Opposed? [Commissioner Sullivan voted nay.]

COMMISSIONER CAMPOS: Discussion.

COMMISSIONER TRUJILLO: Discussion.

COMMISSIONER CAMPOS: Mr. Olafson, do you feel that you can bring forward a plan that deals with trails and open space at the time that we consider the ordinance adoption?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, I think that we can initiate the survey process and get some of that initial feedback and again, I think when the plan was adopted, the hearing that the plan was adopted, it was acknowledged that this could be quite a lengthy process and we see this in other negotiations, I believe in the open space process, that this is time consuming, and I think an initial framework or structure can be brought forward at that time or near that time. Our time frame right now for the San Pedro ordinance, we're trying to bring it before you in December. So that's a pretty short period of time to get that all together, but it promises to definitely be initiated and in process by December and January for those two hearings.

COMMISSIONER CAMPOS: For the ordinance.

MR. OLAFSON: For the ordinance hearing. But I would be hesitant to say that it could be completed by December for the first hearing.

COMMISSIONER CAMPOS: I think what Commissioner Sullivan is concerned about is the community may be reluctant to really go forward with open space and trails. Once they get the ordinance, is there any incentive or leverage. It's purely voluntary. That's his concern. Do you have any ideas on how to deal with that effectively?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, again, I think the community strongly supports doing it and it was an issue in the planning. It was identified as an important element to be moved forward. Again, I think this is a well organized and strong community. I don't think there is a worry that it will not happen or that the community will not support it nor that staff would not support moving forward with that. And if there was direction given from the Board of course, we could initiate it at this stage.

But I do not foresee a problem with moving forward with that and that it will die for lack of interest or lack of participation.

COMMISSIONER CAMPOS: You're saying you want to have the ordinance adopted by the end of the year? Is that what I heard you say?

MR. OLAFSON: The possible time frame, Mr. Chairman, Commissioner Campos, for it right now would be, if we get title and general summary, then we'd have a community wide meeting to present the draft ordinance. Then we'd bring the draft before the CDRC, hopefully in November. Next, we'd have two hearings before the Board of County Commissioners, in December and January. So the ordinance, if the time stays on the time, could be presented for its second and final hearing in January of next year.

COMMISSIONER CAMPOS: Thank you.

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COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, I would just again remind the Board, or Mr. Chairman, I'd remind the Board that this is a community plan. It took at least two years in the making of lots of meetings amongst community members to develop a plan that was supported by an overwhelming majority of the people in that area and as the Commission has stated, an important component of any community plan has to be some type of open space and trail system. I'm assuming that through the development of this ordinance and as we move forward that that's going to have to be an integral part.

But let's stay reminded of the fact that the community should be the ones that are left to decide how that open space network is going to be and the type of trails that are going to occur in an area where there's a lot of private lands and not very much public lands, where it's a lot easier for public lands to try and create the trail system. It's much more difficult in the private lands, and give them the opportunity to work forward and to look forward and to work continuously to move this thing forward to be able to create a community open space and trails system.

So I would just again remind the Commission that this is a community-driven plan and I think the last thing the San Pedro community or any other community in that area wants is a set of Santa Fe planners or Santa Fe people telling them what their trails and open space system should look like. I think that we commit to providing them the planners to provide the tools and the expertise in guiding them, but we need to leave it up that that community to develop that network that best supports their views and what they want their community to look like. So I support going forward with this.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Briefly, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me make it very clear that my concern and my intent is not to have Santa Fe planners planning San Pedro community. I feel that we as a Commission have an oversight responsibility, a gentle nudge, as it were, to keep them on track, to keep them focused, and to keep every community working on the hard issues as well as the easy protective issues. Otherwise, we can just put a gate in front of the community and give each person a magnetic card to get in. I think we do have an obligation there to apply some general planning principles that we have in our general plan.

Our general plan has the planning principles of open space and trails. In this plan, and I met with the community, and the members. They indicated it was very difficult and they'd just as soon not deal with it. A time element was put in the plan and has not been addressed. Nothing's been done in seven months. Can we anticipate that something will be done in five months or six months or 12 months further. I just feel that we are not imposing. I think we're placing our general plan requirements for community based plans onto every community. And every community has had to bite the hard bullet on how to deal with open space. And it varies.

I just want to be very clear that we don't want to impose our value judgements on San Pedro but we do want them to conform to our general plan guidelines. Thank you.

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COMMISSIONER TRUJILLO: Call for the question, Mr. Chairman.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Commissioners Gonzales, Trujillo, Duran and Campos voted aye.] Opposed?

[Commissioner Sullivan voted nay.] Motion carries.

VIII. Z. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

**2. CDRC Case #V 01-5200 - Copar Pumice Co. Variance
(Approved)**

CHAIRMAN DURAN: Commissioner Sullivan, you had a question about this?

COMMISSIONER SULLIVAN: Yes, Mr. Chairman, in reading the findings of fact, I was particularly struck by paragraph 15, which is on page 3. As you recall, this was a case of an applicant dividing a parcel, a four-acre parcel into two two-acre parcels simply for the purpose of enhancing the monetary benefit of those parcels.

CHAIRMAN DURAN: That was your interpretation.

COMMISSIONER SULLIVAN: That was my interpretation, and that's not in the record.

CHAIRMAN DURAN: For the record, let's make sure that's your opinion.

COMMISSIONER SULLIVAN: However, paragraph 15 has a finding of the Commission, and I don't recall anything in the minutes that would sustain this finding, it states that the granting of the application will result in a net public benefit upon weighing of aesthetic and health issues with issues of family concerns, affordable housing and maintenance of traditional community customs, thus resulting in an action that is not contrary to public interest.

I don't recall in the testimony, any issues dealing with family concerns, health issues, community customs. This was dividing a four-acre tract into two 2.01 pieces of land. But I may have read the minutes wrong and perhaps staff can comment on that.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Sullivan, you're correct. There wasn't direct discussion regarding the language in paragraph 15. This is standard language that we put in our findings of fact for variances. I checked with Legal and we don't have a problem with removing it from the findings of fact for this particular case.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd move for approval with the removal of paragraph 15.

COMMISSIONER GONZALES: Second.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: For discussion, Commissioner Campos.

COMMISSIONER CAMPOS: A question for Mr. Abeyta. Why was this

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put on the Consent? Is it appropriate to put it on Consent? Last time, as I remember it was a two-two vote and we needed to take a vote with all members present. Is that right? Or am I confusing—

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I'm not sure what the vote was last time, but all of our findings of fact are put on the Consent Calendar, normally.

COMMISSIONER CAMPOS: Did we have a decision on this case?

COMMISSIONER TRUJILLO: It was a two-two vote without my vote and I voted in favor of the lot split, so that made it three-two.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, this is just the findings of fact. The case itself was approved. So this is the finding of fact. Like I stated earlier, we put findings of fact under the Consent Calendar on a regular basis.

COMMISSIONER CAMPOS: Commissioner Trujillo, you remember that we as a Commission did vote three to two on this, or was it tied at two and two it was up to you to break it. So we haven't made a decision yet.

CHAIRMAN DURAN: We have.

COMMISSIONER TRUJILLO: I voted in favor of it and it was approved.

COMMISSIONER CAMPOS: At the last meeting?

COMMISSIONER TRUJILLO: At the last meeting.

COMMISSIONER CAMPOS: Okay. Is that correct, Mr. Kopelman?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Campos, this matter was approved by the Commission on the three to two vote. The last time it came up for approval of the findings of fact and conclusions of law and it was a two-two tie. So it's moving back again.

COMMISSIONER CAMPOS: It was tied again at two-two. Just on approving the written decision?

MR. KOPELMAN: That's correct.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: Any other questions of staff? Those in favor signify by saying "aye." [Commissioners Trujillo, Gonzales, Duran and Sullivan voted with the motion.] Opposed? [Commissioner Campos voted against.] Motion carries.

**IX. AA. Request Authorization to Enter into the Following Change Orders:
2. Number Three with Big Sky Builders for the Eldorado and La Cienega Transfer Station Projects**

CHAIRMAN DURAN: Mr. Chairman, you had a question of Jody, or the Public Works Department. Jill.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. My question was just some clarification. This was apparently a change order to do some additional ditches and

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some of these ditches are in the change order and some are not. I was just a little confused as to what this change order does and why.

JILL HOLBERT (Solid Waste Director): Mr. Chairman, Commissioner, there were several ditches that were rip-rapped without authorization by the County at the site. We halted construction of those ditches. We are now before you to ask for completion of the lower loop. However, the contractor is not getting approval by the department for the upper loop. We feel that doesn't benefit the County. So that's on the contractor. We're asking for the lower loop to be completed because it's beneficial to the County. I had the road maintenance engineer go out and look at this site and he gave me the recommendation to have that lower area rip-rapped because of the amount of water flow that will be coming onto that lower loop road.

COMMISSIONER SULLIVAN: And this was not something that was shown on the drainage plan that was prepared?

MS. HOLBERT: Mr. Chairman, Commissioner Sullivan, there was some rip-rap on the original drainage plan on the lower loop, but this is an expansion of that. It wasn't a very comprehensive original drainage plan. We're expanding on that.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Any other discussion? If not, what is the pleasure of the Commission?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Got a motion. I'll second that. All those in favor? [Unanimous] Opposed? The ayes have it.

CHAIRMAN DURAN: Sam has asked me to bring something forward so that the individual doesn't have to wait all day. Sam, I'm going to turn it over to you.

IX. D. 2. Resolution No. 2001-176. A resolution adopting a legally surveyed boundary for the La Cienega traditional community zoning district (This resolution will create a legally surveyed boundary of the existing zoning district and is not intended to change the existing zoning.)

MR. MONTOYA: Mr. Chairman, we have the vendor here and we'd defer to Mr. Olafson to move that particular item. Thank you, Mr. Chairman, for consideration.

CHAIRMAN DURAN: Is that acceptable to the Commission? So we'll move that forward. Okay, Paul. The floor is yours.

MR. OLAFSON: Mr. Chairman, Commissioners, I'm here before you today to ask you to adopt a resolution that will adopt the surveyed boundary of the La Cienega traditional community zoning district. [Exhibit 1] This was brought before you, I believe in May for contract approval. We have Richard Morris here from Red Mountain Engineering who has done this survey for us. Basically the survey is just a survey of the existing traditional

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community zoning district. It doesn't change, or it's not intended to change anyone's zoning. It's just to provide a clear, defined line of where this zoning boundary is and that's to help Land Use staff and the property owners when they're determining their properties, how it falls in and out. This is also consistent with other planning processes we've conducted.

I just wanted to make a note that I've handed out the second page of the survey in your packets with only the first page, and this will be part of the final product. It's an aerial image with the survey on top of it, so it might be easier for property owners to see where their property is, along with the black and white survey.

Secondly, I to make just one note of correction on the resolution that's in your packet. It was stated in the resolution that this came before the Board of County Commissioners on October 23rd, and that was a typo. We've changed it to October 30th to match today's date. I'll stand for any questions.

CHAIRMAN DURAN: Any questions of Paul?

COMMISSIONER TRUJILLO: Mr. Chairman, is this consistent, Paul, with what the community proposed, pretty much?

MR. OLAFSON: Mr. Chairman, Commissioner Trujillo, yes, exactly.

COMMISSIONER TRUJILLO: So the Cook property is outside of the traditional community designation and some other properties are outside because of petitions by the property owners.

MR. OLAFSON: Mr. Chairman, Commissioner Trujillo, that's the planning area. That's a different topic. This is just the inner—

COMMISSIONER TRUJILLO: This is the traditional community.

MR. OLAFSON: Yes. This is just the zoning district that allows for $\frac{3}{4}$ -acre zoning.

COMMISSIONER TRUJILLO: Oh, okay.

MR. OLAFSON: But to answer your earlier question, the plan did call for maintaining this existing boundary and asking for a survey of it as well. So that's where we're at.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, I just wonder when we do these boundary surveys for the zoning, for the $\frac{3}{4}$ -acre zoning allowance, if you look down in the lower right-hand corner of the map, which you handed out, there's a subdivision in there, down there where the words Section Five are. Do you see where I'm talking about?

MR. OLAFSON: Yes, sir.

COMMISSIONER SULLIVAN: The boundary slices right through the middle of platted lots in that subdivision. So a part of your lot is in the La Cienega traditional community and a part of it, I assume, is not. Why did we do that? Why don't we just follow the subdivision boundaries?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, again, we tried to

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map this exactly as it was in '80. And that subdivision, we did research it, has covenants that would restrict them from further development otherwise. The decision was made to just maintain the boundary as it was. The point being that the intent was to maintain the boundary as it was originally intended and drawn in '80 and to just provide a mapped survey of it now. We could have gone around and changed it but it was felt that that was going to create a lot of confusion and problems and that people had already based their expectations on what it was and where it was and that in that particular case, it wouldn't make a difference either way.

COMMISSIONER SULLIVAN: Because that subdivision already has covenants that wouldn't allow $\frac{3}{4}$ -acre zoning. Does that also apply, if you look up in the far northwest corner of your map, where we're diagonally cutting through quite a few lots. Are we in the same situation there or are we creating lots where a portion of your lot may be allowed for $\frac{3}{4}$ -acre zoning and another portion is allowed for whatever else the zoning is.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, again, in those areas, to my knowledge, I think it depends on the individual property but those properties would be allowed, that are inside, would be allowed to go down to $\frac{3}{4}$ and those outside would then be in the Basin or the Basin Fringe, depending on where they are. And again, that's one of the reasons why we wanted to have a clear line here, is to determine what portion is in, what portion is out.

COMMISSIONER SULLIVAN: So we will be looking at things in the future where we have a lot, probably owned by an owner who maybe on the back part of his lot, it's $\frac{3}{4}$ -acre zoning and on the front part maybe 1.5-acre or two-acre zoning.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that is correct. That's exactly what the situation is now as well. But the line was not clearly determined and that was kind of the point of doing this, to show exactly where it would be and where it was.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Any other questions of Paul? If not, then what's the pleasure of the Commission?

CHAIRMAN DURAN: Move for approval.

COMMISSIONER GONZALES: Second.

COMMISSIONER TRUJILLO: Got a motion to approve, seconded. Is there any further discussion? All those in favor? [Unanimous] All those opposed? The ayes have it.

CHAIRMAN DURAN: We're going to ask the Fire Department to come on up and make their presentation. So we're going back to VI. D. I'm going to ask the Commission to let staff make their presentation and hold off on any questions until afterward.

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VI. D. Presentation on Homeland Security

CHIEF HOLDEN: Mr. Chairman, members of the Commission, this is in response to some questions that the Commissioners asked us previously. It's a very general discussion and I've asked Assistant Chief Blackwell to do the presentation on homeland security.

CHAIRMAN DURAN: Thank you, Stan.

HANK BLACKWELL (Fire Marshal): Mr. Chairman, members of the Commission, what we have here is something very brief. I won't read these, but I'll just paraphrase. In terms of some of the local threats, some of the things that we're dealing with right now are hazard assessment for potential targets. By vehicles and vectors I just mean what kind of methods would encourage some kind of terrorist activity, whether it be biological or otherwise. The issue of training, what training we might need and what we need to head toward, not only for fire and law enforcement, but also for County employees.

Communications, making sure we have a secure communications system and what we need to do about that. Accurate release of information and making sure it's timely and we're trying to do that with the federal government right now. Consistency of our actions, cooperation with other agencies and ourselves, and partnerships with the public and private sector.

Communications, again, the thing that's critical, and that was discussed quite a bit last week, especially in the NACo group, in terms of getting accurate and timely information from the federal government, and I think we'll see a change there soon. Secure communications systems, a point of contact for all inquiries, and that's a County point of contact. I think that's critical to work with all these other groups. And then the participation that you already have on many groups throughout the state.

Planning and monitoring. These are again, just some of the things that we're already involved in actively as memberships that sit on these committees, and I just wanted to let you know that those are some of the activities we've already been involved in and continue to be.

Potential event preparedness. We have an all-hazards plan. That's a working, living document. We're constantly upgrading it and updating it. We have an MCI plan and MCI trailers for any kind of multiple casualties incident. We have an ongoing haz mat program in the County, working with a multitude of agencies as well as a WMD program.

Ongoing training. A lot of our Y2K plan we're able to utilize to overlay on this so we've got some ground already covered and then we've got a great relationship right now with the New Mexico National Guard and their assets.

CHAIRMAN DURAN: I'm going to break the rule. What's WMD? I just want to know what it is.

MR. BLACKWELL: Mr. Chairman, excuse me for the acronyms and we're trying to keep this short. Weapons of mass destruction. That's the buzz word and that's basically what people are calling this now, the terrorist event. We use it, we have two definitions in Santa Fe County, and I think they're both critical. Weapons of mass destruction,

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we need to prepare for that, as well as weapons of mass disruption, that we may have that may disrupt infrastructure, County government or governmental services, even if it's a perceived threat or a false threat, we've got to be prepared for those kinds of disruptive interventions as well.

Partners. These are again some of the things that we already have in place, so again, just to show you that we're not starting from scratch in this area. We've been working on it or quite a while. So we have a working relationship with a number of agencies. These are just a few. This is not all-inclusive in terms of some of the things that we're doing right now.

Anthrax information. All of our medical personnel received updated and accurate information. We're on two websites. We're using websites not only that are statewide for public health and the Department of Public Safety Emergency Management, but we're actually using web information that's updated several times a day from the federal government. So our personnel are already well versed in that. Information sources are checked daily on that. We're also looking at triage procedures in terms of how to triage or how to sort some of the many calls all of our agencies are getting, perceived threats or fears that people may have in terms of suspicious letters.

Recommendations released by the FBI have been distributed to all directors and elected officials. This information must reach all of our County employees and I think one of the things we can do short order is actually get that out or make some brief presentation to all our people. That may allay their fears as well as know that there is something in place that they could do that will help protect them if they're fearful of some kind of contaminated letter.

Again, a lot of our threat hazards have been identified through Y2K as well as other hazard assessments that we do in the Fire Department and so does the Sheriff's Office. And contingency plans are not only being developed but updated as we speak. Current planning right now, there's a lot of talk about some assistance from the federal government as many of us know. That may be a while in coming and I think we're foolish if we don't plan and prepare around the limited resources we have in the county and limit it in terms of being able to be fully prepared for any kind of event. But we need to look at those limited resources, decide how we can bolster what we have locally without federal assistance right now. And what we do if we can't bolster them. That's the real issue in terms of trying to be prepared in the short term. That's our belief.

We've got to plan for these events based on those limited resources and we've got to support this and these programs in order for us to be effective, and by we, that starts with this Commission, I think in terms of being all on the same page and supporting this effort as best we can.

Short term, there's some things obviously that we've talked about, both political and potential budgetary support for some of these programs. Common terminology. We need to make sure all our agencies, at least in the county, are on the same wavelength in terms of how we talk, what language we speak, especially on the radio. We have to have points of contact as opposed to a multitude. We ought to have a statement and a position that the County has. We need more training. We need a little bit more security measures, which is critical. I think as

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was discussed a few days ago, local and County rural government is clearly a very effective backdoor for terrorist intervention right now and we need to take that as a serious threat and try to keep that door closed.

Information verification. Instead of reacting to a particular piece of information and causing unnecessary action or reaction among the public or among our own agencies, we need to verify that information first before we actually respond to it. And then again, we need to make sure that we know we have limited resources and limited response capability and plan for that at the short term.

Long term, again, some of the things that we need to look at, transferring technologies. Trading and sharing information and methodologies that we all have in our agency. More agreements, more hazard identification and assessment based on action plans, prepositioned agreements, and then again, just vigilance and determination. And I think we all need to accept that and buy into that. I think that's critical for our success.

There are a number of websites. The New Mexico Weapons of Mass Destruction Preparedness. This is currently the only state website on weapons of mass destruction up and running in the United States. There are some local, there are some federal ones. This one's been up and running for almost two years now, but these are good resources that anybody can get into and actually look at what's happening. I'll stand for any questions. That was pretty quick, but I know you don't have much time.

CHAIRMAN DURAN: Thank you. Any questions of Stan or Hank?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Blackwell, you talked about money and the amounts of money you'll need locally. Do you have any idea what we're talking about, right now, as far as how much you're going to need?

MR. BLACKWELL: Mr. Chairman, Commissioner Campos, at this time, no. That's one of the things we're trying to prepare right now and in that, actually looking programmatically at two or three different modules or two or three different options that we might be able to present to you in terms of some options that may help support this issue and this effort in a realistic way.

COMMISSIONER CAMPOS: When do you think that will happen? How much time do you need to get the information together?

MR. BLACKWELL: I would hope within the next two weeks should have some rough estimates to give you all for consideration and for your information.

COMMISSIONER CAMPOS: Some time on this agenda we're going to hear a resolution asking for a homeland security coordination committee of some sort. Do you have any comments or ideas about that? Do you think you're already doing it or do you think you need something more?

MR. BLACKWELL: Mr. Chairman, Commissioner Campos, at the state level there are probably four or five WMD working groups, if you will, and they are trying to coordinate that into one state group. I think it's critical that we do something on a small scale,

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because we need to be self-sufficient as a County. I think that's critical, as opposed to relying on others. Because everyone's plate is full regarding preparing for this. So I think, number one, we ought to look at homeland security as a function, particularly or just specific to Santa Fe County, number one.

Number two, I think from there we need to actually have a representative and recommend that that representative or that function be recognized by the state, and make sure that we—that goes two ways. We're involved in the state function as well as supporting what the state is having to do.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, one question. Hank, how are we disseminating information to the Native American community regarding security and that sort of stuff?

MR. BLACKWELL: Mr. Chairman, Commissioner Trujillo, right now most all of the agencies, including the sovereign nations that we have here in Santa Fe County, are all accessing the same website and most of them are being contacted right now at this early stage by state government. But again, that's why I think it's very critical that we look at how we support this countywide, how we identify our resources and our points of contact with the County, working with the state so that if we actually do contact those tribal governments that it's not repetitive, that we're not contacting someone that's already been talked to by the state or another government. I think that coordinated response is critical.

That's what's happening right now at the federal level and I think, again, last week at the task force meeting that the National Association of Counties sponsored, that was one thing, the critical message I think, overwhelming was that the federal government needs to make sure that they have one point of contact and that we have good, single source information that's coming from the federal government through the states to the counties. And that's one of the things that will help us all prepare and react appropriately. So I think part of it's making sure we just have our ducks in a row. We check with other sources before we go out and duplicate efforts that we may not need to do.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Hank, I understand the need for Santa Fe County as you indicated, to have our own homeland security system, but isn't it equally as appropriate to have some type of regional coordinated effort, that there is as much a priority in having relationships with Rio Arriba and San Miguel and Taos, Torrance and Bernalillo County? Because I'm assuming that if we ever do find ourselves in a situation where we're responding to an occurrence as a result of a WMD that it's going to be more of a regional response such as was done in Pennsylvania as opposed to whatever county that that destruction takes place, that it would just be borne by that one county to be able to resolve.

So as Commissioner Campos was requesting, is there a point of having some type of regional task force, or regional group that is looking at homeland security, and is that important? My feeling is that yes. That there does need to be a very strong and coordinated

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effort amongst local governments. I think you're right in terms of federal funding and state funding, that it's going to be very limited and so if we're going to have to bear the resources and responsibility of preparing for any type of emergency response.

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales, I agree completely and wholeheartedly. My guess is that emergency services and primarily the Fire Department is probably going to bear the brunt of a lot of that responsibility, which we gladly accept. We not only need a regional coordination, even in terms of local, then regional, then statewide, and I think that's absolutely critical. But if we don't have a clearly defined function and/or point of contact in the County, then we're too diffuse in terms of trying to organize. And I think that's where counties are reacting now, and municipalities.

If we can get our act together in the next few weeks and now that we've got those contacts, then we've got very effective information flow for those agreements and to actually pull together what we need for a regional response without a lot of duplication, and that's what I think we're trying to eliminate now, so that we're just a lot more efficient with our time and our information. But I agree with you completely. Absolutely.

CHAIRMAN DURAN: What's the pleasure of the Board? This is just a presentation. Any other questions of staff? Thank you, gentlemen. Good work.

CHIEF HOLDEN: Mr. Chairman, I might add, if you would like more specific information or briefings, we'd be happy to do that one-on-one or with two Commissioners at a time.

CHAIRMAN DURAN: I think that would be good. Why don't you get a hold of us and try and schedule something.

CHIEF HOLDEN : We will do that sir.

CHAIRMAN DURAN: Okay, we're going to take a lunch break. Is this going to be an executive session luncheon, lunch break?

MR. MONTROYA: Yes, Mr. Chairman.

CHAIRMAN DURAN: Okay, so the chair will entertain a motion to go into executive session where we will discuss pending or threatened litigation, and discussion of possible purchase, acquisition of disposable or real property and water rights.

- X. J. Matters from the County Attorney, Steven Kopelman
- 2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

COMMISSIONER CAMPOS: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

The motion to go into executive session passed by unanimous roll call vote with

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Commissioners Trujillo, Gonzales, Duran, Campos and Sullivan all voting in the affirmative.

[The Commission went into executive session from 12:15 to 1:30.]

CHAIRMAN DURAN: The chair would like to recognize Councilor Patti Bushee. Would you like to say a few words to the Commission? The chair will entertain a motion to come out of executive session where we discussed pending or threatened litigation, and possible purchase, acquisition of water rights.

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion and a second. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Sam, did you have something to say?

MR. MONTOYA: Mr. Chairman, I was just going to say we were at item

VIII. A.

VIII. ADMINISTRATIVE ITEMS

- A. Committee expirations/resignations/vacancies**
 - 1. Santa Fe County DWI Planning Council**
- B. Committee appointments**
 - 1. Santa Fe County DWI Planning Council**

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, we have a resignation from the Planning Council of Steffie Grow. She indicates that she intended to serve for one year and is completing that term of service and wished to resign.

CHAIRMAN DURAN: The chair will entertain a motion to accept the resignation.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. SIMS: Mr. Chairman, Commissioners, we have a recommendation from the Planning Council for a new member, Captain Quintin McShan from the State Police, District 7. This will be the first time to my knowledge that we've had State Police representation on the Planning Council. Also in addition, I'd like to just make one comment in addition to the statement that Mr. Anaya made earlier about the make-up of the Planning Council currently. We also have on the Planning Council the municipal court judge who is also vice chair of the Planning Council, who is obviously associated with the

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City. I stand for any questions about this recommendation.

CHAIRMAN DURAN: Any questions of David? I just have one comment, David. I was wondering if at the next meeting you could bring forward an action item for the Commission to discuss possibly changing the voting procedure at this committee so that the judges are not voting members. We changed it once, didn't we? It used to be that they couldn't vote, then we changed it and I've heard some concerns and I think I've changed my mind, if you can believe that, that it's probably more appropriate that they don't vote. And I'd like to have some discussion with the Commission.

COMMISSIONER TRUJILLO: How many judges are there?

MR. SIMS: There are three judges. There's the municipal court judge, a magistrate court judge and a tribal court judge.

CHAIRMAN DURAN: And I think Judge Dimas shares that concern with me.

MR. SIMS: Yes, sir. He has expressed that.

CHAIRMAN DURAN: So if we could just have some discussion and talk about it one more time. Would that be okay.

COMMISSIONER TRUJILLO: That's fine.

MR. SIMS: So would you like a recommendation or would you like—

CHAIRMAN DURAN: I think just some discussion, and possible action. So what's the pleasure of the Board on this particular item?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Thank you, David.

COMMISSIONER SULLIVAN: That matter that you're talking about was in IX. 4?

COMMISSIONER TRUJILLO: But it was tabled.

COMMISSIONER SULLIVAN: It was tabled.

CHAIRMAN DURAN: It wasn't an action item, was it?

COMMISSIONER SULLIVAN: No, it was just a presentation.

IX. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community, Health & Economic Development Department

1. Resolution No. 2001-177. A resolution authorizing and supporting an Infrastructure Capital Improvement Plan (ICIP) for Santa Fe County

MR. ANAYA: Mr. Chairman, Commissioners, at the last administrative meeting we had given out drafts of the Infrastructure Capital Improvements Plan and at your

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direction, we had a chance to meet with the Commissioners on their various projects. We have included those projects within this plan. This is our annual submittal to the State Department of Finance and Administration. I would stand for any questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman, Robert, do you have a copy of the final plan?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, those are in front of you.

COMMISSIONER SULLIVAN: All I have is a memo and a resolution.

CHAIRMAN DURAN: It's one of these big packages here.

MR. ANAYA: Mr. Chairman, Commissioners, we were meeting with Commissioners up until the last part of last week. That's why they weren't enclosed in your packets.

CHAIRMAN DURAN: It's not there. Sorry.

COMMISSIONER SULLIVAN: Mr. Chairman, Robert, does this include the roads or do you have a separate item for the roads coming up, don't you?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, it includes all of the projects, Utilities Department, Resource Development Department, Community Health and Economic Development Department and Public Works Department.

COMMISSIONER SULLIVAN: How does that coordinate with the roads projects that's coming up a little later?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, the list that you'll be hearing later from the Road Advisory Committee coincides with this particular plan.

COMMISSIONER SULLIVAN: The reason I ask this is there was one request from the Eldorado area for Avenida Amistad drainage, and I didn't see that on the road plan, and I had discussed that with you on the ICIP plan. Is that on the ICIP plan?

MR. ANAYA: Mr. Chairman, if it's not we'll put it on. We could put it on there right now, before you approve it.

COMMISSIONER SULLIVAN: Someone pointed it out to me. I see it here. I see Avenida Amistad low-water crossing on the ICIP plan so maybe when we get to the road plan we'll just add it to that, then.

MR. ANAYA: Yes, Mr. Chairman, Commissioner Sullivan. I believe you can do that when you hear the Road Advisory recommendations.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER CAMPOS: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just for Mr. Anaya, for clarification. As far as this resolution for the ICIP, how much did it change from the time we visited last week? You were going to compile a number of—information from all Commissioners and put it into one form.

MR. ANAYA: Mr. Chairman, Commissioner Campos, there were only a few additions from the last ICIP plan to this one and we incorporated all of those recommendations from each Commissioner. But they were relatively minor in consideration of the whole.

COMMISSIONER CAMPOS: Thank you.

IX. A. 2. Resolution No. 2001-178. A resolution amending Resolution No. 2000-65, "A Resolution Creating a Public Housing Authority (PHA) Board that Includes One Member who is Directly Assisted by the Housing Authority," to Provide for Housing Board Meetings on a Quarterly Basis

CHAIRMAN DURAN: And just for the Commission's information, this morning we had a Housing Board meeting and I guess we decided we were going to have a meeting on a quarterly basis. So we're trying to get the BCC to approve that the Housing Board can make decisions. That it doesn't have to come before the BCC.

MR. ANAYA: That's correct, Mr. Chairman. If you provide us that direction then Mr. Kopelman and myself will draft up a formal change to bring back as an action item at the next meeting, if that's the direction that the Commission takes.

CHAIRMAN DURAN: So with the Indigent Board would also be the Housing Board?

MR. ANAYA: Mr. Chairman, they would technically be two separate boards but we would like to have the same type of authority given to both boards so we're not having to duplicate agenda items.

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

COMMISSIONER GONZALES: Mr. Chairman, one question. So the board's going to consist of the BCC plus one member from the Housing Authority program?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, yes.

COMMISSIONER GONZALES: Is there a reason why the BCC wouldn't just appoint members from each of our districts to be on this board? Is there any reason why you would still need direct participation by the BCC on this?

MR. ANAYA: Mr. Chairman, at the last administrative meeting you've

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asked Mr. Montoya and myself to look at that particular issue. I think that the reason that we've recommended that we set it up like this initially is because the final decision has to rest with this particular authority. If the Commission would like us to move in the direction where we actually create a regular board again, I think that's going to entail some more discussion and some more information to be brought back to all the Commissioners. But if that's the direction you would like us to move in, we'll move in that direction.

COMMISSIONER GONZALES: It just seems to me that if we had community members that were a part of this board that the program that you started could continue to evolve in terms of seeking innovative ways to create more homeownership and to increase the supply. That's not to say that this Board cannot do it, but there are a lot of priorities on our plate and it seems that if we were just able to get a set of eyes that were continuously looking at housing issues that that might help advance the program further.

I don't know if we need to move it to where it was before, in terms of having the full authority devolve from this Board onto a different board. I'm not sure if I'm in favor of that as much as maybe creating some type of advisory board that is given some limited power to make some of these bureaucratic decisions or whatever it might be. And then, on a quarterly basis, that advisory board bringing up recommendations through you to the BCC to either validate or not. But it just gets more of the community involved in the Housing program, which there obviously is a lot of attention and need.

If we could just find a spot in between completely devolving all the authority to a board and where we are here, with the BCC as acting with one member of the Authority as a board. Would that be difficult to do, to create an advisory board that can meet monthly and go through all these issues and then just send up one report for us on a quarterly basis to look at?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, we could absolutely move towards creating an advisory board. We have an advisory committee that's comprised of Section 8 residents and public housing tenants that we could potentially expand, if that's what you'd like to do to act as a sounding board. We would however have to still keep that one resident on the board itself, but we could have an intermediary board if that's the direction you'd like us to go.

COMMISSIONER GONZALES: I don't want to create, necessarily, another layer of bureaucracy but it just seemed that it would be nice to—and I think Section 8 housing residents and our other housing residents deserve a role in this. But I think there are other members of the community that aren't necessarily a part of the program that can offer an outside perspective as to things that we could do from an advisory standpoint. So maybe it's something for you to think about and something that maybe we could move forward if it's appropriate.

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, we can maybe put together some options for you to look at and then bring them back to the Commission for your formal direction.

COMMISSIONER TRUJILLO: Mr. Chairman, Robert, you already have

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boards comprised of residents in each of the housing areas, right?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, yes.

COMMISSIONER TRUJILLO: So what would this other board do? Would this board be outside of the residential areas? What would the other board—

COMMISSIONER GONZALES: I would assume that the residential boards focus on issues that are specific or site-specific to each of those communities. I think that what I was thinking about, Commissioner Trujillo, was that we find a way back to where we were prior to taking over the Housing Authority where we'd have members of the community that were sitting down and taking a look at the overall, large picture of housing and what we were trying to do to increase the stock and to create more homeownership and to go over some of these bureaucratic things that the BCC is now going to be undertaking as a result of this resolution if it's passed today.

What I'm saying is that maybe have more of a citizen committee that did that, rather than the BCC might be helpful. But again, it wouldn't be to redo what's already being done at each of the communities but to look at it from a broader perspective. It may not be appropriate but it's something that I think that in the past, when we've had this authority, one of the good things about it is that it was citizen based and it brought in different views from around the community as to what could be done to enhance the program. That would be the only observation.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. A. 5. Request Authorization to Enter into Amendment Number One to the Lease Agreement with St. Vincent Hospital for Space Rental for the Santa Fe County Indigent Fund Division

MR. ANAYA: Mr. Chairman, I'd defer this to Mr. Shepherd.

STEVE SHEPHERD (Indigent Board Director): Mr. Chairman, Commissioners, we request to enter into amendment number one of our lease with the hospital. The lease is for approximately 628 square feet. The rate for this fiscal year, this federal fiscal year that the lease runs is \$646 a month, including utilities and janitorial service.

CHAIRMAN DURAN: How much is that a square foot?

MR. SHEPHERD: It's \$1.03 a month, so it's a little over twelve bucks.

CHAIRMAN DURAN: A little over \$12 a square foot. Does that include utilities?

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MR. SHEPHERD: It includes utilities and janitorial service.

CHAIRMAN DURAN: Okay, good. That's a good deal. Any questions of Steve? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman, I did have one question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Is there the possibility, Steve, or the perception that having our offices at St. Vincent's literally, and also overseeing such a sizable amount of funding as we do in the Indigent Fund to St. Vincent's on the order of \$8 million, creates a fox guarding the hen house syndrome?

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, we considered that when we first did the original lease, what the appearances would be. We have not had any negative comment from anybody in the community and we've also benefited by having our claims investigators onsite at the hospital working directly with hospital staff on the individual claims.

COMMISSIONER SULLIVAN: Because there is other space in the same vicinity.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, there is, but it's certainly not at this price.

COMMISSIONER SULLIVAN: Yes. If that becomes an issue we'll be the first to let you know, I'm sure.

MR. SHEPHERD: I'd appreciate that. Thank you.

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER CAMPOS: Second.

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

IX. A. 3. Resolution No. 2001-179. A resolution approving operating budget or calculation of performance system operating subsidy

MR. ANAYA: Mr. Chairman, as we discussed in the Housing Board meeting this morning, this is the new operating budget calculation for the upcoming fiscal year. I would stand for any questions.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: My packet doesn't include a budget.

CHAIRMAN DURAN: Mine either.

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MR. ANAYA: Mr. Chairman, Commissioners, we had that budget packet in the Housing Board packet. We will distribute that. That was an oversight. It was the housing budget that we went over in the Housing Board meeting, but we can distribute that if you'd like to—

COMMISSIONER SULLIVAN: The one that showed the number of units that were vacant? Not the one at the back of the book?

MR. ANAYA: No, Mr. Chairman, Commissioner Sullivan, it was the one that showed the number of units and the vacancies. I apologize for that.

COMMISSIONER TRUJILLO: 1.73, or what was that number? 1.73 balance?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, that was the balance on the development fund. The particular resolution before you was the discussion on the actual budget for the public housing operating budget and that's where we had the discussion about how the vacancy percentage was at 90 percent because of the housing home sales program. But in fact we're going to see an increase in revenue with the new funding system.

COMMISSIONER SULLIVAN: And just refresh our memory, Robert. What was the bottom line? The dollar amount?

CARLOS NAVA: Mr. Chairman, Commissioner Sullivan, it's \$567,000.

COMMISSIONER SULLIVAN: \$567,000.

MR. NAVA: Yes sir.

COMMISSIONER SULLIVAN: Is the operating budget—because the Housing Authority operates from a federal fiscal year, whereas the County operates on the state fiscal year, right?

MR. NAVA: That's correct.

COMMISSIONER SULLIVAN: So that's for the upcoming federal fiscal year, which begins October 1, right?

MR. NAVA: Mr. Chairman, Commissioner Sullivan, it actually goes in conjunction with our fiscal year. Because it was new they allowed an extension, so it's actually beginning July 1, 2001.

COMMISSIONER SULLIVAN: Okay. So it's \$567,000 beginning the fiscal year starting in July 2001.

MR. NAVA: That's correct.

COMMISSIONER SULLIVAN: And how does that compare with the prior years?

MR. NAVA: This time it is actually about twice as much as we got last year. In coming up with this new formula, HUD had established a negotiating committee to come up with a new formula calculation, which actually found that large housing authorities with over 500 units were getting too much subsidy and us smaller housing authorities were not getting our sufficient allocation. So that's why there's an increase now.

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COMMISSIONER SULLIVAN: We have 221 units, right?

MR. NAVA: That's correct.

COMMISSIONER SULLIVAN: And what are we going to do with this doubled budget?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, we currently, and over the past almost four years have been operating with general fund infusion from Santa Fe County. If this holds true and we actually receive the amount that we've requested as part of the new calculation, we won't need probably general fund infusion. We'll actually be able to sustain our operation with internal revenue like it should be done as an enterprise fund. But that's operating dollars to run the Housing Authority, basically. Housing Authorities don't generate profit. They barely break even. In fact, right now, we don't even break even because of the clientele that we deal with. But if the subsidy comes in then it will be a net gain for the County relative to the amount of money that they infuse into the public housing program.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER SULLIVAN: Second.

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

IX. A. 6. Annual status report on the CRAFT project

CHAIRMAN DURAN: I don't know if you've all had a chance to read this. Do you want to give us a brief overview, Robert?

MR. ANAYA: Mr. Chairman, Commissioners, this report comes to you at the request of Commissioner Sullivan to understand a little bit more detailed about what's happening with the program. I would defer this to Ms. Dutcher.

CHAIRMAN DURAN: To try and save some time here, Commissioner Sullivan, were there some specific questions you had about the project that you need for them to—it seems like you were the only one really that had some concern about it.

COMMISSIONER SULLIVAN: I don't know, Mr. Chairman, that I had any concern but I wanted to give Ms. Dutcher the chance to come forward with the status of the project and what the outcomes have been and I found the report very interesting. I don't want to steal your thunder. I think it would be useful if we could have her just spend a minute or two to summarize it.

LINDA DUTCHER: Mr. Chairman, Commissioner Sullivan, thank you.

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Thank you for the opportunity to come forward here. We're proceeding as planned. We're satisfied with the results. As you can see, we're receiving people into the project for service at about the rate we predicted and we intend to keep it up.

COMMISSIONER SULLIVAN: Well, that was quick.

MS. DUTCHER: In the interest of saving time.

CHAIRMAN DURAN: Thank you very much.

COMMISSIONER SULLIVAN: Mr. Chairman, I did have one question.

The bottom line, Ms. Dutcher, that I see this is. Number one, of course this includes alcohol and drug substance abuse.

MS. DUTCHER: Yes, sir.

COMMISSIONER SULLIVAN: Your primary calls have been alcohol related, according to your report.

MS. DUTCHER: Mr. Chairman, Commissioner Sullivan, we have advertised it to the community as primarily alcohol, because that's sort of your garden variety problem. We've just recently reprinted the fliers to mention alcohol and other drugs on the outside. On the inside it always mentioned other drugs as well, and many of these people are what you would think of as poly-substance abusers.

COMMISSIONER SULLIVAN: Okay. One question that popped out at me was that you had 53 phone inquiries between April 9 and September 26 and you keep track of those, of course, and some of those who call don't qualify to get into the program. And in your list, one of the reasons for not qualifying to get into the program was the callers were IP's. It took me a while to figure out what an IP was. An IP is the person who has the problem. Right?

MS. DUTCHER: That's correct, sir.

COMMISSIONER SULLIVAN: Tell me what IP means.

MS. DUTCHER: Identified patient.

COMMISSIONER SULLIVAN: Identified patient. Okay. So if I'm an identified patient, i.e., one who has an alcohol or drug problem, and I call up and I say I've got a problem, why wouldn't I qualify to get into the CRAFT program?

MS. DUTCHER: Mr. Chairman, Commissioner Sullivan, because the CRAFT program is for so-called resistant substance abusers who otherwise would not get into treatment. If you volunteer, in effect, you don't qualify for the CRAFT program, so we help those people through other programs. It wasn't that we turned them away from service, it's that they won't count in our CRAFT project statistics.

COMMISSIONER SULLIVAN: So I call up and I admit I've got a drug or alcohol abuse problem. What do you tell me?

MS. DUTCHER: Well, we would invite you in this case to come into our treatment provider at the Life Link and you'd sit down with someone and we'd figure out what other programs would be helpful to you. That is to say, they'd be funded by another source, probably. Since this is for people who otherwise wouldn't come in except that their family members have encouraged them to.

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COMMISSIONER SULLIVAN: Okay, so you deal with concerned significant others, and then the last thing that I read in here is the bottom line to this point in time is that you've had a total of seven persons that have been referred or participated in treatment. Is that correct? IP's, to use the lingo.

MS. DUTCHER: Yes, if you will. But the whole family participates. Let me rephrase that. The concerned significant other or family member—it's usually a family member—also receives treatment. That's where we start.

COMMISSIONER SULLIVAN: I understand. And that was 20-some that got that.

MS. DUTCHER: As of that point, yes. It's 31 today.

COMMISSIONER SULLIVAN: But getting right down to the bottom line of those who are resisting treatment and who are suffering from the problem, we've reached seven. Is that correct?

MS. DUTCHER: We've reached seven people who are suffering from their own ingestion of substances. The other family members are suffering from that person.

COMMISSIONER SULLIVAN: Okay. But if we fix one of those seven, then we've fixed the others, probably.

MS. DUTCHER: Well, sir, not in my experience. The amount of disruption and misery that people have experienced is so great that they all deserve help themselves.

COMMISSIONER SULLIVAN: You're saying it continues past the recovery of the individual person.

MS. DUTCHER: Yes sir. We look at it as a system.

COMMISSIONER SULLIVAN: Okay, so once that person goes into recovery, you track them. And you continue to work with the concerned significant others beyond that point when the person is released from treatment.

MS. DUTCHER: It depends on their needs. The model for the CRAFT project, the research has shown that approximately 12 to 14 sessions appears to be sufficient. Then they might go out into other support systems in the community. Self-help groups and things like that.

COMMISSIONER SULLIVAN: Okay, I was a little surprised that when we got the bottom line we'd spent all this effort and we've only reached seven. I understand there's the effect of the significant others and those who are harmed by the actions of that individual, and that's important to those as well. And that's on track. You feel that's on track with what your expectation is.

MS. DUTCHER: Mr. Chairman, Commissioner, yes it is. We expected that after the concerned significant others, if you will, the family members, had received approximately six to seven sessions of training, that's when we can hope to see the drinkers or the poly-substance abusers start to come into treatment. They don't come in immediately. That's the whole point of this project. It's to get the folks encouraged to come in who otherwise would not be receiving treatment. So we're looking for about a

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70, 75 percent hit rate on that.

COMMISSIONER SULLIVAN: The other thing that I felt was interesting was that you're having trouble finding an acceptable media, apparently, and you've found that the TV Guide was one of the best media to advertise in. Why is that?

MS. DUTCHER: Well, sir, I'm not sure why. That is what they told us from UNM would probably be most effective and I sort of resisted it. I thought, oh, no, there's other ways, and other ways that would be less expensive, but they appear to have been right.

COMMISSIONER SULLIVAN: And the last thing is, in the grant administration, in your report, which by the way, I felt was well written and well documented. Did you write it?

MS. DUTCHER: Yes, sir. Wait. Which one? There are three articles there.

COMMISSIONER SULLIVAN: I don't know. The one that says progress evaluation report, October 2001.

MS. DUTCHER: The evaluation report is written by our evaluation consultant.

COMMISSIONER SULLIVAN: I thought that was well done. The whole package was well done. I compliment you on it.

MS. DUTCHER: Thank you, sir.

COMMISSIONER SULLIVAN: One substantial time drain has been related to the lack of a negotiated indirect cost rate between Santa Fe County and SAMHSA. Could you tell me what that is?

MS. DUTCHER: Yes, sir. That is the Substance Abuse and Mental Health Services Administration, which is the federal agency that is the parent agency of the Center for Substance Abuse Treatment, which is who sends us our money.

COMMISSIONER SULLIVAN: So you're still arm wrestling with them.

MS. DUTCHER: I don't know quite where that will end up, sir.

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

CHAIRMAN DURAN: Okay, thank you very much, Linda.

MS. DUTCHER: Thank you. Mr. Chairman, excuse me. I did bring you a packet. You'd asked for information about adolescence and substance abuse.

CHAIRMAN DURAN: Oh, good.

MS. DUTCHER: May I give that to you?

CHAIRMAN DURAN: Please. I got your message. I've just been up to my neck in alligators. Thank you, Commissioner Sullivan, for asking for that report.

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IX. B. Finance Department
1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Rated Offeror, RFP #22-16, for Professional Architectural and Engineering Services for the Youth Shelters and Family Services Center (Resource Development Department)

TONY FLORES (Procurement Director): Good afternoon, Mr. Chairman, members of the Commission. I've provided a somewhat detailed memo describing where we're at today recommending award of an A & E contract for phase one of the Youth Shelters and Family Services facility. The request for proposals was issued. We had a very good response. An evaluation team conducted written evaluations. Based upon those determinations I determined that we needed to have interviews of the top three rated firms which were conducted. The cumulative scores of the written and interview evaluations determined who the highest rated offeror was.

We entered into negotiations with the firm of Ortega and Associates, negotiated a rate that I feel is fairly reasonable and made a determination for the file as required by statute using historical data that we've used here at the County in past A & E contracts, the Professional Technical Advisory Board recommended rate schedule, and also the Department of Finance and Administration maximum allowable percentages allowed for A & E services. And I stand for any questions.

CHAIRMAN DURAN: Any questions of Mr. Flores?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Flores, what was the deciding factor, or what was the capability that Ortega and Associates had that the committee felt was important that placed them as the top ranking firm?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I believe after reviewing the written evaluations and the interview evaluations, any of the top three rated firms could have performed the services for us admirably. Based upon the ability of allowable time to devote to the project, which is one of the criteria factors, the proximity or familiarity with the area, those two factors, in my opinion, after reviewing the individual evaluation team scores were higher than others.

I cannot sit on the evaluation team because I have to render the determinations for the file, but that is a comprised team of County department division directors and the using agency, but those two areas stood out in my mind that put them above the other two rated firms.

COMMISSIONER SULLIVAN: And have they worked for the County before?

MR. FLORES: In my experience with the County, I have not worked with

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the firm Ortega and Associates here at the County, in my tenure, but I do believe they have had past experience with both the City and the County for A & E services.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Second.

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

Thank you, Tony.

IX. C. Fire Department

1. Request Authorization to Enter into a Revised Joint Powers Agreement with the City of Santa Fe for the Regional Emergency Communications Center

CHIEF HOLDEN: Mr. Chairman, Commissioners, you've seen this document before. It was originally approved by the Commission I believe in July. It was sent to the City for approval. It has one significant change to the document and that is item K under Article V. It's the addition of an alternative dispute resolution, which I believe is a good addition to the document. And there was one other minor change where the duties and responsibilities of the RECC board of directors specifically the development of a budget was removed from the board responsibilities and placed under the district director responsibilities. And beyond that, those are the only two changes and both I and I believe the Sheriff is here, or was here, are in agreement with these changes and we recommend ratification by the BCC with these approvals.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a quick question, Stan. Does this mean once we approve this then you're set. You've got your lease agreements set with the City. Once the building is completed, they're ready to move it?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's a very good question. That does not mean that everything else is set. The approval of this document then needs to go to the Department of Finance and Administration for approval.

With the approval of this document, the transition team specifically spelled out in the document to be the RECC board of directors, which again, are the City Manager, the County Manager the two Fire Chiefs of the respective City and County and the Sheriff and

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the City Police Chief, will meet as a transition team to work out the lease agreement and the purchase of equipment, the employee problems that we know are going to come about as a result of personnel issues that will come about as a result of the City doing away with their dispatchers and the County doing away with their dispatchers, having the authority formed, having that approved by the Department of Finance and the PERA for retirement purposes. All that will have to be dealt with between now and December 31st. That is the drop-dead date that's in this document.

We hope to begin those transition team meetings immediately after the Board approves this document, irrespective of the need to send it on the Department of Finance for their approval which we expect to happen. We will begin having those meetings and start working out those transition issues.

COMMISSIONER SULLIVAN: And so then, Stan, the lease agreements that you all come up with will have to go back to both the City and the County for approval.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct. Everything that the board of directors does for the Regional Emergency Communications Center ultimately has to be ratified and approved by the City Council and the Commission.

COMMISSIONER SULLIVAN: So all of this, you have two months to complete all of this?

CHIEF HOLDEN: That's correct. But I would point out that most of the work has already been done. We have not failed to do most of the negotiations behind the scenes while we've been developing this document.

COMMISSIONER SULLIVAN: Well, I wish you good luck.

CHIEF HOLDEN: Thank you.

COMMISSIONER SULLIVAN: That's a large task and we look forward to completing it.

COMMISSIONER TRUJILLO: Any other questions of Stan? If not, what is the pleasure of the Commission?

COMMISSIONER CAMPOS: Move for approval of two changes to the contract.

COMMISSIONER TRUJILLO: Got a motion to approve. Is there a second?

COMMISSIONER SULLIVAN: Second. Just a clarification. I think this is a joint powers agreement. I guess it's a contract. It's an agreement. It's a JPA. But I would second that.

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

IX. D. Land Use Department

1. Request Approval of the Santa Fe County Open Space and

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Trails Logo

ALINA BOKDE (Planner): Mr. Chairman and Commissioners. Attached is the proposed Santa Fe County Open Space and Trails logo. In recent years, the County has acquired many properties for the protection of open space and to provide public recreational areas. A logo will assist in creating an identity and recognition for the properties contained within this program. This logo will be used in the development of signage, publications and other public outreach materials. COLTPAC has reviewed the design and is recommending approval of the proposed logo. Staff is requesting approval from the Board on the proposed Open Space and Trails logo that's before you today.

COMMISSIONER TRUJILLO: Who designed the logo, Alina?

MS. BOKDE: The logo initially was started—a friend of mine actually developed the initial layout of the logo as kind of a favor. And then I sent it to an artist up in Española, William Rotsaert, and we paid him the sum of \$130 to develop the logo that's before you. He's a local artist.

COMMISSIONER TRUJILLO: Good. Thank you. Any questions of Alina?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER TRUJILLO: Got a motion.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Seconded. All those in favor?

[Unanimous] Opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.]

Thank you, Alina.

MS. BOKDE: Thank you.

COMMISSIONER TRUJILLO: We've got a logo.

IX. D. 3. Request Direction Regarding Projects Withdrawn Pursuant to Resolution No. 2001-47, A Resolution Establishing BCC Policies for Inclusion of Agenda Material in Commissioner Packets and for Tabling or Postponing Agenda Items for Board Meetings

MR. ABEYTA: Thank you, Mr. Chairman. On September 17th, the BCC tabled CDRC Case #M 00-5630, which was the J.R. Hale Mine. This was the third consecutive time it has been tabled at the applicant's request. Therefore pursuant to Resolution 2001-47, the case has been automatically removed from the agenda.

At this time, the Land Use Department is requesting direction regarding whether this case and others will be required to return to the County Development Review Committee prior to being heard by the BCC, or will an applicant be placed back on the BCC agenda when ready to be heard. Staff's recommendation is as follows: Staff recommends that the Board require this case to be heard in December as requested by the

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applicant or the application will be withdrawn and the applicant will not be allowed to reapply for a period of one year. Thank you, Mr. Chairman.

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

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales.

COMMISSIONER GONZALES: I've actually had an opportunity to speak with several people out in the area who have been concerned about this and I think the general feeling has been that rather than trying to continuously delay this issue or to require them to go back through the process all over that to go ahead and allow for a December 11th hearing, and allow the community to know that this is finally going to be before the Board for consideration, so that they can prepare for participation in that hearing, as opposed to just continuously delaying this effort.

I really think that the community has waited for a long time to state their concerns before this Commission and if we ask, if we remove them from the agenda and ask them to start the process all over, I fear that many members may feel like they may never get the opportunity to state their concerns about this before the Board. So I would ask that we concur with the staff's recommendation and proceed with this hearing on December 11th and if they withdraw, as the staff indicated or don't participate then, you're stating that it will be a full year before they're allowed to come back?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Gonzales.

COMMISSIONER TRUJILLO: Is that in the form of a motion?

COMMISSIONER GONZALES: It is.

COMMISSIONER TRUJILLO: We've got a motion. Do I hear a second? I'll second that. Discussion. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, on the staff recommendations, staff recommends that cases removed from the BCC agenda after three months of tabling be required to be heard within three months or be withdrawn and the applicant will not be eligible to reapply for a period of 12 months. Explain to me how that works. Within three months after the tabling? Or what does that mean?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, what it means is that if they table three times they will be removed from the BCC agenda only, and then they have three more months in which they can get back on the BCC agenda. So in other words, they wouldn't have to go all the way back to CDRC or the LDRC. So they have three more months to get back on the BCC agenda. If they fail to do so, then their case will be withdrawn entirely and they won't be allowed to reapply for a 12-month period.

COMMISSIONER SULLIVAN: And who determines—in our prior resolution, of course we can elect not to accept the tabling and then we can elect to hear the issue. Who determines when they get back on? Let's say we have a case and we have three tables. And we have some community concerns about that, that it's being seen as a mechanism for getting around the issue. This then says that we can't decide that we want

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to hear it the next month. We have to give them three more months.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's not our intent. Our intent is they can't—they have to be heard within three months. If the Board decides they want to hear them within one month or two months, that's within the Board's discretion. So if we have to clarify that, we can do that.

COMMISSIONER SULLIVAN: So I was just trying to get to Commissioner Gonzales' motion, that if he wants to hear them on December 11, that would be less than three months, so we wouldn't be giving them their full time. But you're saying the intent of the motion is that either they request to be on or we put them on. And in this case, I think they requested to be heard in December, didn't they?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's correct. They requested to be heard in December.

COMMISSIONER SULLIVAN: Okay, so that would fit within your three-month suggestion here.

MR. ABEYTA: Yes.

COMMISSIONER TRUJILLO: Any other discussion? We've got a motion and a second. All those in favor? [Unanimous] Opposed? The ayes have it. [Commissioner Campos was not present for this action.]

MR. ABEYTA: Thank you

COMMISSIONER SULLIVAN: Mr. Chairman, on that same issue, was it decided—and we approved this resolution but I don't know that we addressed Commissioner Gonzales' specific issue, which was that they are to be on the December 11th agenda. Was that the intent?

COMMISSIONER GONZALES: That's the intent, yes.

COMMISSIONER SULLIVAN: Just so that's loud and clear that that's the final date.

MR. ABEYTA: I'll pass that on to the applicant.

IX. D. 4. Request Authorization to Enter into an Agreement with Las Campanas Limited Partnership Regarding the Buckman Diversion Project

ESTEVAN LOPEZ (Land Use Administrator): Good afternoon, Mr. Chairman, members of the Commission. I'm passing out a replacement agreement for what was in your packet. [Exhibit 2] The fundamental intent is exactly the same. We've clarified a couple of issues and I'll go over those in just a minute. The agreement that we're presenting to you today really comes about as a result of some previous agreements between Las Campanas and the County. In 1994 the County and Las Campanas entered into an agreement that required us as a condition of approval of certain developments at Las Campanas that Las Campanas agreed to develop a replacement delivery facility for its

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water supply by no later than 2004.

We hold financial bonds to make sure that that happens. The County similarly has an interest in developing a water diversion facility prior to the expiration of its wheeling agreement in 2004 as well. Earlier this year, Las Campanas had invited the County to work with them on a water diversion at Buckman and offered as part of the inducement for us to do so that they would pick up the costs of NEPA and conceptual engineering. Since then, the City, the County and Las Campanas have all been working to try and get this process going and the agreement that we have before you today simply formalizes that Las Campanas would commit to paying our portion of the NEPA compliance and conceptual engineering in proportion to our portion of the ultimate capacity of the system, which right now, we're thinking is probably going to be close to 20 percent of the overall capacity.

The specific language that we've changed, that we've modified, and this is in paragraph three of the agreement, what we did was we set a certain date specific by which the diversion structure has to be built before we will concede that it does satisfy the conditions of the 1994 agreement, and also we specified that it must meet at least the supply requirements that are outlined in the 1994 agreement.

Although there is no specific dollar amount that's associated with or stated in this agreement, based on discussions to date, we believe that this NEPA compliance effort is probably going to take anywhere from a year and a half to two years and the various federal agencies and proponents that have been working on this think that it's likely to cost about a million dollars per year. So we feel like the value of this agreement is probably somewhere in the range of \$300,000 to \$400,000 to the County. I stand for questions.

CHAIRMAN DURAN: Any questions of Estevan? I think this is a very generous offer and it pretty much ties in with what we have stated in the past, where we've wanted to cooperate with Las Campanas and work towards a resolution to the problems of the San Juan Chama diversion project. I think it's a good offer. Any questions of Estevan?

COMMISSIONER TRUJILLO: If not, Mr. Chairman, I move for approval of this agreement.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. LOPEZ: Thank you.

CHAIRMAN DURAN: Thank you, Estevan.

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- IX. D. 5. EZ Case #S 01-4300. Tierra Grande. Land Ventures LLC (Allan Hoffman), applicant, Oralynn Guerrerortiz, agent, request preliminary and final development plan and plat approval for a 16-lot residential subdivision on 40.1 acres. The property is located off a future extension of Los Sueños Trail, within Section 19, Township 17 North, Range 9 East (5-Mile EZ District (For Deliberation Only)**

CHAIRMAN DURAN: This is for deliberation only. Vicki, can you explain that to me.

VICKI LUCERO: (Review Specialist): Mr. Chairman, this case was heard by the Board on September 17th. A motion was made to approve and it ended in a tie vote, so under the Commission's rules of order, the application is automatically tabled until the next meeting and it's coming before you for deliberation only at this time. The minutes from the last BCC meeting and the staff report are attached as Exhibits A and B.

CHAIRMAN DURAN: Any questions of Vicki?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: A couple of questions, being the individual who wasn't here to participate. Just again for my understanding, I've had a chance to look at this briefly. Does this for the area meet the minimum lot requirements?

MS. LUCERO: Yes, Commissioner Gonzales, it does.

COMMISSIONER GONZALES: And can you tell me, were there any hydrological reports that were performed on this property?

MS. LUCERO: Mr. Chairman, Commissioner Gonzales, a geo-hydro was submitted. The County Hydrologist reviewed it and she, the geo-hydro that was submitted said that they had enough water to limit it to $\frac{3}{4}$ of an acre-foot per lot. Katherine Yuhas reviewed it and she brought it down to a half acre-foot. That's what she thought was reasonable and a lot of the discussion at the last BCC meeting was actually based on that and the fact that they may be able—

COMMISSIONER GONZALES: What's the minimum lot size now?

MS. LUCERO: Two and a half acres.

COMMISSIONER GONZALES: Okay, so if we were to approve it today, would it every be allowed to come back in for smaller densities, or would that be a—

MS. LUCERO: Mr. Chairman, they wouldn't be able to come in and divide the property any further. I believe since the lots are actually less than five acres in size they wouldn't be allowed a guest house either. That's not actually part of the ordinance but it is a County policy, a staff policy.

COMMISSIONER GONZALES: What's a staff policy?

MS. LUCERO: That if the lots are less than five acres in size they wouldn't

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be allowed a second dwelling unit.

COMMISSIONER GONZALES: What's the County ordinance?

MS. LUCERO: The County ordinance doesn't specify. All it says is that it can't be further divided.

COMMISSIONER GONZALES: So it can't be further divided and we have a geo-hydro that's been done now. Was it a reconnaissance geo-hydro or was it a full-blown geo-hydro? Because I know the reconnaissance takes other geo-hydros and does an assessment of those to determine—

MS. LUCERO: I believe it was actually a full geo-hydro. There's a well that's already been drilled on the property, so I believe it was taken from there.

COMMISSIONER GONZALES: And then in terms of traffic, was there any negative impacts towards traffic?

MS. LUCERO: No, everything seemed to be fine as far as the traffic goes.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to refresh the Commission and for Commissioner Gonzales, the two issues, rereading the minutes, that I recall were important. One was the ability to have a guest house on the lot, which would double the density in the area. So my understanding is that's not really prohibited but it is a staff policy not to do it. So that seems like we're in a little bit of the gray area there. The other was the allocation of water. And the issue was, and I think the motion was .45 acre-feet as I recall. And the question was should we give this project an allocation that's almost double what we do for all other subdivisions. If they don't have a guest house, why would they need that extra water?

So that was one major concern that I had was setting a precedent for, just because the geo-hydrology report reports that there is, at this point in time available water, although we don't know what it will be in 40 or 60 years, that we should say that these lots, which would make them more marketable according to the applicant, should get a greater allocation. That seems to me to be unreasonable and unfair.

The second issue was the one of the fact that this subdivision is only 1500 feet from the County water system. And I felt that we should take every possible step that we can to connect these homes into the County water system. Now, how do we do that? The only way that we can do that is by requiring the developer to purchase water rights to do that and to extend the water system in, which in the hearing last month we kind of roughed out would cost about the same as drilling the wells that they planned to drill there. So from a cost standpoint it's more or less a wash.

However, from a time standpoint, it's not. From a time standpoint it takes time to acquire water rights and to have the State Engineer rule on their applicability, but I think we need to do that. So I then said, Well, how can we possibly do both things, allow the applicant to proceed, but also put some teeth into the fact that they have to hook in?

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There's a provision, staff provision that says the lots, when County water becomes available will have to hook in. But once they're out there and on a water system, no one's ever going to pay to bring the water in 1500 feet. It's not going to happen because they've already got a well; there's no financial incentive.

The one thing that occurred to me as a possibility of how to accomplish both objectives is to have the applicant set money aside, purchase water rights and set the necessary money aside as a part of the homeowners association. So that that requirement then has teeth in it. So then as soon as those water rights become available, then the money is put in by bond or by escrow or however we normally do it with any developer that has a commitment to do something in the future, that that line will be extended 1500 feet, which is a cost of maybe \$30,000, and the homes are then required to tie into it. But the individual homeowners don't have to pay for that because it's already up front as an escrowed amount, and they realize when they purchase that as soon as those water rights are through the process and the money's there to extend the line, they will connect in. In other words, plan ahead for that connection. In the mean time, the applicant could go ahead, use the well that's been drilled. Drill another well if it's required. Put their basic system in that they need and ultimately we would connect to the water system.

Now that's kind of a—it's a little more expensive process this way. I understand that. But I really think we're missing a large opportunity here if we don't make a requirement that a developer tie into a water system when they're only 1500 feet away. If you divide that by the number of lots, that's only, each lot in essence, 100 feet away from the County water system. If you look at it that way, if one of these were an individual homeowner applying for a permit.

So that's what I felt we could work out and has anything, Vicki, been discussed on that? Any possibilities along those lines?

MS. LUCERO: Mr. Chairman, I haven't discussed anything to that effect with the applicants. Perhaps they could address—

COMMISSIONER TRUJILLO: Can we give the applicant to address that issue?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Enguinity, P.O. Box 2758, Santa Fe, New Mexico. We did investigate the cost of water rights and the cost of transferring the water. In essence, it basically doubles the cost of the water system. The water rights are selling for about \$15,000 per acre. We'd spend about \$60,000 on the water rights. The line would cost another \$30,000, and then we've got the cost of transferring the water rights to a point that we could use them or that the County could use them.

There's that problem. The County, I think is facing that problem themselves, trying to transfer water rights to their own wells. We're actually spending an equivalent amount on the water system we're putting in. We have to put in three wells. We have to put in a fire protection system which includes water storage tanks. And then we had to do a geo-

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hydro also, because we were moving along the lines of the path as laid out in the Code. So in essence, we've spent about, we will be spending about \$100,000 on a water system and this would double the cost if we had to, in addition provide water rights and plan ahead for that connection.

So of course that's a cost that really makes the project very questionable. And it's a concern to most people in the development field because it's not a Code requirement, so we didn't anticipate it. If we had anticipated it, we might have not spent the money on the geo-hydro and things like that and we would have gone a different direction. But we've spent a great deal of money putting the well in and doing the geo-hydro at this point and we'd like to continue along the path that's laid out in the Code.

COMMISSIONER GONZALES: Mr. Chairman, Ms. Guerrerortiz, the 1500 feet, what's the—I'm assuming that there's a water line that is 1500 feet from your property line. What's between the water line and your property.

MS. GUERRERORTIZ: It's empty land at this point.

COMMISSIONER GONZALES: Whose empty land is it?

MS. GUERRERORTIZ: There's trust land [inaudible]

COMMISSIONER GONZALES: So to accomplish—my point is, if the Commission were to make this requirement, would that be subject, I guess to you, would you have to acquire easements through the other piece of property.

MS. GUERRERORTIZ: Easements would be available, sir. The Arterial Road Task force has laid out arterial road plans that would make connections over to Los Sueños, in essence.

COMMISSIONER GONZALES: So there are easements to the private property line?

MS. GUERRERORTIZ: There are easements to the private—

COMMISSIONER GONZALES: And what's in your—I think Commissioner Sullivan had indicated some of these costs and it escaped me. But what would be the cost to transfer the—to build out the pipes in that area?

MS. GUERRERORTIZ: To build the pipes, sir? I think Commissioner Sullivan suggested about \$30,000 and I think that's a reasonable number.

COMMISSIONER GONZALES: And then you're saying that the cost for water rights would be what again?

MS. GUERRERORTIZ: They're running about \$15,000 per acre-foot.

COMMISSIONER GONZALES: So what is that?

MS. GUERRERORTIZ: That's another \$60,000.

COMMISSIONER GONZALES: So it would be about \$90,000 to be able to—and that's at the point that it's available with the County having—that's the point that the County has the water rights, I'm assuming. You'd have to transfer—

MS. GUERRERORTIZ: Yes, we'd have to transfer to a usable point, sir. And that's questionable.

COMMISSIONER GONZALES: You'd have to find water rights that

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would be diverted to a point.

MS. GUERRERORTIZ: Right. And we've got some gentlemen who are running on platforms to try to prevent transfer of water rights to some of the County wells, so there's concerns about the feasibility and the length of time that would take.

COMMISSIONER GONZALES: I guess my question to Commissioner Sullivan would be, Commissioner, wouldn't it be more appropriate that we would bring this up as a Code amendment? It may be valid in this process so that we do have some type of policy that requires them, as opposed to doing it case by case.

COMMISSIONER SULLIVAN: The other option is that we could loan the applicant County water rights. We have 500 acre-feet of water rights, of which we're currently using a little over 100. And about 100 of those 500 are allocated toward the County, to the County for future County projects, which will be many, many years in the future. In the interim, while giving the applicant time to work out the process with the State Engineer, we could consider making available the necessary—it's only four acre-feet of water for 16 units, through the County's water that it's already pumping out of Buckman.

And then the only immediate front end cost would be the cost of the \$30,000 water line, but by the same token, they wouldn't have to build the storage tanks. The underground storage tanks, which as I recall were costing about \$30,000.

MS. GUERRERORTIZ: Yes, sir. They are.

COMMISSIONER SULLIVAN: They have two underground storage tanks that they require to meet the County fire code. Once you're on the County water system, you've got instant fire protection, and in fact better fire protection than you do with underground tanks, which have a limit, I think of 30,000 gallons. So there's another option of leasing for a dollar, loaning, whatever. I'm just trying to think of some alternative that doesn't penalize the developer but provides an encouragement to get hooked into the County water system.

COMMISSIONER GONZALES: My feeling is that I think, to the degree that we can, encourage as many hook-ups into the water system. I think that is appropriate. However, I have concern about trying to create that kind of policy on an application by application basis. But I would be for sending some direction to the staff to consider a water line extension policy that addresses issues like this so that when developers come in, they know what they may be confronted with, or they know that there is going to be a requirement that they hook up to the County water system when it's available, much the way we do it in La Cienega, I believe now, that there's a requirement on every lot split that when the water line is within 200 feet of their line, they would be required to hook up into County water.

But I just have concerns about doing that now. And I think that's innovative to loan County water. I wouldn't know, would we just do it on a case by case basis or would the loan be available to anyone who would want to apply for that, is the only thing I wouldn't know how we would treat that.

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COMMISSIONER SULLIVAN: I think that for now, Commissioner Gonzales, it would be on a case by case basis but I think you're right. At the same time, we need to make a Code amendment that clarifies that and we wouldn't want to penalize the current applicant because we don't have that Code amendment, which is why I kind of suggested that in the interim, as an interim step. But I do think we need a Code amendment to require developers to bring water rights to their project at a certain size development.

MS. GUERRERORTIZ: Sir, I would say that the Code does say that currently. The Code currently says if you have 20 or more lots, any one of which is less than two acres, you have to purchase water rights, or if you have 25 or more lots. The previous Commission chose those two numbers as cut-offs appropriate, requiring the larger subdivisions to have water rights and requiring subdivisions smaller than that to not require water rights and to allow them to go ahead, if they proved adequate water through a geo-hydro to allow them to have water wells.

So those two are the two provisions you would consider changing, I gather. But in the past, those numbers of 25 and 20 were thought adequate. And I think in part sir, if I may, they were based on the actual, looking at expenses. When you consider where there's obviously a threshold where a project is feasible or not feasible. And there was some careful consideration put into those numbers based on actual costs of different projects in our county. And that's why they did chose those numbers at the time.

COMMISSIONER GONZALES: Is there a motion? I'd like to move to approve this case with the direction to the staff that, I agree with Oralynn that the previous Commission considered those as cut-offs. I think with the new Commission that it's appropriate to bring back those lot size numbers and see if they remain appropriate to keep it at 25 and 20 or if we need to lower those to address the current water situation. So I'd like to move for approval of EZ Case 01-4300 with the conditions that staff has imposed.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: For discussion. What is the amount of water rights per lot?

MS. GUERRERORTIZ: Currently, staff recommended a half acre-foot. There was discussion of lowering that to .45. I don't know what's on the board.

CHAIRMAN DURAN: So, the motion is for .45 acre-feet.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think the applicant is willing to come down to .35 on this case.

MS. GUERRERORTIZ: That's true. I had left messages for Commissioner Campos saying that if that would make him feel more comfortable we would agree to that.

COMMISSIONER GONZALES: So Commissioner Campos, do you want to amend it?

COMMISSIONER CAMPOS: If the applicant is willing to go to .35, that

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would be better than .45.

COMMISSIONER GONZALES: So is that in the form of an amendment?

COMMISSIONER CAMPOS: I would just ask that you consider that. Do you need a motion?

COMMISSIONER GONZALES: You don't want to amend my motion?

CHAIRMAN DURAN: Yes, he wants to amend it.

COMMISSIONER GONZALES: That's fine. I'll accept his amendment to go to .35.

COMMISSIONER SULLIVAN: Question, Mr. Chairman. When we write up the approval process, what is that called, Steve? The findings of fact?

MR. KOPELMAN: The findings and conclusions.

COMMISSIONER SULLIVAN: What is the Commission's justification for providing this applicant more water for a single family unit than we would for others?

CHAIRMAN DURAN: The geo-hydro report.

COMMISSIONER SULLIVAN: That it's there, therefore we can use it?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think you have discretion in this area. You're not obligated to require .45 because the geo-hydro indicated that was available. You have the right to, I believe you have the right to go down to what the standard County requirement is, which I think is .25. The geo-hydro test supports more, so that would be a basis or justification for going beyond .25.

COMMISSIONER SULLIVAN: My question is, if there's only single family homes on the property, why would the Commission single out this application to allocate more water. Every single one that's come by this Commission since I've been on the Commission has been .25. So I'm just, if the motion carries, I'm trying to ask what would be our reasoning in this findings of fact that this particular development deserves more water.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think it's within the Commission's discretion, like I said, to go down to .25 or to allow more if the geo-hydro tests indicates that. I think that's a policy decision really, more than anything else.

COMMISSIONER SULLIVAN: I guess my question was more for the Commission and I'm sorry, Mr. Kopelman, I understand that we have that discretion. I'm asking the Commission, what are we going to tell you to write in the findings of fact that says why this particular development—I mean, are they bigger houses? Are they going to have swimming pools? Are they going to be allowed to have swimming pools?

MS. GUERRERORTIZ: No, sir. The existing Code does not allow private swimming pools.

COMMISSIONER SULLIVAN: So they don't have swimming pools. Can they have horses?

MS. GUERRERORTIZ: Yes, sir. They may.

COMMISSIONER SULLIVAN: They can have horses. They can have

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stalls or stables.

MS. GUERRERORTIZ: Yes, sir. They may. If I might speak to this issue.

COMMISSIONER SULLIVAN: Sure.

MS. GUERRERORTIZ: The County Code requires that the minimum allowable is .25 acre-feet and a project can't be developed unless you can prove .25 acre-feet per dwelling unit. But the County Code provides that you can have as much water and you can prove in a geo-hydro. The Commission of course has discretion on that issue, and we proved .75 and there's discussion now of bringing it down to .35.

The honest to God truth is, for marketing reasons, it's good. But the fact of the matters is, a lot of the projects in the area do have more than .25 acre-feet. Some projects in the area have no water restrictions because they were created prior to water restrictions being placed on them. Projects to the north of them range from .33 to .40, I believe, for the most part. A lot of the ones that were developed with Brenner and Michael Hurlocker and those gentlemen were able to get more water at the time they got their project approved.

COMMISSIONER SULLIVAN: Those are on City water, though, right?

MS. GUERRERORTIZ: Well, sir, they're on County water, actually.

COMMISSIONER SULLIVAN: But they're on public water systems.

MS. GUERRERORTIZ: They're on public water systems, but some of those lots were actually approved for wells.

COMMISSIONER SULLIVAN: So they have an incentive to conserve because they're metered on public water systems.

COMMISSIONER GONZALES: Mr. Chairman, I guess my feeling is that if this is an area that has proved up ample water, that the covenants allow for use of horses and other things that would create a good rural form of life, why wouldn't we allow for that to take place? A lot of the .25 restrictions that we've seen are going in communities where one, there has been some issues concerning water. They've been able to prove it but there are obviously concerns in the area, and they've been restricted to just single dwelling homes.

But we know if you're going to have any type of livestock on your property that there is going to be some water use to take care of that livestock. That's part of the rural living in Santa Fe County. And I don't think that we should neglect or prohibit that chance from taking place or for that type of opportunity from taking place. You're saying the covenants allow for livestock. Is that right?

MS. GUERRERORTIZ: I understand that, yes, that's correct.

COMMISSIONER GONZALES: Mr. Hoffman, do they allow for livestock? Okay. Then I would say that in the findings of fact, that we note that the applicant has provided a geo-hydro test that sufficiently shows availability of water in excess of the .35 and that the Commission is wanting to limit it to .35 so that we allow for single dwelling units plus some availability for any type of livestock that the covenants will

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support to basically fit the rural lifestyle needs of this area. And I would give that direction to the staff and move for the question.

COMMISSIONER TRUJILLO: Call for the question.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes. There's a call for the question.

COMMISSIONER CAMPOS: Does that require a second and a vote?

CHAIRMAN DURAN: The call for the question?

COMMISSIONER SULLIVAN: Yes it does.

COMMISSIONER CAMPOS: Can we just have another question?

CHAIRMAN DURAN: Sure.

COMMISSIONER CAMPOS: Mr. Kopelman, you said legally, the Board has discretion to go down to .25. So is that pretty explicit in the Code? I know I talked to Mr. Abeyta about this issue and he felt that there was some significant ambiguities and the Code had been interpreted in different ways over the last ten, fifteen, twenty years. And that most recently, it was interpreted to allow more with a geo-hydro but that there was considerable—a gray area. You're saying not only is there a gray area but there may be explicit discretion to come down to .25?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the way I read it is there is some ambiguity, but I also think in light of the water situation in Santa Fe County and the way we've approached this, I think that there is sufficient discretion in the Commission on allocation of water in a situation like this. And I think, like I said before, I think you have the discretion to go down to .25. You have the discretion to go above it if a geo-hydro test indicates that water is available. And I think, again, this is probably one area that we'd like to spend a lot of time with when we do Code rewrite to make it a lot clearer than it is now so that there isn't this ambiguity.

COMMISSIONER CAMPOS: Mr. Chairman, I'd just like to comment that I think we're dealing in the area of precedent. We've talked about .25 for a long time as being adequate. Now, if we're going to go with this geo-hydro concept, than anybody can come in and find plenty of water and say I need .75. I qualify for .75 and how do we deal with the cases? How do we differentiate them? How do we say one is .75, one is .35, one is .25? What is our justification with the public policy. Is it going to be a hit and miss thing or are we going to have some kind of a policy or a good idea why we're doing things?

CHAIRMAN DURAN: I think, Orallynn, you've opened up a Pandora's box here. My understanding in the past is that if you go beyond the minimum size, and in this particular area the minimum size is five acres, right?

MS. GUERRERORTIZ: No, it's 2.5 acres, sir.

CHAIRMAN DURAN: Well, 2.5, but that's with water restrictive covenants.

MS. GUERRERORTIZ: Right, sir. Ten with no water restrictions.

CHAIRMAN DURAN: Ten with no. So if you went down to five, you

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would be able to have .5 acre-feet of water. Without doing a geo-hydro.

MS. GUERRERORTIZ: Exactly, sir. If you were doing four lots or less, or maybe it's five lots or less, you could do—you wouldn't have to do a geo-hydro because it's in the Basin Zone and you would get automatically a half acre-foot if you had five acres total.

CHAIRMAN DURAN: So the only reason you're able to come in and ask for more water than what the County typically allocates is because you spent the \$10,000, \$9,000 whatever it cost to drill the well, and provide us with information that there's more water than—you've proved the water to us.

MS. GUERRERORTIZ: Yes, sir. The water's there.

CHAIRMAN DURAN: I guess if you really have some concern about it we're going to need to change the Code and close this loophole in it.

MS. GUERRERORTIZ: Sir, I will say that it's long been a policy, and it's not something in the Code, but it's been a policy of limiting a 2.5-acre lot to at least .49 acre-feet for the reason that you brought up at the last meeting, to prevent two homes from being on the property.

CHAIRMAN DURAN: Right.

MS. GUERRERORTIZ: And that was a policy that was instituted by the County Hydrologist. It's nothing that's on the books. And I was surprised when we got a half acre-foot, but I think it was because we had a new hydrologist. It's probably something that does need to be codified because it is a policy decision.

CHAIRMAN DURAN: I think .35 is fine. If you wanted to tighten it up more then you need to get with Roman and figure out what kind of Code amendment needs to be made so that you can bring it forward and we can have some public hearings on it. Does that sound okay?

COMMISSIONER SULLIVAN: The Community College District, which I think is in the same basin, everything out there on 2.5-acre lots, there's been a requirement of .25 acre-feet.

CHAIRMAN DURAN: Yes, but nobody has performed a geo-hydro either.

COMMISSIONER SULLIVAN: Nobody's asked for one.

CHAIRMAN DURAN: That's basically it. Isn't that correct?

MS. GUERRERORTIZ: Yes, sir. There's been no geo-hydros in that area that I'm aware of.

COMMISSIONER CAMPOS: It's a policy set by this Commission to limit it to .25 in this large 1700-acre development.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."
[Commissioners Trujillo, Gonzales, Duran voted with the motion.] Opposed?
[Commissioners Campos and Sullivan voted against.] Motion carries.

COMMISSIONER SULLIVAN: Did that include the staff's conditions?

CHAIRMAN DURAN: Yes, it did.

COMMISSIONER GONZALES: Yes, it did.

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CHAIRMAN DURAN: And the amendment to .35 acre-feet.

IX. E. Public Works Department

1. Resolution No. 2001-180. A resolution conditionally accepting Richards Avenue Extension, Rancho Viejo Boulevard, Avenida del Sur and A Van Nu Po for County maintenance

COMMISSIONER TRUJILLO: Is that Tewa, James?

JAMES LUJAN (Public Works Director): I'm not certain. A Van Nu Po.

CHAIRMAN DURAN: Sounds good to me.

MR. LUJAN: Rancho Viejo and IAIA are requesting for BCC to accept 1.4 miles of Richards Avenue, 1.5 miles of Rancho Viejo Boulevard, 1.4 miles of Avenida del Sur, and .9 miles of A Van Nu Po for County maintenance. County staff has gone out and created a punchlist of these items. These roads are currently paved. There is an exhibit in your packet of some items that need to be done and Rancho Viejo and IAIA have agreed to do these punchlist items and it is recommended that these roads be taken in.

CHAIRMAN DURAN: Any questions of James?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, did the County agree to accept all of these major roads, arterials, or just all the roads in Rancho Viejo?

MR. LUJAN: Mr. Chairman, Commissioner Campos, this is up to you right now.

COMMISSIONER CAMPOS: So this is not a done deal? In the past, the County did not commit to any acceptance.

MR. LUJAN: Mr. Chairman, Commissioner Campos, not to my knowledge. I've never heard of anything like this.

COMMISSIONER CAMPOS: Mr. Abeyta's not here. Who would be—

COMMISSIONER GONZALES: Well, I think to answer your question, I don't know of any commitment in the past, Mr. Chairman. That there's never been an agreement between the Commission or the County and Rancho Viejo that these would be accepted.

CHAIRMAN DURAN: Maybe the representative from Rancho Viejo can give us a quick answer. I guess you better state your name for the record.

IKE PINO: Thank you, Mr. Chairman. My name is Ike Pino. Mr. Chairman, Commissioner Campos, the only agreements that have been made have been to the extent that when we came through the approval process, we agreed to go ahead and build the roads, both in terms of right-of-way width and cross section to County standards in hopes that we could some day turn them over to the County for County maintenance.

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But there's no previous written or even beyond that any understood type of agreement.

COMMISSIONER CAMPOS: Okay. Thank you. Mr. Lujan, what criteria are you going to provide us for making a decision here? Should we? How much is it going to cost? What obligations are we taking on? What should we consider as policy makers in the long run, assuming that this is just the beginning of the dedication of many roads in the Rancho Viejo area? Is it going to cost us a lot of money? Require more personnel? What are we looking at? Just to throw it out and say, Hey, accept them. What policies do we have?

MR. LUJAN: For road acceptance?

COMMISSIONER CAMPOS: Yes. Do we have a criteria about money, expenses, value to the public? We need a long term outlook on this issue.

MR. LUJAN: I can ask Robert. Robert has the information on what it costs per road mile. I don't know it off the top of my head but what we would be providing would have to be snow removal. The roads are in new condition so I don't see any maintenance other than regular mowing and shoulder work that we would have to do right now. But as far as dollars per mile, I'll let Robert—

COMMISSIONER CAMPOS: Let me ask you one question. What do you mean, right now? For the next ten years? Are you saying these are maintenance-free roads?

MR. LUJAN: The life of that asphalt, we're probably talking for about the next ten years. Yes, Commissioner.

COMMISSIONER CAMPOS: So in ten years we may incur significant expenses?

MR. LUJAN: Probably some crack sealing, some overlays, chip sealing, depending on the wear of the asphalt.

COMMISSIONER CAMPOS: Have we considered maybe an assessment district so that we can have the people using these areas pay for these roads?

MR. LUJAN: That has currently taken place. They have paid for the building of these roads. They have been built to County standards. There are some items that are on the punch list that they are going to spend dollars and do the repairs to them right now. We will not incur any costs other than maintenance. We'll probably do some snow removal this winter if they're taken in. Until this punchlist is completed, that's why we stated conditionally approving them, until this punchlist is completed.

COMMISSIONER CAMPOS: I'm just concerned because I don't have a good picture of what the County's policies are long term and what we're really getting into. Unless we get a good explanation up front, I'm kind of reluctant.

CHAIRMAN DURAN: Let me just help you answer that question. We do have criteria set aside for us to guide us when we consider adopting new roads, and that is that they have to be up to County standards before we'll even consider them. So that we don't spend a lot of money bringing them up to County standards when we begin the maintenance program. The other thing is that when we look at it from the standpoint—

that's a very high growth area and there's going to be a lot of people that are going to need the maintenance program that we can offer them. So there is some criteria. There just isn't a program in place that says we're going to adopt this area first. There's not a priority list, but there is some criteria. Is that correct, Robert?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, that this correct. And I'd just like to state for Commissioner Campos' question, it's roughly about \$1800 a mile per year to maintain a paved road, and basically the majority part of that is striping. And it's my understanding that Rancho Viejo's request is just for the major arterials. I don't believe that there is any intent for them to come in for the County to accept the smaller, local roads.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I'd just add also, Commissioner Campos, that the County already has worked through a series of special assessment districts where the community out there is already paying for this through these special assessment districts. There's a property tax election that takes place out there. Rancho Viejo, each lot is assessed a certain amount to pay for this type of public infrastructure, so residents are already paying for this. They'll continue to pay for it through their property tax bill, which ideally, in turn, will provide some of the revenues, the additional revenues to support some of the ongoing maintenance of these large arterials. I think that's something that we've got to keep in mind that as the growth occurs out there that there'll be new revenues that are generated that would ideally go to support some of the residents in that area and their needs to keep safe roadways.

So I think Rancho Viejo is an area where we've actually enacted programs where the developer and the individuals that are living out there are paying for these roads up front, building them to County standards in a manner that we can accept and that minimizes the cost to actually maintain them on their behalf. As opposed to other roads that we deal with, where a lot of them were built through a series of subdivisions. They're not built to County standards. There's poor surface to it and that takes a large front end investment, sometimes going back to communities and creating these special assessments so that they can generate the capital to put into those roads to get them to the point where they're at least at a standard that we can take them over and reasonably care for them.

COMMISSIONER CAMPOS: Commissioner, are you saying we actually have an assessment district right now?

COMMISSIONER GONZALES: We have an assessment district?

COMMISSIONER CAMPOS: Assessing for roads?

COMMISSIONER GONZALES: Out in Rancho Viejo, they paid for this large arterial. That's correct.

COMMISSIONER CAMPOS: That has paid for this large arterial.

COMMISSIONER GONZALES: Actually, Katherine could probably describe the assessment districts that have been created in the Rancho Viejo area and what

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they're specifically paying for.

MS. MILLER: Mr. Chairman, Commissioner Gonzales, Commissioner Campos, back a few years ago, a special assessment district was implemented in Rancho Viejo. And Rancho Viejo did get the money from that special assessment district, but to build this Rancho Viejo Boulevard and the sewer line. The taxpayers, the property owners there pay \$10 per thousand taxable value to pay off that debt to construct that road and construct it to County standards. It was even bid, the whole construction of it, was bid through the County along with the sewer and that's what that improvement district did, brought in, made Rancho Viejo able to build a road to that standard. And it was bid out and approved by the County, that it met all of our County road standards as well.

COMMISSIONER CAMPOS: So how much money have we raised through that special assessment district?

MS. MILLER: I believe that one was about a million dollars or \$1.2 million, and it went for both Rancho Viejo Boulevard and the sewer in Rancho Viejo.

COMMISSIONER CAMPOS: And the County is managing the special assessment fund?

MS. MILLER: We collect, the County collects the tax revenue for that and then sends it on to a trustee to pay off the bond.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me understand, Robert or whoever. The roads that are being considered here, the Richards Avenue Extension is the piece from the Community College that goes to the stop sign and then continues on into Windmill Ridge. That's correct, is that not?

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

COMMISSIONER SULLIVAN: Okay, my only concern, and I think the main arterials, if built to County standards and they're used certainly by people other than Rancho Viejo, need to become County roads. The piece that extends into Windmill Ridge, however, most of Windmill Ridge is not yet built out. They're still constructing homes there. So I see that we're going to have a substantial amount of construction traffic using that road over the next couple of years. So I'm concerned that we may be a little early in that piece.

Rancho Viejo Boulevard, that's the piece from Route 14 that connects up to kind of the formal entrance there. That's clearly used by everybody as a main thoroughfare and Avenida del Sur, that connects the two but it also goes in the other direction, south. Is that not right? In other words, the connection between the Richards Avenue Extension and Rancho Viejo Boulevard is a piece of Avenida del Sur. Is that correct? There's not a map here so it's hard to describe this verbally. Or is that whole thing?

MR. MARTINEZ: Mr. Chairman, Avenida del Sur begins at Richards

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Avenue, just a little bit beyond the Community College and continues southwesterly up to the intersection where Rancho Viejo Boulevard intersects with it. Then at that intersection, I believe the road is then called A Va Nu Po. Am I correct. I'm sorry, it continues all the way down to A Va Nu Po.

COMMISSIONER SULLIVAN: Okay, so there's a piece of Avenida del Sur—the public is using a piece of the extension, they're using a piece of Avenida del Sur and they're using Rancho Viejo Boulevard. But I see that we have a piece of Avenida del Sur and we have all of A Va Nu Po that construction either hasn't taken place is taking place now. And I'm concerned about the construction traffic, premature deterioration of those roads because of construction traffic. What's your feeling on that?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, these roads were indeed built to County standards and the standards, I'm sure address heavy type of traffic that would be on these roads, so I don't feel there would be a problem of these roads deteriorating any time sooner than what their life expectancy is.

COMMISSIONER SULLIVAN: I know in a lot of subdivisions, what the subdividers do is, at least in the city, that requires two lifts of asphalt, is while construction is ongoing, they put the first lift down. And then they allow the lumber trucks and the concrete trucks that run over the curbs and they run all over the place, to beat up the pavement and then they come back and repair the curb and put the last lift on, which gets damaged by these construction vehicles. But at this point in time we have all the lifts on here, right?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is true. You have the discretion to add any other conditions prior to accepting if you'd like. If you'd like to see some milling done after build-out and an overlay done, that's up to you. This is brought for your consideration—

COMMISSIONER SULLIVAN: Well, I don't want to add that extra cost onto Rancho Viejo or onto the residents there, I'm just wondering if in those cases where they're still building, if we're not a little premature. If the road, as you say, is in good condition and the contractors' trucks are not damaging it, then it will be in good condition when we're ready to take it over and there's no problem. I certainly wouldn't want to require them to go mill a road that's only two years old.

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, Mr. Pino says that that that area is already built-out, the road you're talking about.

COMMISSIONER SULLIVAN: Windmill Ridge?

MR. LUJAN: Avenida del Sur.

COMMISSIONER SULLIVAN: Avenida del Sur. What about A Va Nu Po?

MR. PINO: Thank you, Mr. Chairman, Commissioner Sullivan. A Va Nu Po is the road that goes into IAIA and I think IAIA has plans down the road, although they're very uncertain, as to expanding their campus. But that's the only remaining construction down in that area for the foreseeable future. As far as Rancho Viejo's

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development, the build-out of Unit 2, which abuts Avenida del Sur on the west end, is just about five blocks away from completion. So for all practical purposes, that part is built out.

Now as to Windmill Ridge, you're absolutely correct. We're about 80-some homes into a 185-lot subdivision, and so we're still way down the road from finishing the Windmill Ridge Subdivision where the extension of Richards Avenue now goes.

COMMISSIONER SULLIVAN: So it seems, perhaps, maybe on the Richards Avenue Extension that it would be the portion that goes from the Community College to Avenida del Sur. That's the half-moon, cut-across road?

MR. PINO: That's correct, Mr. Chairman, Commissioner Sullivan.

COMMISSIONER SULLIVAN: And that's maybe a couple tenths of a mile, there.

MR. PINO: That's about right. And I would add, just for your information that we are in the process now of connecting Richards Avenue where it ends and Windmill Ridge, all the way out to A Va Nu Po. One of the conditions of approval for Windmill Ridge was that we build that to temporary standards. It will be a gravel road until other development occurs in that area. So there will be a complete loop within about another month.

COMMISSIONER SULLIVAN: The only other question I had was that if we take this over, there's a number of Rancho Viejo promotional signs in the right-of-way there. When we take these roads over, are we also taking over the right-of-way maintenance?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, that is true.

COMMISSIONER SULLIVAN: So I think the only signs that should be in the public right-of-way are traffic hazard warning signs. Not promotional signs.

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: I'm not familiar with A Va Nu Po so I certainly have to take the staff's recommendation on that from my perspective, but I would suggest for the time being that we defer that portion of Richards Avenue Extension that's within Windmill Ridge until construction is complete. Now, we could include that as a part of this resolution and make that a condition of the resolution. Do you see what I'm saying?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I think it would be appropriate to include it now and to put in a condition that whatever is occurring on Rancho Viejo Boulevard within Windmill Ridge that when construction is completed that it be at an acceptable County standard, if there is any destruction to that road.

COMMISSIONER SULLIVAN: So the acceptance, and actually it would Richards Avenue Extension, it wouldn't be Rancho Viejo Boulevard.

COMMISSIONER GONZALES: I'm sorry. Thank you. I apologize.

COMMISSIONER SULLIVAN: So it would give the staff the flexibility to accept the other areas as soon as your punchlist is done. And then you may have somewhat of a delay before you accept the Windmill Ridge area. That's what I'd be looking at if that's acceptable to the Commission.

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COMMISSIONER GONZALES: I agree to that.

MR. LUJAN: Mr. Chairman, Commissioner, that would be fine with us.

COMMISSIONER CAMPOS: Mr. Chairman, just a couple of questions.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Okay?

CHAIRMAN DURAN: Sure. Be my guest.

COMMISSIONER CAMPOS: Mr. Lujan, where do we get our maintenance money for roads once we accept them?

MR. LUJAN: Road maintenance dollars, if I'm correct, and I might have to defer to Katherine but I believe that comes from the Highway Department on our gross receipts.

MS. MILLER: Mr. Chairman, Commissioner Campos, we receive motor vehicle tax, gasoline tax and general fund.

COMMISSIONER CAMPOS: Does that cover the entire cost or are we using general fund also to supplement?

MS. MILLER: This year we transferred \$1.6 million from the general fund to the road maintenance fund.

COMMISSIONER CAMPOS: Okay. One last question, Ms. Miller. This special assessment district, do you feel that it covers the true costs to the County of maintaining and rebuilding these roads when they have to be replaced or when major maintenance is required?

MS. MILLER: Mr. Chairman, Commissioner Campos, the special assessment district is purely to raise the money to have built the road.

COMMISSIONER CAMPOS: To build the original road.

MS. MILLER: Yes.

COMMISSIONER CAMPOS: So next time it's built, who's going to pay for it?

COMMISSIONER GONZALES: Whoever owns it.

MS. MILLER: Yes. If it's maintained—the maintenance is done by whoever actually owns the road. Yes.

COMMISSIONER CAMPOS: So the maintenance would be County responsibility. Some of it coming from state monies, some of it from general fund money. Is that fair?

MS. MILLER: That's a fair statement, yes.

COMMISSIONER CAMPOS: And as far as the major maintenance and replacement, that's going to be a County, 100 percent, a totally, County responsibility.

COMMISSIONER TRUJILLO: It comes from the state.

MS. MILLER: Mr. Chairman, Commissioner Campos, yes. It's from those three funding sources. It will go right into the County roads and be maintained along with the rest of the County roads.

COMMISSIONER CAMPOS: Commissioner Gonzales, if that's the case, we

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really don't have a special assessment district that will in the long term take care of these roads. It's just a one-time deal.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, that's true. However, keep in mind that their property tax base in the Rancho Viejo area is increasing. Revenues are starting to come from people who live in that area paying into the County coffers for presumably services to service them. So ideally in theory, what's going to happen over this period of time if the County manages its budget properly is any new money that comes in as a result of the growth in this area is going to go to cover the maintenance costs of taking care of these roads.

Keep in mind that these people are already—they've already put in—these are actual homeowners that have already put in to construct that road, now that they live out there, they're going to be assessed, based on the value of their land, and then they're going to start paying into the County funds. So I think that it's our responsibility based on that payment into the funds to provide the level of service that we should provide out there, which is to take and to properly maintain their roads.

I don't think we're ever going to find ourselves in a continuous special assessment in any of these subdivisions. That special assessment comes in the form of the property tax. That's the continuous one that's taking place, because on an annual basis they're paying that tax bill that goes to cover services to provide for their needs.

COMMISSIONER TRUJILLO: And once they're designated as County roads, they qualify for state money on an annual basis through our CIP package. The County by no stretch of the imagination has enough money to pave roads, to upgrade roads, to enhance roads. So we delineate those through a priority list through the Road Advisory Committee for state monies. And those monies are assigned to those roads when they need upgrading.

CHAIRMAN DURAN: And just one last comment. These are \$40,000 lots that when the houses are built, are now over \$200,000, sometimes over \$300,000 so the taxes that the Assessor is collecting in the long run is going to far exceed the amount of money it's going to take for us to maintain it on a yearly basis and replace it if we have to in 20 or 30 years.

MR. MARTINEZ: Mr. Chairman, Commissioners, I'd just like to mention something, that there are some homeowners associations that do have road maintenance dues. For example, like ECIA and La Tierra Homeowners Association. They collect dues from property owners and the enter into an agreement with the County to do improvements to those County maintained roads because they realize that the County's funding is limited. So that's a possibility.

COMMISSIONER CAMPOS: And this is a situation that deals with the long term problems. Ten years, major improvements have to be performed. The money is being paid in regularly by these associations.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, they pay road maintenance dues directly to the homeowners association, not to the County. And then the homeowners association comes to the County and enters into an agreement for improvements or

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maintenance repairs to certain roads within their subdivision that are County maintained. So that's another funding source.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: But that's the exception, rather than the rule, right? Across the county.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, that is correct. That is an exception.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move for approval of Resolution 2001-180, conditionally accepting Richards Avenue Extension, Rancho Viejo Boulevard, Avenida del Sur and A Va Nu Po for County maintenance with the conditions set forth by the staff and with Commissioner Sullivan's condition that we give the flexibility to the staff to accept Richards Avenue into the Windmill Ridge as the road becomes appropriate to accept.

CHAIRMAN DURAN: It's a motion.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a second. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a clarification. As the road becomes appropriate to accept, meaning that once build-out has occurred in Windmill Ridge?

COMMISSIONER GONZALES: Yes.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

MR. MARTINEZ: Mr. Chairman, can we get some clarification? So do we need to bring back Rancho Viejo through Windmill Ridge to the Board?

COMMISSIONER GONZALES: No.

COMMISSIONER SULLIVAN: No. Once build-out is complete and once you're satisfied that the road is in County-acceptable condition, it can be accepted. But if there is damage to the road, you may have to prepare a supplemental checklist, punchlist and require the developer to make those corrections.

MR. MARTINEZ: Okay. Thank you.

COMMISSIONER SULLIVAN: Did I state that okay, Commissioner Gonzales?

COMMISSIONER GONZALES: Yes, absolutely. Thank you.

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X. E. 2. Request Authorization to Install a Three-Way Stop at the Intersection of Agua Fria Road and Henry Lynch Road Near the Village of Agua Fria

CHAIRMAN DURAN: I asked James to bring this forward. I met with the Agua Fria Village Association several times and they made a request to have a three-way stop sign put here because at peak traffic, there's no way that those people that are stuck on Henry Lynch Road and are trying to get on Agua Fria can get on the road. And James performed a traffic study, and the traffic study did not indicate—I guess it wasn't a true indication of what the problem is. And because of that, he couldn't automatically install a three-way stop sign. So he brought it before the Board of County Commissioners for us to consider providing the community there with a three-way stop sign, which is somewhat of a traffic calming and traffic relief issue.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I guess, and I know we went through this issue at San Isidro crossing where it didn't warrant a stop sign, but that's something that the association wanted. Since then though, this Commission has created the Agua Fria Development Review Committee to do many things in addition to look at zoning but to hopefully also be some type of sounding board or some type of board that would be able to offer some type of recommendation. Would it be appropriate, or is there a hurry in this where, Mr. Chairman, we could defer this to the Agua Fria Development Review Committee for consideration and advice up to the committee so that they could actually have a public hearing on this, deliberate and then advise up the BCC as to whether a three-way stop may be appropriate? Just so that we get a broader sense of community participation in this.

CHAIRMAN DURAN: I think that's fine. Some of the people that are on that Agua Fria Development Review Committee have expressed a concern, but great. I don't think that that's an issue. As long as we can get it up—we've waited this long.

COMMISSIONER GONZALES: Well, I know that they're meeting at the regular monthly meeting, wherever Tom Dominguez is. This is why we need individual planning groups that they can take a look at things like this. If we can defer this to the Agua Fria Development Review Committee for consideration and then advice back up to the Commission.

CHAIRMAN DURAN: So is that a motion to table?

COMMISSIONER GONZALES: It's a motion to table until we receive advice.

CHAIRMAN DURAN: I'll second that.

COMMISSIONER CAMPOS: Mr. Chairman, could I ask one question?

CHAIRMAN DURAN: Sure.

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COMMISSIONER CAMPOS: Mr. Lujan, the report says that an engineering study was done and that the three-way stop was not warranted. Could you explain that?

MR. LUJAN: Mr. Chairman, Commissioner Campos, yes. What we did is we had an engineering firm do a study. We have a copy of that report for you, and a three-way stop was not warranted.

COMMISSIONER CAMPOS: Which means—

MR. LUJAN: Which means at normal hours, normal times, that the traffic is fine. That it's going through. As the chairman said, at peak hours, when people are trying to get in is when it's backed up and stacked.

COMMISSIONER CAMPOS: You're saying that the engineer didn't consider peak hours?

MR. LUJAN: Yes, he did, but it does not warrant it. You would have to read the study and Dan can elaborate on that more.

DAN RYDBERG (Traffic Engineer): Maybe I can answer that, Mr. Chairman, Commissioner Campos. The stop sign is a traffic control device that needs to be warranted. In other words, you can't just randomly put stop signs—

CHAIRMAN DURAN: James, don't pass those out please. We're in a table. We might need to have them for another meeting.

MR. RYDBERG: Until there are certain criteria that are studied and the criteria needs to be met before you can place, just like a traffic signal. You can't just pick and choose any intersection for a traffic signal. You have to do a study and meet what's called a warrant. And there is warrants for stop signs as well as there is for traffic signals. And a warrant study was conducted for the stop sign and the stop sign at that intersection was not warranted.

CHAIRMAN DURAN: Okay. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. E. 3. Request Authorization to Enter into an Agreement, No. 22-104-PW, with Souder, Miller and Associates to Perform Required Groundwater and Methane Monitoring and Remediation Planning Services at the Agua Fria Landfill

CHAIRMAN DURAN: I would just like to ask the Commission, we need to abide by our rules and on a table there is no discussion. And I think that you put me in an awkward position to ask a question. So if we could just abide by the rules that we have adopted, or change those rules, it would make these meetings go a little bit quicker. Jill.

MS. HOLBERT: Thank you, Mr. Chairman and Commissioners. The Santa Fe County joined with the City of Santa Fe and the Caja del Rio landfill in issuing an RFP. It actually was issued by the City of Santa Fe to seek a qualified firm for landfill

monitoring and compliance. Souder, Miller and Associates was chosen in that process as being the most qualified of the proposals and cost was a factor, as is allowed in City proposals. They're a home rule city. So cost was a factor in the proposals. A cost proposal was submitted. Souder Miller was the lowest cost as well as being the most qualified bidder.

What I'm requesting is that you approve an agreement with Souder Miller for monitoring the Agua Fria landfill and coming up with a remediation plan to deal with our compliance issues. We are in the unfortunate position of being out of compliance on methane generation at the Agua Fria landfill.

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

COMMISSIONER CAMPOS: I would move for approval, Mr. Chairman.

COMMISSIONER TRUJILLO: Got a motion to approve.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: And a second. All those in favor?

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

Thank you, Jill.

IX. E. 4. Request Approval of the 2002 Road Improvement Priority List

MR. MARTINEZ: Mr. Chairman, Commissioners, every year the Road Advisory and the Public Works staff compiles and submits a list for the Commission's approval to be placed on the ICIP plan. Basically, the first seven roads were a carryover from last year's road list. As you know, none of those capital outlay projects were funded. One of them was removed, which was County Road 73, which is an overlay on the main road in Tesuque, and that is going to be constructed through the cooperative agreement. That's why it was removed from the list.

The Road Advisory Committee added the last four roads, which is Monte Alto Road, Vistaland Subdivision, which is Calle Deborah, Calle Carla and Camino Montoya, County Road 69 and County Road 60. So this is the 2002 Road Improvement Priority List that the Road Advisory is asking for the Commission's approval to be placed on the ICIP list.

Now, the Commissioners don't see their roads on this list because their project automatically go to the ICIP list.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I didn't quite understand the last comment about the Commissioners' roads.

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MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, these roads that you see here are submitted by the Road Advisory Committee only. The roads or the projects that the Commission have in mind automatically get placed on the ICIP. So these are in addition to the Commission's request.

COMMISSIONER SULLIVAN: Oh, these are in addition. Okay. So we discussed earlier the low-water crossing at Avenida Amistad, and because that's on the ICIP then that's automatically included.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, the Amistad project was brought forth by yourself, so that was automatically placed on the ICIP list, not by the Road Advisory Committee.

COMMISSIONER SULLIVAN: The other question was, what is the road or the intersection where they had the death last year in Eldorado?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe it was Avenida Vista Grande and Monte Alto Road. So if you see on the spreadsheet that's attached, we have changed the language under Monte Alto Road to include intersection improvements. It says, Intersection, drainage and paving improvements.

COMMISSIONER SULLIVAN: Okay. That was the intersection where the pedestrian was killed.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is my understanding.

COMMISSIONER SULLIVAN: Okay. I just want to be sure that we had—we've had people concerned that that be addressed particularly in light of the terrible accident that occurred there. So I appreciate your keeping that up to date. All of these, just for clarification, all of these are submitted to the legislature and they may be funded, they may not be funded but if they're not on the list, then it's difficult to show that the County has an interest in them so it's important that even though certainly they all won't be funded, that they be on this list.

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

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: I'd like to move for approval of this list and request that these items be put on the local ICIP list for the legislature.

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

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: And a second. All those in favor?

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

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IX. F. Resource Development Department

1. Request Approval to Grant Additional Military Leave not to Exceed 15 Days for National Guard/Army Reserve Members Involved in "Operation Enduring Freedom" in Accordance with Section 10.16 of the Santa Fe County Rules and Regulations

HELEN QUINTANA: (Human Resource Director): Good afternoon, Mr. Chairman, members of the Commission. Santa Fe County human resource rules and regulations provide the Commission the authority to grant additional military leave during a time of national emergency or crisis. All active members of the National Guard and Army Reserves are granted by federal law 15 days of paid leave for training purposes. However, it may be necessary for those members to use their 15 days if called upon to assist with operation Enduring Freedom.

We currently have two County employees that have been called to active duty for this operation. Granting additional time, not to exceed 15 days, will allow these National Guard and Army Reserve members to participate in training exercises at a later time. I stand for any questions.

COMMISSIONER TRUJILLO: Any questions of Helen?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: Move for approval.

COMMISSIONER TRUJILLO: Got a motion to approve.

COMMISSIONER SULLIVAN: Second, and I have a question, Mr.

Chairman.

COMMISSIONER TRUJILLO: Second for discussion. Commissioner

Sullivan.

COMMISSIONER SULLIVAN: I recall reading in the policy, Helen, that it didn't apply to—well, let me back up. The Governor's policy applied to classified or Governor-exempt employees. So I assume that the state policy does not apply to regular employees?

MS. QUINTANA: I don't think so.

COMMISSIONER SULLIVAN: You don't believe that it does.

MS. QUINTANA: I don't believe that it does. Just classified and exempt.

COMMISSIONER SULLIVAN: Okay. A classified employee is one that—explain to me what a classified employee is.

MS. QUINTANA: A classified employee for County purposes is a regular, hourly employee.

COMMISSIONER SULLIVAN: Okay. And that's the same in the state too?

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MS. QUINTANA: Yes.

COMMISSIONER SULLIVAN: So, this policy with the County would not apply to temporary employees, is that correct?

MS. QUINTANA: That's correct. What it would apply to are only those employees who are members of the National Guard or the Army Reserves in classified or exempt status. Yes.

COMMISSIONER SULLIVAN: And classified and exempt is full time and it's not temporary.

MS. QUINTANA: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: But we do have some temporary employees that are employed for several years in a row.

MS. QUINTANA: Yes, Commissioner Sullivan, that's correct. But they do not accrue annual time or sick leave time.

COMMISSIONER SULLIVAN: I see. Do they get County benefits?

MS. QUINTANA: Yes.

COMMISSIONER SULLIVAN: They do. But they don't have an accrual of any leave, sick leave or annual leave. Okay. I just want to clarify that.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales.

COMMISSIONER GONZALES: I apologize for coming in late on this, but does this address the issue of County employees who are on active reserve duty who get called to support Operation Enduring Freedom. Does it address any disparate pay deficiency that may occur? Disparate pay gap that may occur as a result of them being a part of this, meaning their reserve pay may be less than what their County pay is?

MS. QUINTANA: Mr. Chairman, Commissioner Gonzales, this does not address that at all. There is disparate pay but we do not accommodate for that in the County.

COMMISSIONER GONZALES: Do we have County employees right now that are receiving less money from the federal government as part of this operation than what they would be receiving if they were working at the County?

MS. QUINTANA: Commissioner Gonzales, I'm not aware of the amount of money that the two reservists that we do have on active duty at this time. I'm not aware of how much they are earning from the military. They are both on leave with pay at this time, both military and also using their accrued time.

COMMISSIONER GONZALES: Mr. Chairman, I just think that for these individuals who are using their—I think that any individual who is called to participate in this Operation Enduring Freedom should be given whatever leave they need without having to dig into their own time. Is that what this does?

MS. QUINTANA: Commissioner Gonzales, this only adds an additional 15 days for those individuals. They are already granted 15 days through federal mandate. It does not add anything more than 15 days, and that's only according to our rules and

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regulations that have already been adopted.

COMMISSIONER GONZALES: That's 15 days without them having to dig into their own annual?

MS. QUINTANA: That's correct. Yes.

COMMISSIONER GONZALES: Well, why wouldn't we do this for as long as they need to be there to support Operation Enduring Freedom? I can't imagine a fact that we would have to have employees use their own leave while they were out defending the country on this issue. It just doesn't make any sense. And I'm sorry I'm directing it at you, but you're standing in front of me so I'm going to direct it at you. But I think the right thing for this Commission to do would be to allow these reservists to, as long as they're participating in Operation Enduring Freedom that they would never have to worry about losing pay for their families, or have to dig into their own personal leave to do something to support the federal government. Am I missing something?

MS. QUINTANA: Commissioner Gonzales, I think that would be a great thing to do for the employees. The two individuals that are now on active duty in Kosovo, how much of that time is actually spent on the Operation Enduring Freedom, I don't know because they were going to be deployed even before September 11th. This was actually a deployment that was set forth back in June. So how much of their time will be spent in there, I don't know, but they are expected to spend a considerable amount of time with this operation.

COMMISSIONER GONZALES: I understand that, but I think that we could probably determine through some inquiry, whether for them or anyone else who goes into this, whatever time's going to be spent on Operation Enduring Freedom. And I would also ask this Commission that if there is a disparity between what the federal government pays them to participate in this and what they're making at the County, that the County would cover that cost so their families don't suffer. I think that that should be part of our contribution to this effort.

MS. QUINTANA: Commissioner Gonzales, if I may, there is an additional hardship placed on employees when they are on active duty away from their 15 days of military time if they end up using all of the military time, plus their accrued time or sick time and they end up having to be on leave without pay, which one of our employees will have to be on leave without pay. They also are responsible for 100 percent of their benefit premiums in order to continue their health insurance for their families.

COMMISSIONER GONZALES: That's not right. It just doesn't seem right. Are these reservists, are they having their choice? Are they saying, yes, take us. We want to leave. Or are they being called up by the federal government to go?

MS. QUINTANA: No, they have been called up by the federal government.

COMMISSIONER GONZALES: So they didn't have a choice in this.

MS. QUINTANA: They are active reservists.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, one of the

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employees, one of the individuals is one of my employees and the person that's heading to Kosovo is my nephew. They were volunteers. They volunteered. There was not one person in the Kosovo that was asked to go. They volunteered. So I would like to make that clear on this particular case. They were really hurt, I understand and I agree with what you're saying, but they do go on active duty and everything is paid for. In my case, I know the individual is making more in Kosovo.

My concern is, in my budget, it would leave me with one less staffer. I would really be hurting. I think that if the Commission is going to adopt something like that I hope they have a contingency fund to take out but not out of our budget, because it would hurt me very much.

COMMISSIONER GONZALES: And I understand. My point is focused on mandatory movement. If they're volunteering that's a different story. If the reservists that we're talking about have orders because they are on active duty, to move to go participate in Operation Enduring Freedom, I think that this County needs to do our part to make sure that while they're participating in this operation, whether they're in Kosovo or anywhere else that they've been actively called up for that, that one, their families don't suffer if there's a disparity in their pay. If they're making more money, then that's good. Then obviously we don't want to participate. Or, when they come back, that they won't have to dig into, or while they're gone, their annual and their sick leave won't suffer as a result of this.

So I guess what I'm saying is let's have a policy that keeps them whole. If they've been actively called up by the federal government. If they volunteer, it's a different story. We appreciate the fact they're volunteering. Specific to the Clerk, I understand those issues that when they leave, it causes a drain from a human resource standpoint to these departments that have lost these individuals. And at that point I think that we are like hundreds of other counties who have County employees that have been called to participate in this Operation Enduring Freedom and we need to either make do while they're gone or try and find a temporary replacement.

Now I know that there are requests before Congress that asks for money for dislocated workers so that we could temporarily use that money to temporarily place some of the dislocated workers in some of these County positions while some of these people are gone. And I'll just close on this. I would hope that this Commission, and I hope that this policy addresses that. If it doesn't, I would ask you to bring something back for consideration. Any County employee that is actively called to participate in Operation Enduring Freedom is basically made whole, either through pay disparity or through their leave, that that would be brought back to the Commission for consideration. Volunteer, different story.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: As part of the assessment I would ask that you consult with Legal to see if there is statutory authority for us to do that, either at the

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federal or the state level.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: So are we going to vote on this?

COMMISSIONER SULLIVAN: Do you want to move to table it?

COMMISSIONER TRUJILLO: We might have to table it, right?

COMMISSIONER GONZALES: I move to table this then, until that option comes back before us.

COMMISSIONER CAMPOS: Should we vote on this now and then vote on the option.

CHAIRMAN DURAN: Right. Why don't we do that? So the motion—is there a motion to approve the 15 days?

COMMISSIONER GONZALES: Yes.

CHAIRMAN DURAN: The extension of additional military leave not to exceed 15 days. So there's a motion to approve that. Second?

COMMISSIONER CAMPOS: It's been seconded.

CHAIRMAN DURAN: There's a motion and a second. Who made the motion?

COMMISSIONER CAMPOS: I did.

CHAIRMAN DURAN: Okay. There's a motion and a second. Any further discussion?

COMMISSIONER TRUJILLO: Question. This is already in the policy? Fifteen days is available to employees that go on military leave?

MS. QUINTANA: Mr. Chairman, Commissioner Trujillo, yes it is already a federal mandate. The 15 days are already allowed to members of the reserves and members of the National Guard. And you have the authority to grant up to 15 additional days during a national crisis or emergency. Which is what I am requesting now, for authorization to use 15 additional days. Up to 30 days within the federal fiscal period.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just real briefly. To the point of volunteer versus required participation, does this go just strictly to the required or does it say anybody who volunteers and is required?

MS. QUINTANA: The additional 15 days, Commissioner Gonzales, is only for those in the National Guard of the Army Reserves, because they are already allowed 15 days for training. This additional 15 days would allow them to continue to have their training at a later time. They would still have to provide proof of their orders.

COMMISSIONER GONZALES: Oh, okay.

CHAIRMAN DURAN: Is this a one-time, once in a fiscal year?

MS. QUINTANA: Yes.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: And Helen, just to clarify, so while this

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30 days is taking place, the employee is getting paid both by the military and by the County.

MS. QUINTANA: Commissioner Sullivan, yes, that's correct.

COMMISSIONER SULLIVAN: Okay, so that in terms of—and hopefully that takes them a little bit past 30 days because they're getting two checks. Now, one may not be as large as the other, obviously, but we're not requiring, as some employers do who make up the difference, that the employee turn in their military check while they continue on the employer's payroll. This employee, these employees can get both checks. Is that correct?

MS. QUINTANA: That's correct, Commissioner Sullivan. Another thing is that we have suggested to both of the individuals who are already involved in it that they only use up 27 hours of it at a time so they continue their insurance premiums, and it will stretch it even further for them while they're out.

CHAIRMAN DURAN: Let's hope they don't get rich. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER GONZALES: Just for clarification. My feeling was, I appreciate what Commissioner Sullivan indicated, because I didn't know about them receiving two checks. My point was that they couldn't continue to receive County benefits but would be on the federal payroll, and that if there was any type of disparity between what the feds were paying them and what they were receiving here that we would work to try to cover that. I understand that if they're entitled to receive two paychecks that's a totally different story. But at the point that they have to go on leave without pay, and they're only getting one check because they have to be wherever to support Operation Enduring Freedom that we would look at being able to provide some relief or at least closing the difference. I appreciate Commissioner Sullivan indicating that because I didn't know they were able to keep both checks.

CHAIRMAN DURAN: Okay, thank you, Helen. And you do have the direction on what Commissioner Gonzales would like to explore.

MS. QUINTANA: Yes, Mr. Chairman, I do.

CHAIRMAN DURAN: Thank you.

X. G. Matters from the County Manager, Samuel O. Montoya
1. Request Approval of Proposed Management Structure
Reorganization for Various County Departments

CHAIRMAN DURAN: Sam, is this different that what we have in our packet?

MR. MONTOYA: Mr. Chairman, it's an updated version.

CHAIRMAN DURAN: So, yes, it's different than what we have in our packet.

MR. MONTOYA: Yes. Mr. Chairman, I would ask that the

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Commissioners please review what's been handed out and I'll try to explain these changes succinctly and take your questions. Mr. Chairman, the proposed organization, reorganization before you has been brought before the Commission at a previous meeting. The Commission asked that it be called up again to review one more time. The basic reorganization affects four existing departments—the County Manager's Office, Resource Development, Community and Health, and the Land Use Department.

It creates one new department. It is a revenue neutral recommendation. In other words, not requiring any additional money from the general fund. It redirects existing budgeted funds, most basically from three funds, the general fund, the health fund, which is 232, and various bond funds that are currently existing. And the general gist of the reorganization is that it provides efficiency to the County management operation.

Mr. Chairman, the first page of the hand out indicates the impact of the organizational structure and if I could tell you exactly how that impact delineates down to the different departments. In the County Manager's Office, Mr. Chairman, I have eliminated one position, the administrative manager position. Under the existing Resource Development Department, we're proposing that it change in terms of its name to the Project and Facilities Management Department. Under this department, we will be having a new program, which is the Open Space, Parks and Trails program.

Mr. Chairman, after the action of the County Commission today, have now invested a total of \$20 million in open space. We have several trail systems. We have several parks that are under the County's auspices for operation and management. We are requesting that the Board acknowledge this program and its importance to the County by creating a program manager and also under that manager, there would be a project manager, which has been funded by this Board during the budget cycle.

Mr. Chairman, the second element under the Project and Facilities Management Department will be the creation of a Project Development Division, basically adding the division director, which is a new position. This is one of the new redirected fund positions that is being created and also creates one additional project manager to complement one existing project manager. So Mr. Chairman, the net gain here would be two FTEs paid for by redirected funds.

Under the Community and Health Development Department, we are basically removing the project manager in that department and moving it up to Project Facilities. We are then creating a Health Division which has been a mandate by the Board due to the fact that the Commission feels that health issues in this community are important enough to create a division under Community and Health. Mr. Chairman, this would do that, basically taking an existing employee and creating a division directorship and putting that individual into that position. Additionally we would be creating an administrative support staff person that would also, these two new positions. One is already funded. The new one would be paid for by redirected funds as well.

Under the Administrative Services Department, this is a new department that is being proposed, we would have the Human Resource Division under this department,

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Safety Services, which is the safety officer that would be required to go to all departments making sure that we have efficient systems and that we avoid any workers' comp claims and any accidents as much as possible. Also the duplicating technician would be under this new department.

COMMISSIONER TRUJILLO: Sam, I have a question, just before you get too far along.

MR. MONTOYA: Yes, Commissioner Trujillo.

COMMISSIONER TRUJILLO: To get away from—I want to understand what redirected funds mean. I want to make sure that that's not any sort of euphemism that you're trying to put in place. What does that mean?

MR. MONTOYA: Mr. Chairman, thank you for that opportunity. The redirected funds means, Mr. Chairman, that I came to the Commission at an earlier meeting requesting that we terminate the contract of an existing third party, which was the federal lobbyist that was engaged to provide services. The Commissioners agreed to sever that agreement, therefore salvaging approximately \$95,000 from canceling the contract. There were also some funds that were in the County Manager's Office provided by the Health Fund because the legislative lobbyist position and Mr. Terry Brunner's position, who is no longer with the County, were partially funded from the Health fund, because they provided support services to the Health Planning Commission and did lobbying for health issues. That money is being reverted back to fund 232 to pay for that administrative position that we just went over in the Community and Health Department.

The third, Mr. Chairman, is the simple fact that I have terminated Mr. Brunner's old position. That money that was being funded through the general fund, goes back to this pool of money that is then redirected to pay for these two new positions. And the net gain of that, Mr. Chairman, is that there is approximately \$20,000 left after paying for all of these positions, their support services, their benefits, even down to the capital outlay required for new computers, etc. The net gain after making all of those moves is still approximately \$20,700.

So Mr. Chairman, that was the direct comment about it being revenue-neutral. It does not require any new funds and still has a supplement of additional funds that are not expended for any particular purpose.

COMMISSIONER TRUJILLO: And all of these are recurring expenses that can fund this reorganization long term.

MR. MONTOYA: Yes, Mr. Chairman.

CHAIRMAN DURAN: So it's like stealing from Peter to pay Paul.

MR. MONTOYA: It's more like striking one and creating others.

COMMISSIONER GONZALES: Mr. Chairman, Sam, as to the issue of the federal lobbyist, once again, I just want to make sure we're clear, because the Commission is in an MOU with the City in terms of being able to provide funds for lobbying services. And I know in this reorg you have one of the project managers as being a legislative lobbyist. And the amount I think is somewhere around \$95,000 contribution

to that MOU. I don't know. Somewhere in that area. Is what the contribution to the MOU with the City is, the City's going to contribute the same amount through a staff person and whatever money they bring in.

It sounds to me like the way you're proposing that we meet that MOU's commitment is the salary of the legislative lobbyist, and I think it's probably going to take that additional \$20,000 that is left over to meet the commitment that the MOU requires us to meet. Is that correct?

MR. MONTROYA: Mr. Chairman, that is correct, Commissioner Gonzales. In the thought process of proposing this new restructure, the existing MOU with the City has always been taken into account. My proposal to you, Mr. Chairman, is that the legislative staff person in the County Manager's Office would assist with those federal issues that relate to the City and County, the RPA, and we would continue working in tandem with the City on those issues. And secondly, the unbudgeted balance that we spoke about earlier, is still available to the Commission should you want to provide additional services in whatever form you deem appropriate.

COMMISSIONER GONZALES: So you're confident that we're still meeting the commitment that that MOU required us to meet?

MR. MONTROYA: Yes, Mr. Chairman.

COMMISSIONER GONZALES: It sounds to me, looking at this, at least since the last time we had this discussion is that you've cut more, it seems. I was in favor of the administrative manager's position, because it seemed like it would be an individual who could go out and really seek grants and support programs that are important, but I understand the need to do that. And one of the things that I did appreciate about last time that I didn't get a chance to really state is that trying to be politically sensitive to the need to have a progression ladder for females I think is important. It seems that in the past, the Commission has been criticized or the County has been criticized for extending more directors' positions towards just males and it seems that through this reorg you're, it seems like you've adjusted that with advancing Ms. Quintana up to a director position so that hopefully, there's more of a balance between males and females that are representing the directorships at the County as opposed to just being tilted towards the males.

Is that why—because I'm looking at this as being a very small department. It's an important department. It plays an important function, but in trying to understand your thought process, is it trying to give more elevation toward women in Santa Fe County?

MR. MONTROYA: Mr. Chairman, Commissioner Gonzales, there's a couple of components to answer that question. The first piece or the rationale for creating a separate department for human resources and the other support services that you see under that proposal is that I believe and senior management believes that is much more important to have HR functions separate to a respective department so that any decisions that are made relative to any employees are not impacted by the fact that that department is a division under another department, but that it's segregated and is its own department and can make those types of complex decisions, be it anywhere from written reprimands to

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separation, from a standpoint that it does not have to go through another layer of bureaucracy to make those decisions.

In relation to the individuals recommended for these positions, Mr. Chairman, I am a strong advocate of diversity in the management team, but I also most importantly look for folks that can deliver the basic package and have the competence level that is necessary to advance the tasks placed before them.

COMMISSIONER GONZALES: And I appreciate that and I think that's important that qualifications are obviously at the forefront, but prior to this, there was only one female in senior management and my belief is there should be every opportunity to put more. And Ms. Miller's done a wonderful job in having to stand on your own against all you guys. It would probably be nice to have more people there to support her. But I think that diversification is important. There are enough qualified, both males and females out there to get these jobs and we need to just, as we move forward and do these types of reorgs, create that balance that assures that it just doesn't become men that are sitting in senior management positions, but really reflect—

MR. MONTROYA: Mr. Chairman, Commissioner Gonzales, I agree with that and we have some excellent examples of that here at the County with not only elected people like the Clerk but also Ms. Miller and Ms. Vigil, who is serving as our legislative liaison, Ms. Quintana, Ms. Agnes Lopez and others. So we have some great examples of that. Plenty of people in the Planning Department that exemplify that as well.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: I think we should let them take control entirely. Our life would be easier.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sam, could you explain the two new positions in the Community and Health Development Department, the division director and the administrative support? Where are they on the chart?

MR. MONTROYA: For the Community and Health Department, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Right. If you look at the far left corner, the dark boxes, under Community and Health Development Department, we've created a division director. Basically, Mr. Chairman, Commissioner Sullivan, that is a position that is already existing. That is Mr. Steve Shepherd, who has been assisting us in this department. However, now, in creating the division, we are acknowledging the fact that all of the processes and programs, projects that the County manages in relation to health, have grown to such a level that it requires to have a specific manager overseeing those programs.

So Mr. Shepherd is stepping into that position and basically will receive an augmentation for taking responsibility for those line projects and programs that are delineated under him.

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Secondly, the administrative assistant there would provide some help in relation to managing the Indigent Fund. And as I stated earlier, these two augmentations will be covered by bringing back the money from the Health Fund that was in the Manager's Department back to Community and Health Development Department.

COMMISSIONER SULLIVAN: So then, Sam, that opens up another position, which is the Indigent Services Coordinator, correct? Which is what Mr. Shepherd was before.

MR. MONTOYA: That's correct, Mr. Chairman.

COMMISSIONER SULLIVAN: So then Mr. Shepherd will be the division director. He'll have a secretary or an administrative assistant, and in addition, there'll be yet another person who will be the Indigent Services Coordinator. Is that the plan?

MR. MONTOYA: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: I think that's fine, but I hate to lose Mr. Shepherd as the Indigent Services Coordinator to be honest with you. I don't want to prevent him from advancing and I think that's excellent, but he's been with the Indigent Services program a little over a year and has done an excellent job and I'm a little nervous that if we remove him too far from the firing line that we lose his effectiveness. What do you have to say about that?

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, I agree with you completely and totally about the accolade directly back to Mr. Shepherd. The reasoning that I think makes a great bit of logic here, Mr. Chairman, Commissioner Sullivan, is that Mr. Shepherd will now become the mentor for that position. And I believe he has grown in that position, as you stated, knows the MOUs that we have with St. Vincent Hospital and the Indigent program very deeply, and I think will be an excellent person to be able to guide and steward the new individual that will take that program on. So we're not losing him totally and completely, he just will be given more responsibilities. But I do agree with Commissioner Sullivan that he did do a great job, but he's going to have that department directly under him, so it's still going to have that continuity that's very important.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: One other question, Sam. I'm assuming all these positions are permanent positions and not temporary positions or term.

MR. MONTOYA: Mr. Chairman, there is one position that is term and that is the position under Project and Facilities management Department. That is the project manager. The reasoning for that, Mr. Chairman, and again, we're looking into the future to see how we can solidify this position, but it is funded from two or three bonding sources, Mr. Chairman. And since those bonds have a time clock to them, as they are completed and expire, those funding sources could be affected. But the way we are proposing to continue our bonding initiatives, Mr. Chairman, there always seems to be a

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strong possibility that the County will have additional bonds, additional taxing capacity in the future. So we're hoping that this prototype continues.

CHAIRMAN DURAN: Sam, I have a pretty major concern and that is taking the Open Space, Parks and Trails program and putting that under the Project and Facilities Management Department. In view of the fact that you have now switched the GIS, the whole IT Department, MIS, GIS away from Human Services and under this Project and Facilities Management Department. And in view of new developments of today, I really think that the Open Space, Parks and Trails program should stay over in the Planning Department so that we don't overload Mr. Ojinaga with all these other things. That was part of the reason why this reorganization was—what brought about this reorganization was that so we could distribute the work load a little bit more equally and be more effective.

I would just like for the Commission to consider keeping the Open Space, Parks and Trails program in the Land Use Department at this point and perhaps, and revisit it in six months depending on what happens in that department.

COMMISSIONER GONZALES: Could I offer some perspective on that first, from the Commission standpoint. I understand your concern, but keep in mind that we have thousands of acres that are under ownership that need to begin to be maintained and actively maintained and what we're trying to do and what we've set as a number one priority in the Open Space and Trails Advisory Committee is to develop ways that we can begin to maintain literally thousands of acres of land so that the public can begin to use them. I don't think that the Planning Department, with all due respect, that's not in their core function to figure out how you maintain and use open space for the benefit of the public. I think it's served a good position there but it seems to me that the actual management of these lands, and the actual maintenance of these lands, while I understand the burden that it places on Mr. Ojinaga and I'm sure he's not too pleased with me at this point, it seems like it just makes more sense if we're going to create a department that's called Project and Facilities Management, that the maintenance and the actual Open Space program would be under this because a lot of it now is going to be geared toward the actual maintenance of those lands.

So I'd have a lot of concern about asking the Land Use Department to begin to identify ways to actually manage and maintain these lands when it's outside of their core function.

CHAIRMAN DURAN: Well, there's so much—I understand that and I agree entirely with you on it, but the fact remains that there's just so much you can put on these people's plates.

COMMISSIONER TRUJILLO: Can we give it six months?

CHAIRMAN DURAN: Well, yes.

COMMISSIONER TRUJILLO: On the way that it is now.

CHAIRMAN DURAN: I think that's fine and I think we had talked about that. And I think where we can probably strike a compromise here is there has been some

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discussion about the IT Division being able to stand by itself. And that director would deal directly to you, Sam. Okay, then I would agree that this is acceptable the way it is right now, but in six months, let's revisit this and see how much is falling off Corky's plate.

MR. MONTOYA: Mr. Chairman, if I could I would also like to also indicate that I've made a management commitment to the Board, specifically to Commissioner Sullivan that we would look at the Land Use Department and the Public Works Department for reorganization as well in the future. So at that appropriate time, we would look at the others as well.

COMMISSIONER GONZALES: And I would just echo what the chair indicated in that my hopes and my preference would be eventually that over the six-month review that IT would move out where it would become—again move up to senior level management. I think Ms. Lopez has done a great job there and it seems that as we go over these next six months to figure things out that I would hope that we would focus on how we move IT out to being its own department and let Open Space, Parks and Trails stay inside the facilities management division so that there's some compatibility that exists.

MR. MONTOYA: Correct. Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: From the elected officials' perspective, the County Clerk, the County Assessor, the County Treasurer, what impact is this reorganization going to have on their ability to be able to reorganize, to grow, to backfill? It seems like on a yearly basis we're in a hiring freeze in those areas. They want to augment their capabilities and they're always stifled at this level, not being able to grow because of financial constraints and other things like that. I want to make sure that because we're a team in Santa Fe County that in the future, they will be given the opportunity to reorganize their organizations to augment essential positions, to address essential activities and needs. How are we going to work with the elected officials to make sure that they provide the jobs that they need to provide?

MR. MONTOYA: Mr. Chairman, Commissioner Trujillo, I think it is important to always have in the forefront that change and pressure in terms of service delivery is always in front of this management team and any other progressive management team in this state or country. The organizational structure that this County operates under will always be in a state of flux because it will always be changing because of the demands placed upon it, not only by the policy makers but by the constituents and technology.

Mr. Chairman, all of those three pressures I think require all of us to be innovative and to be progressive. We have never tried to prohibit anyone from being different or providing us with a different way of doing business more effectively and efficiently. I have always been hopeful that we would be able to strike some kind of restructure that would make us efficient and effective and I think that's what we have before you hear. In terms of what the future brings, Mr. Chairman, I would encourage any elected official that wants to look at their operation and make it more effective and has a different methodology of bringing that forth, even if it does require additional resources, that they bring them forward to us for discussion and that we prepare them with enough time that we're able to

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bring them before the Board prior to the Board sitting as the Board of Finance and structuring its new budget.

Therefore we would consider any requirements that they feel need some augmentation. I also want to point out, Mr. Chairman, that I am extremely sensitive to the fact that several of the elected officials have talked to me about disparity in terms of the salaries for deputies, is an example, that serve in an administrative capacity, not the law enforcement deputy. And I'm sensitive to that and I want to work with the HR Department to see how we can fix any of those deficiencies in our system.

Mr. Chairman, in terms of moving ahead, I guess my point is that we will always be changing because we need to be progressive and we need to change with the times. And how that occurs and what needs to be done is really basically up to what's occurring at that time. As we say here in the next months, we might possibly create a new IT program or whatever that requires. I think those kinds of changes are good and we have to kind of roll with the punch, as you will. Mr. Chairman, I'm always open to changes that make the operation more efficient.

CHAIRMAN DURAN: Okay, any other questions of Sam?

COMMISSIONER GONZALES: Mr. Chairman, on the issue of the Project Manager, Sam, I understand that it needs to be based on bonding and money that may come in but I think that with what's ahead for this County in needing to actively plan for the facilities management, for trying to identify future growth needs for the judges, working with the Open Space program to support their needs and active management, that there's just going to be a long term need for this project management position that may fall on the general fund. My feeling, Mr. Chairman, is that that project manager should be a permanent position rather than a term position. And I don't know how we send that direction, if there's concurrence or not, but I think that the one project manager that you have identified as being term should be permanent.

MR. MONTOYA: Mr. Chairman, the only impact I can see with that immediately is that it might affect the \$20,000 balance that I just mentioned, but Mr. Chairman, I was trying to bring you something that did not have any financial impact. However, we can take that certainly under advisement and begin to look at how we can structure that. But Mr. Chairman, I tend to agree with Commissioner Gonzales that the way this County is growing and the success we've had in bringing grants and other programs to the County I think we'll continue and that will bring with it some administrative money that can always be put into this pool as well. So I think we have a very bright future ahead of us. But I note your concern.

COMMISSIONER GONZALES: But as part of this adoption I want, as part of this adoption, Mr. Chairman, if it's appropriate for a motion, I'd move that we approve the reorganization that's been presented by the Manager here today and that we, with the determination that we'll do a six-month review in the Project and Facilities Management Department in terms of IT and at that point, determining whether it should become its own division, and that the project manager that's currently a vacant position,

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would be classified as a permanent position in this approval, as opposed to a term position.

CHAIRMAN DURAN: I would second that. I want to just say, Sam, we had talked about possibly restructuring your department, for instance the project services manager department, if we did away with that, that there would be some savings from that one too, that could fit into turning this position into a—something that's not tied to—a permanent position.

MR. MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think one thing needs to be noted though, in terms of the source of funding, is that it's my understanding that the new position for the project manager is funded from bond money, and so it can't be permanent in that regard.

COMMISSIONER GONZALES: My point, Mr. Kopelman, was that approving the project manager in this reorg, would be a permanent. However the funds come forward to pay for it would have to be determined by the Commission at the budgetary, at the annual budget meeting. Maybe it's all going to have to go to general fund. I don't know.

MR. MONTOYA: Mr. Chairman, what you're indicating then is that you would like us to bring this when we review the budget mid-term?

COMMISSIONER GONZALES: I'm stating that in the approval of this position, that it would be a permanent position.

MR. MONTOYA: Understood. But what I'm saying is that in providing the funding for it to be permanent, you would want us to bring it to you when we bring the budget for mid-term review in December, January.

COMMISSIONER GONZALES: Correct. And how we were going to pay for it. Right.

MR. MONTOYA: I follow you.

COMMISSIONER GONZALES: And then we provide that direction that in December if we can't find the ample source to support it, which may alleviate Ms. Miller's concerns, if we can find the ample source to support it through recurring revenues then at that point we would discuss whether it would be permanent or not. But as of now, we'll make it permanent with you coming back with some options on how to fund it from a recurring revenue source. So if you come back and the Commission does not want to support what you're asking us to do in terms of supporting it through recurring revenue, then it may just fall back to that point where it becomes a term position.

MS. MILLER: Mr. Chairman, I would make one recommendation and that is that it can be a renewable term as we get bonding funds, but from those particular

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bonds, they're not recurring. But as we go through each project, each bond is funded and could continue for years as we bring up project money.

COMMISSIONER GONZALES: Right. And I know that when we start doing the funding for this, that's probably logically where we're going to go to first to pay for the position, but if in the event, for whatever reason we're not in a bonding year or we're not in a cycle year, that position, I think still remains important to pursuing it and at that point we'd have to identify general fund resources. But I know that what I'd like to do is give the direction that you guys try and identify some other revenue sources that are being used in other salary expense line items and see if we can shift that over to support this. If we can't, then at that point, we may just have to go that route.

MR. MONTOYA: Okay, thank you, Mr. Chairman.

CHAIRMAN DURAN: But as this thing unfolds, if for instance the project service manager's position is done away with and that money is redirected to fill that other position, that would take care of your concern, Steve, right? Because the money would then be redirected.

COMMISSIONER GONZALES: It would be a recurring revenue source as opposed to bond money that would be paying for it.

CHAIRMAN DURAN: Right. Because this is—

COMMISSIONER GONZALES: He's referring to if one of the project manager's positions in the Manager's Office was to go away—

CHAIRMAN DURAN: That money could be redirected to fund this permanent position, which is designated term at this point.

COMMISSIONER GONZALES: That's an example of what could happen.

CHAIRMAN DURAN: Okay. Good.

COMMISSIONER TRUJILLO: But I think that we need to keep in mind that the essence of this restructuring is that it's cost-neutral. That we're not going to expend more recurring expenses. It is totally cost-neutral and we need to proceed with that in mind.

CHAIRMAN DURAN: Because that's the commitment we've made to the other elected officials and because this is a reorganization that's taking place after our budget.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Montoya, you stated that this was revenue-neutral this year?

MR. MONTOYA: Correct.

COMMISSIONER CAMPOS: What about next year?

MR. MONTOYA: Mr. Chairman, if you look at the next item on your agenda, the funding scenario for how this reorg affects this fiscal year and how it affects next fiscal year. If you would look at the second column there it also shows that there is still unexpended money available for next year.

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COMMISSIONER CAMPOS: Okay. If the MOU with the City relative to the RPA requires additional funding for a lobbyist, that will throw us off, won't it?

MR. MONTOYA: Mr. Chairman, we—the analysis at this point in time shows that it would not be the \$20,000 that we have available this year. It would be less, but there would still be some money available. We would have to probably augment that depending on what agreement the County strikes with the City.

COMMISSIONER CAMPOS: Well, let me ask you the question again. Do you foresee that this is going to be revenue-neutral next year? Just simply, I don't understand a lot of what you're saying.

MR. MONTOYA: Mr. Chairman, at this point in time I would say yes because I don't know what's in the future, but at this point I would say yes.

COMMISSIONER CAMPOS: Okay, now as far as bonds, is it good practice to use bond money for recurring expenses like employee benefits, employee salary?

MR. MONTOYA: Mr. Chairman, I think that is a standard practice. I think that bond funds can be used for that and if it goes directly to the development of a specific building or project that there's no reason why it shouldn't be spent. And I want to point out that the money we're using from the bond is less than one percent.

COMMISSIONER GONZALES: And it also, just to go on that point, it depends on how the bond question is written.

MR. MONTOYA: Correct.

COMMISSIONER GONZALES: And what authority, for instance, we can't use any open space money to support staff.

MR. MONTOYA: That is absolutely correct, Mr. Chairman.

COMMISSIONER GONZALES: But we can use GO bond money for the new Public Works Facility and the other facility to pay for staff time that's being used to develop that project.

MR. MONTOYA: Right. Mr. Chairman, what this in essence is is project management. If we weren't doing it in-house, we would have to have someone contracted to do, so in essence, we're just utilizing the money internally. So it's either one or the other and most certainly, Mr. Chairman, we are diligent about what the bond language allows us to do.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: To finish up, Mr. Montoya, you have, under Project and Facilities Management Department, you create a division with two people, two employees. That just strikes me as unusual. I mean, just having a division director with two people. Is that something that you need for a particular reason?

MR. MONTOYA: Mr. Chairman, I believe so. I sincerely believe that in actuality, that division will probably grow in the future. What I am responding to here, Mr. Chairman, is the simple fact that the County at the present time has several bonds on

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the ground, several grants, legislative allocations, federal money that we have from the Congress, all of these require project management. The issue that we are facing, and I'm talking even specifically about the Community Development Block Grant that always has very diligent time lines.

Mr. Chairman, the only way we can manage the magnitude of grants and appropriations, congressional grants, is to have a division that manages it from start to finish under one roof. And that, I think Mr. Chairman, is going to get us there. And that is why I'm proposing this. This particular recommendation is one of the cornerstones of this reorganization. I believe this to be most important to the future of this County. Mr. Chairman, I frankly believe that those two positions in the future, down the road, five, ten years, will probably grow into more positions.

COMMISSIONER CAMPOS: What about projections for additional income from the general fund? Is there anything that you see down the road that might impact what we're doing today?

MR. MONTOYA: In terms of negative—

COMMISSIONER CAMPOS: Additional requirements, additional revenues required for let's say homeland security?

MR. MONTOYA: Mr. Chairman, I think that that whole initiative, based on the presentation we saw today and also after having reviewed the presentation that Commissioner Gonzales was part of in Washington earlier this week, I believe that we are going to have to be very cognizant of the threats in our community and we will have to work as a region and in cooperation with the City to protect ourselves from these potential threats. Now, what exactly that means in terms of dollars, and I do recall Commissioner Campos asking that question today, how much does that relate to into dollars. It's hard for us to create that kind of budget in our head but we are going to work most diligently to provide that and Commissioner Campos, I am hoping that the federal government sees this to be such an important element in the safety of communities that hopefully there would even be a block grant allocated from Congress to support those kinds of initiatives and through the leadership of Commissioner Gonzales at NACo, maybe we could suggest something like that.

But I think the security of our communities is paramount, especially in these times, and I do believe that there are going to be some costs down the road, Commissioner. I can't be specific yet and I'm sorry that we can't be at this present time but we're going to be working on that project here in the near future with the City and the region.

COMMISSIONER GONZALES: Mr. Chairman and Commissioner Campos, can I just respond to that specific—

COMMISSIONER CAMPOS: Can I just ask one more question?

COMMISSIONER GONZALES: On the homeland security though?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER GONZALES: Okay. I just wanted to respond to your—

COMMISSIONER CAMPOS: Mr. Blackwell said today that we would

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have to self-fund, that the communities are going to have to put in some of the money, perhaps a substantial amount and it would be maybe wise to depend totally on the federal government, considering their situation. And I just see so many budgetary demands down the road that I'm concerned by this reorganization because we're incurring \$240,000 expenditures. You're redirecting but then they're committed. If we didn't do this, we would have \$240,000 to use in case we do need this money for other issues of great importance.

COMMISSIONER GONZALES: Can I just say something real quick on that issue is that, and Commissioner Campos, I think you're right on target. I think the issue of homeland security is going to be very important. And actually, what we've done here, part of addressing homeland security is in our own homeland, in our own county, is through active facilities management. What are we going to do as a County to assure that our buildings and that our infrastructure and every other component that represents the County in terms of facility is protected and maintained and taken care of.

By having a Project and Facilities Management Department, I think we're at the forefront of that curve. I think we're actually, we're positioning ourselves to develop some type of security plan that protects the facilities and assures that through the maintenance of them, that we can deal with any threat that comes. This is better than any other county who hasn't gotten this far in terms of developing some type of active, proactive facility management operation that is shoring up the security of those systems.

I think your other point is right on target as well too is that we are going to have to pay a greater share. I don't think we can count on a lot of money coming from the federal government. There may be some that comes from the federal government, but clearly, the burden of protecting our community is going to fall at this Commission's doorstep. And so what we do is we do some of the things that Ms. Miller and Mr. Montoya have already done over this past year is that we are very conservative in how we develop our budgets.

Right now I think that we have about a million dollars set up in contingency.

MR. MONTOYA: One point seven.

COMMISSIONER GONZALES: We have \$1.7 million set up in contingency monies that are above and beyond the three-twelfths requirement that the state requires us to have in reserves. And so what we've done to date, and I want to make sure that we keep things in perspective is that through the leadership of Sam and Katherine in terms of developing a budget is that we're being conservative in what we've approved to date in terms of recurring revenues and recurring expenses. We've been conservative in that area. This reorganization by creating a Project and Facilities Management Department assures that we have a vehicle under the County Manager that is actively going out there and assuring that County buildings and infrastructure and anything else that falls under the County purview is safely protected and maintained. That includes our water supplies and the courthouse where the judges act on a daily basis, and it puts us in that position to address homeland security far more efficiently than if we were to contract out with somebody to come in and tell us how we could do things.

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So I appreciate your concerns because I think they're right on target, but I just also want to remind the Commission that we have also been very conservative and diligent in how we've supported budgets that have created contingencies for any concerns that may come our way. The \$1.7 million sitting in the bank right now, ready for any concern that may come our way, an additional three-twelfths that's stashed under state requirements and the fact that we have a very fiscally oriented finance director who isn't going to let any type of overruns occur in any of our budget line items without us taking a look at this.

So I think we've got a good operation in place and I appreciate where we're going with all this, but this makes sense and we are being fiscally prudent in the development of this reorganization and I think it moves us forward rather than keeps us stale where we shouldn't be.

COMMISSIONER TRUJILLO: Call for the question.

CHAIRMAN DURAN: Okay, those in favor signify by saying "aye."

Opposed?

COMMISSIONER SULLIVAN: Inquiry. I'm unclear as to whether the motion includes a requirement that it be neutral or not. And if so, whether this project manager is term or not. The current motion is that the project manager is not term, is permanent. Is that correct?

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, yes. That it should be revenue neutral. That we are asking that this position be permanent and we're directing the staff by the time they come back to mid-year to tell us which recurring revenues we're going to have to go to support this. We've cut a position, it may be that we have to cut another position in the Manager's Department to support this but I do think that this is important enough to commit to permanent funding, because I think there's going to be that many—

COMMISSIONER SULLIVAN: Staff is saying that in order to be revenue-neutral, it has to be a term position. So we're saying in this motion, and I'm sorry that I'm not understanding it perfectly here is that the motion is that the position is permanent and the staff go back and find some other position to cut in order to make it revenue-neutral. Am I understanding the motion?

COMMISSIONER GONZALES: That would be the case in the outward years. This year obviously that's not going to be the case. But yes, that would be the case.

COMMISSIONER SULLIVAN: Well, why wouldn't that be the case this year? If it's a permanent position then it won't be revenue-neutral.

COMMISSIONER GONZALES: The term position is actually going to be paid for over the next two years through bond revenues.

COMMISSIONER SULLIVAN: Right. And that's why it's revenue-neutral.

COMMISSIONER GONZALES: That's why it's revenue-neutral.

COMMISSIONER SULLIVAN: If we make this permanent, then it no

longer becomes revenue-neutral.

COMMISSIONER GONZALES: All I'm saying is that we would identify a back up revenue source, recurring revenue source that would be able to support this position if in the event there are not bonds that can adequately pay for this position. That's what I'm asking staff to supply.

COMMISSIONER SULLIVAN: So this position, according to Sam's outline that he handed out, will be term but if, once that term ends, then they're directed to look to find funds to make it permanent.

CHAIRMAN DURAN: Even before its term is over.

COMMISSIONER TRUJILLO: And in the next two years we might have vacancy savings and other things like that. It's funded for two years.

COMMISSIONER GONZALES: I guess it would be the opposite, Commissioner Sullivan, that it would be permanent, and we would use bond funding to support the position until needed and then we would have to use recurring revenues. However, to be fiscally prudent, we should identify those revenues since now, so that we now where that money's going to come in case, in case we don't have any bonds to access to pay for the position.

CHAIRMAN DURAN: So, Commissioner, how about as part of that motion, in the next couple years we phase out that position under the County Manager?

MR. MONTOYA: Mr. Chairman, what I'm understanding that we would do is to create a permanent position to use soft money or non-recurring money like bond money, to fund it as long as we can and once that stream ends it becomes a general fund hit.

COMMISSIONER GONZALES: I know where Paul's going on his recommendation. He actually does all that where he says that the recommendation is that in this reorganization that the intergovernmental, one of your project managers, probably the intergovernmental services, would be phased out within a two-year period and that would be the recurring revenue source that we would use to support that.

CHAIRMAN DURAN: Right.

CHAIRMAN DURAN: Okay.

COMMISSIONER GONZALES: Sorry, Rudy.

CHAIRMAN DURAN: Looks like you're going to have to get a job at the landfill. A spotter.

COMMISSIONER SULLIVAN: Ms. Finance Director, are you understanding this? Because I'm having a little trouble still, but if you understand it, then I'm fine with it.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I understand that it will be permanent. At the end of this year it will be funded as we propose next year but then the following year it will come from the general fund or recurring revenue.

CHAIRMAN DURAN: No, it will come out of one of these project service manager positions, specifically. You don't have to go look for it.

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MR. MONTOYA: So we've identified the source.

COMMISSIONER GONZALES: So we've already identified the source and committed that a position out of the Manger's Office will be decreased within the next two years to support that.

COMMISSIONER SULLIVAN: But that position is already being decreased right now. The administrative—

MR. MONTOYA: This is an additional one.

COMMISSIONER SULLIVAN: An additional one?

COMMISSIONER GONZALES: The intergovernmental services position would be the position—

MR. MONTOYA: Over a two-year period, Commissioner Sullivan.

CHAIRMAN DURAN: Okay, so there's the motion. Those in favor signify by saying "aye." [Commissioners Trujillo, Gonzales, Duran and Sullivan voted with the motion.] Opposed? [Commissioner Campos voted against.] Motion carries.

MR. MONTOYA: Mr. Chairman, the second item under my program was passing the BAR that moves the money.

- IX. G. 2. Resolution No. 2001-181. A Resolution Requesting a Transfer from General Fund (101)/County Manager's Department, Public Safety Complex Bond Proceeds Fund (370), Public Works & Public Safety Purposed Bond Proceeds Fund (353) and EMS/Health Care Fund (232) to the General Fund (101)/Project Management Department to Budget Department Reorganization Expenditures in Fiscal Year 2002 (Finance Department)**

COMMISSIONER TRUJILLO: Move to approve, Mr. Chairman.

CHAIRMAN DURAN: Second?

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: For discussion. Do we all know what it's for? It's to fund the reorganization.

COMMISSIONER SULLIVAN: Right, and I'm assuming that that funding is still okay. We haven't made it a permanent position. Otherwise we have to change this.

CHAIRMAN DURAN: Right. Those in favor signify by saying "aye." [Commissioners Trujillo, Gonzales, Duran and Sullivan voted with the motion] Opposed? [Commissioner Campos voted against.] Motion carries.

- IX. G. 4. Request Change of Date for the Board of County Commission Meeting Scheduled for December 25, 2001**

MR. MONTOYA: Mr. Chairman, my last item is to change the December

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25th meeting, which is the December administrative meeting, which is on Christmas Day, to December 18th, if the Commissioners would authorize that.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we should eliminate that meeting.

COMMISSIONER GONZALES: I agree.

CHAIRMAN DURAN: Yes, let's eliminate it. That's two days before my birthday.

MR. MONTOYA: No administrative meeting in December?

COMMISSIONER TRUJILLO: No.

COMMISSIONER CAMPOS: Do you think it's necessary, Mr. Montoya?

MR. MONTOYA: Mr. Chairman, with the current volume that we have it's pretty incredible.

COMMISSIONER CAMPOS: I think we need to reschedule it. I think we need to have a meeting.

COMMISSIONER TRUJILLO: Let's have two in January.

COMMISSIONER GONZALES: Yes. If we have to cover it in January—

MR. MONTOYA: Okay, we'll have two in January.

CHAIRMAN DURAN: We'll do it first week, second week. Why don't we just camp out here for a week and do it all.

MR. MONTOYA: Okay, no administrative meeting in December then. Thank you, Commissioners.

CHAIRMAN DURAN: There are three of us here today that need to attend the EZA meeting at 6:00 and I need to leave here at 5:00 because we're going to be there until 10:00 tonight. So I'm wondering what you all would like to discuss. I think that we table the public hearing.

COMMISSIONER CAMPOS: Let's do the public hearing right now.

CHAIRMAN DURAN: The redistricting? That's going to take more than 15 minutes.

COMMISSIONER TRUJILLO: That way we'll have three.

CHAIRMAN DURAN: Three what?

COMMISSIONER TRUJILLO: Three public hearings on this if nobody—we can go to the next one. It won't take more than 15 minutes.

COMMISSIONER GONZALES: What about Matters from the Commission? There's a couple of things I wanted to bring up real quick.

CHAIRMAN DURAN: Yes, so do I. Let's do Matters from the Commission. How about Matters of Public Concern? Anyone out there want to address the Commission? Okay.

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IX. I. Matters from the Commission

1. Resolution No. 2001-182. A Resolution to Promote Understanding, Tolerance and Support Towards Arab and Muslim Americans

COMMISSIONER GONZALES: Mr. Chairman, two issues real briefly. I'd just like to—this is a very easy move for approval of Resolution 2001-182, which is a resolution to promote understanding, tolerance and support toward Arab and Muslim Americans. I think it's pretty self-explanatory.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I would propose a couple of small changes. Under Now therefore be it resolved, after hate crimes, insert the words against Arabs and Muslims and delete the last two Be it further resolved, because they don't deal directly with the hate crime issue against Arabs or Muslims.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd also like to add a change in the title, where it says A Resolution, at that point I'd like to add, Condemn Terrorism and to.

COMMISSIONER GONZALES: That's fine, but I think we've already passed a resolution condemning the terrorists.

COMMISSIONER SULLIVAN: We never did that. That got pushed back and we never got to it.

COMMISSIONER GONZALES: Okay.

COMMISSIONER SULLIVAN: In my recollection.

COMMISSIONER GONZALES: I thought we did. We didn't pass that?

MS. BUSTAMANTE: I thought we did.

COMMISSIONER SULLIVAN: I didn't think so. But this seems to do both. This talks about the issues of terrorism.

COMMISSIONER GONZALES: That's fine. I'll accept that.

CHAIRMAN DURAN: Okay, so with the amendments—

COMMISSIONER CAMPOS: As amended?

COMMISSIONER GONZALES: As amended.

CHAIRMAN DURAN: As amended. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER GONZALES: One other thing. Mr. Chairman, just very quick, a direction to Sam. I'd like for consideration to be brought up to the

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Commission of a resolution or an ordinance that would amend our personnel policies to create all senior level managers as, to classify them as permanent employees.

CHAIRMAN DURAN: What was that?

COMMISSIONER GONZALES: To classify all senior level managers as permanent employees, rather than exempt. I'm just asking that it be brought back for discussion.

CHAIRMAN DURAN: Who's that? Who would that be?

COMMISSIONER GONZALES: I'm asking.

CHAIRMAN DURAN: What departments are you talking about?

CHAIRMAN DURAN: All of them.

COMMISSIONER TRUJILLO: All of the department heads. Just discussion.

COMMISSIONER GONZALES: Jeez. Relax.

CHAIRMAN DURAN: I'm just asking. You mean, all the department heads that are exempt right now—

COMMISSIONER GONZALES: That are exempt. To classify them as permanent status. I'll bring my arguments then. We don't have time tonight. I'd be happy to argue it then.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Commissioner, are you asking that it just be brought up for discussion?

COMMISSIONER GONZALES: No, I'm asking that the personnel office prepare a policy change to present to the Commission. And the Commission can either vote up or down.

COMMISSIONER CAMPOS: You're just asking that it be put on the agenda.

COMMISSIONER GONZALES: Yes, that a policy be brought forward.

COMMISSIONER CAMPOS: The policy is very simple, right?

COMMISSIONER GONZALES: Very simple.

COMMISSIONER CAMPOS: Just one sentence.

COMMISSIONER GONZALES: It should be simple.

CHAIRMAN DURAN: Okay, I had something.

COMMISSIONER SULLIVAN: After you, I had something too.

CHAIRMAN DURAN: You go ahead.

COMMISSIONER CAMPOS: Well, we have two other things on the agenda, Mr. Chairman. We have item. I would like to table that unless there's an urgency, on the Advisory Task Force Regional Community Security.

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IX. I. 2. Resolution No. 2001-__ A Joint City-County Resolution Creating a Regional Community Security and Preparedness Advisory Task Force

CHAIRMAN DURAN: Why do you want to do that?

COMMISSIONER CAMPOS: Is that urgent? Did it ask for funding? Are we going to ask for a director of some sort? Hiring someone?

CHAIRMAN DURAN: No, this is a resolution that the Mayor sent over to us.

MR. MONTOYA: That's correct, Mr. Chairman.

COMMISSIONER CAMPOS: Does it ask for a position? I was under the impression that it did.

MR. MONTOYA: I'm not sure of that and tabling would probably be a good thing.

COMMISSIONER SULLIVAN: I move to table.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: For discussion?

COMMISSIONER SULLIVAN: No discussion, Mr. Chairman.

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

IX. I. 3. Resolution No. 2001-183. A Resolution Urging the New Mexico Highway and Transportation Department and the New Mexico Highway Commission to Restore Funding to the Proposed US 84/285 Highway Corridor Safety Improvement

COMMISSIONER CAMPOS: This is pretty straightforward. I think we need to send a message to Mr. Pete Rahn that this is very important to the community. Los Alamos County is considering such a resolution. The City is too, and it just adds to pressure on the State Highway Department to consider this as soon as possible. I understand from reading the papers that Mr. Rahn is actually looking for other funding for this and I think for the legislature in January, I would like to adopt this.

CHAIRMAN DURAN: And that's Resolution No. 2001-183. Is there a motion?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of quick items, Mr. Chairman. I'd like to check with Sam on the issue of the membership of the Impact Fee Task Force. Do you recall that resolution was changed by the City, was brought back to us indicating there'd be nine members appointed by the City and five appointed by the County, based on the number of elected officials in each organization. And where is that? Are the five members of that committee—and the reason I ask is because the members that we appointed or that we thought we had appointed are calling me and asking me. Are those five the five that we're appointing? Or are we going to appoint different people and the City is going to appoint different people?

MR. MONTOYA: Mr. Chairman, I'm afraid I can't answer that question, but I will look into that tomorrow.

COMMISSIONER SULLIVAN: Okay. Do the Commissioners have additional members that they want to appoint to that Impact Fee Task Force? That's not the proper name. It's the Capital Improvement Advisory Committee, I think is the proper name. But it's to look at impact fees in both the city and the county. Do you, Commissioner Campos, have additional people?

COMMISSIONER CAMPOS: Well, I recommended one person.

COMMISSIONER SULLIVAN: I brought four forward because I felt we needed more names and there were already nine on the list, I think, when they came over to us. So are those four the County's recommendation and does that take care of that or is there additional action on our part?

MR. MONTOYA: Mr. Chairman, I'm really not sure about that.

COMMISSIONER SULLIVAN: Maybe you could check on that.

MR. MONTOYA: Let me check into that and we'll put it into the next agenda.

COMMISSIONER SULLIVAN: All right. I'd appreciate that. I'm unclear on that. The second item is I wanted to recognize an employee that works for Samuel, Ms. Debra Salazar Gonzales who's leaving at the end of this week and I wanted to say that after—I know she's been seven years here with the Commission that certainly in the year I've been here, she's been extremely helpful in getting the books together and having that drive and that commitment necessary to get the materials together and to us on a timely basis which is absolutely important. And I hope that her replacement will have that same drive and motivation, Mr. Montoya.

So would you please convey our personal appreciation to her for her service. I believe she's going to Youth and Family Services and I know she'll do well there but we're certainly going to miss her here as well.

MR. MONTOYA: Thank you, Commissioner Sullivan.

COMMISSIONER SULLIVAN: The other issue I had is at the last meeting, we talked once again about the Public Safety Building and the alternate energy, alternate power and also ways of saving energy and I believe that we were promised a

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letter from the architects about that. I haven't seen that. I wondered if you could follow up on that please.

And finally, I had a call, a concern, a complaint from someone in the E.J. Martinez area, and I'll give you that person's name, Samuel, but it had to do with Sheriff's vehicles speeding in the E.J. Martinez School zone during school hours and having called several times and so I pass that on to you and pass it on also to Commissioner Campos, since that's his district. But this individual was extremely concerned about our vehicles, our County vehicles endangering the children in that area. So I'll give you that person's name and if you would follow that up I certainly would appreciate it.

Those are the items I had, Mr. Chairman.

CHAIRMAN DURAN: Okay.

COMMISSIONER GONZALES: I had one more thing, just real quick.

When are you going to begin, Corky, the construction of the new Commission seating? I thought we had already approved that.

[Away from the microphone, Mr. Ojinaga stated it is currently under construction.]

COMMISSIONER GONZALES: And that wouldn't include—we had talked about the computer screens so that we can eliminate some of this paper that's up here. Can you make sure that in the event, because we know that the podiums are used quite a bit by multiple people, groups who aren't going to be using those screens, so that if you build the screens, you build it in a manner where the screens can come down so that the surface will be used. Right. But it will still create a flat surface so people aren't using the screens or other groups aren't going to be impaired by it. Thank you.

X. Public Hearing:

A. Ordinance No. 2001-__ . An Ordinance Adopting the Santa Fe County Redistricting Plan, Repealing Ordinance No. 1992-7 and Amending Ordinance No. 1989-10 (First Hearing)

CHAIRMAN DURAN: This is the first public hearing. Is there anyone out there that would like to address the Commission?

COMMISSIONER GONZALES: Mr. Chairman, could we move for just direction on the second hearing that, could we have a separate hearing so we can really get into the whole—

CHAIRMAN DURAN: I think we have to have a separate meeting for the redistricting.

COMMISSIONER GONZALES: Can we provide that direction to the staff? A whole separate meeting as opposed to a Commission meeting where there's lots of other agenda items so we can—

COMMISSIONER CAMPOS: A public hearing?

COMMISSIONER GONZALES: Oh, yes. A public hearing.

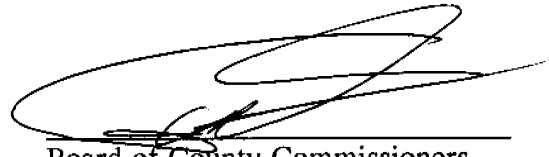
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COMMISSIONER CAMPOS: A second public hearing.
 COMMISSIONER GONZALES: The second public meeting would be done at a separate meeting.
 COMMISSIONER CAMPOS: A special meeting?
 COMMISSIONER GONZALES: A special meeting.
 MR. MONTOYA: Mr. Chairman, therefore you don't want to have the second hearing at the November administrative meeting? You don't want it there? You want a special meeting for it.
 COMMISSIONER GONZALES: Right.
 CHAIRMAN DURAN: Some time in mid-November, right?
 COMMISSIONER GONZALES: Mid-November is bad, but whatever works on all our schedules.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 5:00 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

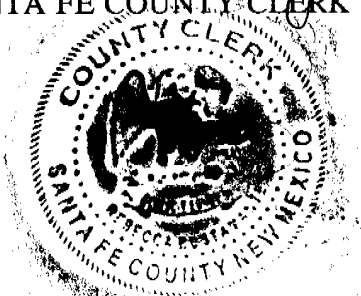
Respectfully submitted:



Karen Farrell, Commission Reporter

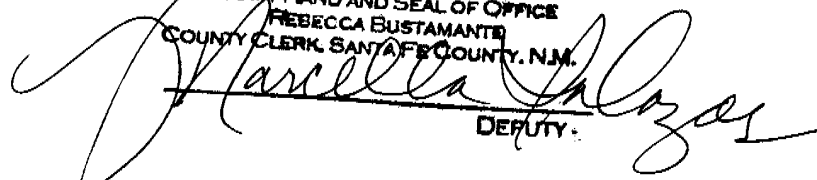
ATTEST TO:

for: Francis A. Portey
 REBECCA BUSTAMANTE
 SANTA FE COUNTY CLERK



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 COUNTY OF SANTA FE
 STATE OF NEW MEXICO } ss
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
 FOR RECORD ON THE 11 DAY OF Dec A.D.
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 SANTA FE COUNTY

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REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.


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