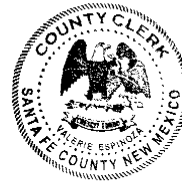


**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**October 30, 2007**

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



COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 86

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County Clerk, Santa Fe, NM )

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

**October 30, 2007**

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

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

**Members Present:**

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

**Members Absent:**

[None]

**V. INVOCATION**

An invocation was given by Chaplain Jose Villegas.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**
- C. Consent Calendar: Withdrawals**

CHAIR VIGIL: I'll start with item VI. A and B with our County Manager. Let us know any of the amendments or tabled or withdrawn items.

ROMAN ABEYTA (County Manager): Madam Chair, we added an item under IX. Matters from the Commission, B. Discussion and possible approval of expenditure of discretionary funds in the amount of \$1500 for Gould's Landscaping to maintenance of the Edgewood Senior Center. Then on page 5, under the Consent Calendar,

XI. C. 8, we are requesting that that be withdrawn from the agenda and not heard today.

Staff is requesting that under XII. Staff and Elected Official Items, staff is requesting that we table item D, Community Service Department, 1. Update and discussion on the new judicial courthouse. This morning we received the transcript from the Historic Board meeting that we had last week and so staff would like the opportunity to go through those items and go through the recommendations and the suggestions that were made by the H Board, talk to the architect, and then possibly be ready to provide an update to the Board in November. So we're requesting that that be tabled to allow time for that.

Continuing on page 6 of the agenda, G. Matters from the County Attorney, 1.A. i has been withdrawn, and also item #2 under executive session has also been withdrawn. Other than that, there are no further changes from staff.

CHAIR VIGIL: Madam Chair, it was mentioned at the Indigent Board meeting that there were some items that would be withdrawn with regard to Presbyterian Medical Services. Do those need to be addressed at this point in time?

MR. ABEYTA: Madam Chair, that was XI. C. 8.

CHAIR VIGIL: Okay. Thank you, Mr. Abeyta. On the Consent Calendar, withdrawals. Do you have any, Commissioner Montoya?

COMMISSIONER MONTOYA: No.

CHAIR VIGIL: Commissioner Campos, do you have any withdrawals?

COMMISSIONER CAMPOS: None.

CHAIR VIGIL: Commissioner Sullivan, do you have any withdrawals?

COMMISSIONER SULLIVAN: Just three, Madam Chair.

CHAIR VIGIL: Could you please identify them?

COMMISSIONER SULLIVAN: XI. A. 4, XI. A. 7, and XI. C. 9.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: That would be page 3, XI. A. 13. That's all I have.

CHAIR VIGIL: If there are no further withdrawals from the Consent Calendar. I will take a motion on item VI. for approval of agenda.

COMMISSIONER MONTOYA: Move for approval as amended.

COMMISSIONER SULLIVAN: Second.

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

## **VII. APPROVAL OF MINUTES**

### **A. September 19, 2007**

CHAIR VIGIL: This was our affordable housing study session. Are there any changes?

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

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

**VII. B. September 25, 2007**

CHAIR VIGIL: Are there any changes to those minutes?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a couple of corrections.

CHAIR VIGIL: There's a couple of corrections from Commissioner Sullivan. Any others? Is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: As amended. Second.

The motion to approve the September 25<sup>th</sup> minutes as corrected passed by unanimous [5-0] voice vote.

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

CHAIR VIGIL: This is an opportunity for any members in the audience to address the Board of County Commissioners on any items that are not on the agenda. If there's anyone who would like to address the Commission this is your opportunity for public comment. Seeing, hearing none, before I go on to Matters from the Commission I just want to compliment all of the staff of Santa Fe County for their festive representations in front of us. Commissioners, we will be judging the pumpkin contest probably after executive session or perhaps before, depending on how quickly we move through the agenda and I think there is also a contest to judge the offices that have been decorated which we've all gotten a glimpse of today and everyone's done a wonderful job. They look great.

**IX. MATTERS FROM THE COMMISSION**

**A. Resolution No. 2007-161. Resolution in Support Leaving No New Mexico Child Inside (Commissioner Montoya)**

COMMISSIONER MONTROYA: Thank you, Madam Chair, members of the Commission. This matter was brought forward by Sky Gray who is with us from Santa Fe Mountain Center. The whole intent of this particular resolution is to support the engagement of youth in outdoor activities in terms of education, recreation, and also



support the concept of engaging policy makers to put some financial backing behind these types of outdoor recreation and education programs, as well as to join the statewide coalition to support this important initiative. Madam Chair, Santa Fe Mountain Center has been in existence with us since 1979. It's a nationally recognized, accredited 501(c)(3) non-profit educational organization in Santa Fe County and they do provide educational and recreational adventure-based programs for children, adults, youth, families and just about any groups. Maybe one of these days the Commission can go out there for a little team building exercise. So with that, Madam Chair, I would ask Sky Gray and I'd also like to welcome Michael Casaus of the Sierra Club, who is also here, so thank you all for being here. If there's anything you'd like to ask Sky or Michael or - any questions.

CHAIR VIGIL: I know they are representatives. Do you want to give us an update on some of the initiatives they're working with with County staff. Please come forward and state your name and address and who you're with.

RICH SCHROEDER: My name is Rich Schroeder. I'm with River Source. I live on West Alameda, 2300 West Alameda at the Commons. I just want to congratulate you very much for being a part of this nationwide movement. And I want to acknowledge my colleagues here too. We are working in a coalition that is very broad that includes Colleen Baker and has included Paul Olafson in terms of organizing around outdoor education for many years. This is in many ways kind of a culmination. Mayor Coss, as you may know, introduced the same resolution which was approved by the Municipal League in Las Cruces.

There's other things happening afoot. Personally, I've lived here in Santa Fe County for a long time. I was a founding member of COLTPAC, the County Open Land and Trails Committee that you in your wisdom created with a \$12 million bond, and was part of that process of really shaping that. I've been involved with the Chimayo YCC and in the Galisteo Basin with youth education and restoration for many years now.

I want to ask you, this resolution is one step in the right place and as Chaplain Villegas mentioned, there's so much work to be done and I asked us to think, how can we work together to do something that is real on the ground besides just a resolution. One of the concepts that our coalition is talking about, having some kind of outside Santa Fe week or month where people are - or a coalition of groups like ours would support work to get people outdoors to events at County open spaces so we can generate stewards that we need for these open spaces and also connect our families back to culture and to land and the elders. So thank you very much.

CHAIR VIGIL: Thank you, Rich. Sky.

SKY GRAY: Thank you, Madam Chair and all you Commissioners up here for hopefully passing a resolution that we've worked really hard on in the last couple of months. I also want to thank you all for all the support that we received from the County. Commissioner Montoya, Commissioner Vigil, specifically, around our capital outlay dollars that we're working very hard on. Right now, for an update on that note, we are solidifying a vision that I think fits really well with the resolution, which is to create a

camp where we can open it up to county residents and really start to generate spaces and places as Rich referred to where people can go. Children, adults, families. We're really excited about that and again, we thank the County for all the support that we received on that note, as well as programs, the support we've received.

I wanted to mention a couple of things that we're working on. I just submitted to the Conservation Fund out of Washington, DC, a million dollar grant that I worked with the Mayor on, and we're going to be involving the Sierra Club, River Source, other people, to basically do a community-wide initiative to help support this resolution and the Leave no Child Inside Movement, so if we get it, which we were solicited to put in a proposal, if we get it, it will be a major coup for our county, our city and for all of our young people. So thank you very much.

CHAIR VIGIL: Thank you, Sky. Michael.

MICHAEL CASAUS: Thank you, Madam Chair, members of the Commission. My name is Michael Casaus, 142 Truman Street Northeast in Albuquerque. I'm here representing the Sierra Club and as we can all imagine, far few of our youth are being able to experience and enjoy the outdoors for one reason or another. Because the Sierra Club believes that our future stewards of the land, our future responsible citizens are born through such experience, our commitment to the Building Bridges to the Outdoors program, which I coordinate in New Mexico, our commitment is to ensure that every single one of our children in the state of New Mexico is provided such an outdoor experience, whether it be through a school-sponsored environmental education program or through attending a program such as the Santa Fe Mountain Center's wonderful programming.

I should say that the Sierra Club is very active in this statewide Leave No Child Inside coalition and I want to point out that if you Commissioners do pass this resolution today you will be the first county Commission in the state of New Mexico to do so and I think that is a tremendous testament to your leadership and forward thinking. You'll be joining other institutions in this burgeoning coalition across the state and I thank you for consideration of this resolution.

COMMISSIONER MONTOYA: Thank you, Michael.

CHAIR VIGIL: Please step forward.

DAVE SIMON: Good morning, Madam Chair, members of the Commission. I'm Dave Simon. I'm your New Mexico State Park Director. I just want to quickly add my appreciation to Commissioner Montoya, to the Commission, for considering this resolution. I do urge you to pass it. At the state level, State Parks has taken the lead to develop outdoor education, outdoor classroom programming. We're in a real take-off mode right now at the state level. The legislature has given some pilot project funding to statewide initiatives and the effort of this coalition is represented by so many organizations taking notice and passing this resolution is really going to help this effort. We obviously have state parks in the county. We hope to have another one soon, and we're very much looking forward to using those facilities to implement the important part of this,

which is getting kids a little less screen time and a lot more green time. So thank you again for considering the resolution. And Commissioners, this timing is very good because next year is also the 75<sup>th</sup> anniversary of New Mexico State Parks and I'd like to leave you a little small item here that will keep reminding us. I'll leave it with the County Clerk for you. Thanks again.

CHAIR VIGIL: Thank you, Mr. Simon. Is there anyone else that would like to address this resolution? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. I think that maybe - this is a good - great resolution. Commissioner Montoya, thank you for bringing it forward. I know that Roman Abeyta, along with Manny Gonzales from staff is working on a youth program for Santa Fe County, and it seems like the youth program that we are trying to get going, which we had a long time ago when I was growing up, speaks to this nature. And I was wondering if there's ways that we can work with them to try to get funding to try to help us out and it would be a win-win situation.

And another thing, if we could, Commissioner Montoya, maybe bring this exact resolution to the Association of Counties and that way we could get it throughout New Mexico,

COMMISSIONER MONTOYA: Sure.

COMMISSIONER ANAYA: That's all I had. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any further questions?

COMMISSIONER MONTOYA: Madam Chair, I just wanted to add that I think this type of a program also - I just attended a youth obesity summit through the National Association of Counties and what's happening with our youth in terms of, as he said, more green time than screen time. The reality is that our kids are getting obese at a rate that's unprecedented in the history of this nation. These types of programs help to eliminate that type of inactivity and provide some activity for the kids. They were saying that this generation of our youth, they're getting diabetes and younger and younger ages and they may live to be 30 or 40 years old by the time diabetes takes a toll on them and again, this is the type of program that we hope to provide for our county youth and youth all over the state so that hopefully we can curtail this epidemic of youth obesity that's occurring.

So with that, Madam Chair, I'd move for approval of this resolution.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. I also wanted to comment - Commissioner Montoya and I attended, sponsored by the Intermountain Faith Coalition at the Governor's mansion, a function that had some revealing information. There were several guest speakers and participants in the program. I actually left that presentation a little alarmed with the statement that we may be at a place where we're leaving our youth worse off than what we had. And that was pretty penetrating to me. So I think if we start and continue and remain focused on programs that assist our youth, we're headed in the right direction.

The motion to approve Resolution 2007-161 passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Thank you all for being here.

COMMISSIONER MONTOYA: Thank you, Michael, Rich, Sky. Thank you.

**IX. B. Discussion and Possible Approval of Expenditure of Discretionary Funds in the Amount of \$1500 for Gould's Landscaping for Maintenance of the Edgewood Senior Center (Commissioner Anaya)**

COMMISSIONER ANAYA: Madam Chair, if there's not any questions I'll move for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. Are there further discussion questions?

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

**X. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS**

**A. Appointments to SWMA, RPA and BDD**

CHAIR VIGIL: Roman, do you want to give us an update on this?

MR. ABEYTA: Thank you, Madam Chair. I had received a request from Commissioner Campos regarding his continuing ability to participate on these boards so we put this on the agenda so the BCC can discuss the replacement of Commissioner Campos on these boards if it's still necessary.

CHAIR VIGIL: Any comments? Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for you, Madam Chair. As far as SWMA, was there a decision to leave the time as it was or change it? Do you know?

CHAIR VIGIL: I have no update on that.

COMMISSIONER CAMPOS: I don't know either. If the time is still going to be 4:00 I'm going to have to resign from SWMA. As far as the RPA, I think the RPA has decided to move their meetings earlier so I could probably stay on the RPA. As far as the Buckman Diversion, I am the substitute member and it's going to be hard for me to attend so I think it would be wise to have a substitute board member appointed.

CHAIR VIGIL: Okay. So let's start with the SWMA board. We'll need an appointment for that. I have no current update but I did hear from other board members that it would be difficult for them. I did make attempts to move that board meeting until the

noon hour in anticipation that everyone was at least free at that time. But it turns out some of the City Councilors are not. So the only available members we have to replace on SWMA are Commissioner Harry Montoya and Commissioner Sullivan. Any volunteer?

COMMISSIONER MONTOYA: I nominate Commissioner Sullivan.

COMMISSIONER SULLIVAN: I move for Commissioner Montoya.

COMMISSIONER MONTOYA: I decline.

COMMISSIONER SULLIVAN: Madam Chair, I think I'm pretty full up

right now with -

COMMISSIONER ANAYA: We really get to talk trash there.

COMMISSIONER SULLIVAN: I'd recommend Commissioner Montoya.

COMMISSIONER ANAYA: Who's on the BDD, Madam Chair?

CHAIR VIGIL: Currently, it's Commissioner Montoya and Commissioner Sullivan, with Commissioner Campos as the substitute. And I'll be happy to serve on BDD as the substitute.

COMMISSIONER MONTOYA: Okay.

CHAIR VIGIL: But between Commissioner Sullivan and Commissioner

Montoya -

COMMISSIONER MONTOYA: When does SWMA meet?

CHAIR VIGIL: It meets every third Thursday at 4:00.

COMMISSIONER ANAYA: Do we have a deck of cards.

CHAIR VIGIL: It's a wonderful joint authority. Things have been moving very smoothly with the SWMA board. Actually, it's just the review of a lot of contracts. We have excellent staff there. It's a highly visible project that creates a huge benefit to the community. Actually our meetings do not go beyond an hour, hour and a half at the most.

COMMISSIONER MONTOYA: Madam Chair, I'll try it. I don't have my calendar with me but I seem to think there's something of a conflict, but I'll be there.

COMMISSIONER ANAYA: I'll second the motion of Commissioner

Sullivan.

CHAIR VIGIL: Okay, the motion is to appoint Commissioner Montoya to the SWMA board.

**The motion to appoint Commissioner Montoya to the SWMA board passed by 4-1 voice vote with Commissioner Montoya voting against.**

CHAIR VIGIL: And the RPA, what we'll do with that, according to Commissioner Campos' report is we'll wait and see if in fact the RPA can accommodate an earlier meeting and unless they cannot we'll keep Commissioner Campos on that. And I will just volunteer to serve as the substitute on the Buckman Direct Diversion board.

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: I am volunteering to be a substitute. Motion and second for

Virginia Vigil to be a substitute for BDD.

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

**X. B. Request BCC Approval to Reappoint the Fire And Rescue Impact Fee Advisory Committee**

STAN HOLDEN (Fire Chief): Madam Chair, the good news is that we're not requesting any members from the sitting Commission to sit on this committee. Madam Chair, the Santa Fe County Fire Department is required by ordinance and state law, Development Fees Act to reconvene a sitting committee to review the developmental impact fees that the County has adopted for fire and rescue impact fees.

That time has arrived again. We have contracted with a consultant to again help us go through this process to review the land use assumptions and the fire capital impact plan and as a result, we're asking for the Commission's approval to reappoint William Agnew, Helen Boyce, Bennie Gomez, Robert Lagarrote and Bob Lockwood to the Fire and Rescue Impact Fee Advisory Committee.

I'll be happy to stand for any questions.

CHAIR VIGIL: Questions for Mr. Holden.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Chief, are these by district or just at-large?

CHIEF HOLDEN: Madam Chair, Commissioner Montoya, they were originally appointed by district but I understand that over the last decade they've sort of moved around in the community. These are all previous appointees to this committee from previous Commissions. So some of them have moved since their original appointments.

COMMISSIONER MONTOYA: Oh, okay. Move for approval.

CHAIR VIGIL: There's a motion.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Any discussion?

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

**X. C. Appointments to the Maternal and Child Health Planning Council, Magi Gerety and Cindy Bernard, Re-Appointments to the Maternal and Child Health Planning Council, Kristi Readyhough, Janet Aboytes, Jill**

**Reichman, Lara Yoder, and Resignations to the Maternal and Child Health Council, Ron Garcia, Ron Hale, Dr. Cheryl Whitman, Jessica Aufrechtig, and Lynda Kellahin**

STEVE SHEPHERD (Health Director): Madam Chair, I'd just stand for any questions.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: There's a motion and a second. Before I take a vote, I just wanted to make sure we do sent certificates of appreciation, letters of appreciation and that this Commission be a part of that process. Particularly I recognize Ron Hale, who has served for a lengthy time with the Health Policy and Planning Commission, Dr. Cheryl Whitman, who's a local pediatrician and her service has been appreciated. I hope you do follow up, Mr. Shepherd.

MR. SHEPHERD: Madam Chair, we'll make sure to do that.

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

**IX. OTHER MATTERS FROM THE COMMISSION**

CHAIR VIGIL: Commissioner Montoya, please proceed.

COMMISSIONER MONTOYA: I don't have anything. Madam Chair, actually, I do want to just recognize and thank Chaplain Villegas. He's not here anymore. For the work that he did when we had that unfortunate incident that an individual was killed as a result of that high-speed chase. He just does a wonderful job and I really want to thank him, even though he's not here, for everything that he does for Santa Fe County.

CHAIR VIGIL: I have been fortunate to actually be at a scene with Chaplain Villegas and he's incredible. Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, two things that I have and that is I had a meeting with Roman Abeyta and we talked about a possible oil and gas meeting, another oil and gas meeting on the 14<sup>th</sup> I believe of November. I know that Commissioner Sullivan and Representative Wirth are going to have one on the 15<sup>th</sup>. I just wanted to get some feedback from the Commission. I know I had some feedback from some residents saying the meetings were too close. The reason I wanted to have a separate meeting is because the distance that the constituents that live in the area would have to travel to Eldorado and possibly the size of meeting that this would probably generate.

But I would like to throw that out. Maybe we could move the meeting a week later or a week earlier or – I just wanted to try to keep the constituents in District 3 and District 5 that are affected by the travel. I just wanted to throw it out. So I'm here to open it up for discussion.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I did respond to an email. I thought having two meetings was perhaps too much. One would satisfy if we could find the right location. We wouldn't burden staff. I just want to have that discussion. Why can't we have just one meeting? Maybe at a location that is accessible by all. Because everybody in this area is being affected. I think one meeting is preferable. It saves resource time and we've got tons of things to do. I think this is an incredibly important issue but I would ask for some cooperation in finding a place that would be satisfactory to Commissioner Sullivan, because you both have separate meetings and you both want staff to be there at separate meetings and do the same thing. That's my idea. I may be wrong but I just want to throw it out.

CHAIR VIGIL: Further comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I think the meeting Commissioner Anaya is referring to is one that Mr. Ulibarri, our information officer has notified people about out in Eldorado and it was set up by Representative Wirth and myself with also Mark Fesmire from the oil and gas, Oil Conservation Division at the state. We've set it up for the Eldorado Elementary School, but I would be glad to try to work to set it up somewhere else if there was somewhere else that was more convenient to more people. It's a little difficult. One side of the valley is 285 and Eldorado and that area and then there's kind of nothing in between and then there's Route 14 on the other side.

I did attend, as Commissioner Anaya did, the meeting that was put on by Tecton out at the Turquoise Trail School. There were a lot of Eldorado people there and there were Galisteo people there and there were a lot of Route 14 there. So there has been one meeting out there but that meeting of course was put on by Tecton. There's going to be another meeting by Tecton at the Genoveva Chavez Center on the 1<sup>st</sup> of November, I'm advised. Those meetings are solely or are organized and moderated by Tecton. So I thought it would be good to have at least one informational meeting out in Eldorado that we hadn't had yet, either by Tecton or the County, and to cover a different agenda which would be the County and state roles in any type of oil and gas drilling. If there's a better place to get people we can certainly work on it. The meeting is scheduled right now for the 15<sup>th</sup> of November from 7:00 to 9:00 at the elementary school.

As I said, we haven't had one out in that area yet, but if there's some way to work it more conveniently, Commissioner, I'm certainly open to it.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I guess what we could do is – personally, I



know that Commissioner Campos has an issue with staff working two nights in a row but to me, I think my constituents – the staff here is important but my constituents in the area are very important. But I wouldn't have a problem saying that we would have the one meeting in Eldorado and see how that turns out. I'm hoping the gymnasium – is that where it's going to be? I hope the gymnasium is going to be big enough. Maybe we'll just go with the 15<sup>th</sup> and see what happens and if it overflows it overflows.

COMMISSIONER SULLIVAN: If we need another one, we can and should set up one. I think the gyms are about the same size, both Eldorado and Turquoise Trail. So I don't know which would overflow first but you're right, it's a very touchy issue and people are quite concerned and want more information. So that would be fine with me. Let's see what the results are and if there's a need for another meeting, we can perhaps get Mr. Fesmire to agree to another meeting as well.

COMMISSIONER ANAYA: Sounds good. So we'll stay with the 15<sup>th</sup> and we won't have the 14<sup>th</sup>. So Jennifer, you can let our constituents know.

Madam Chair, another issue that was brought to my attention was the water line that is going to cross the Interstate-25 and go into the new tracts that are going to be built. And Doug, maybe you can help me out here, but we want to – I guess I want to clarify when that water line is going to go in. Is it going to go in prior to the tracts being built or after the tracts are going to be built? I guess I'd like – I've got people telling me they want it in prior to the tract and it's going to be a little more difficult to do it after, but if you could tell me what's happening there.

DOUG SAYRE (Water/Wastewater Division): Madam Chair, Commissioner Anaya, I think we need to look at this. That particular crossing is part of the BDD project. It is to go in upon award of that project, when that's done and we hope to see that done at some time after the first of the year. We are looking into coordination of that crossing with the Rail Runner. The concern here that is being brought up by the La Cienega community out there is should the Rail Runner go ahead and put that casing in now so that there's not – so it's done in coordination with that contractor. Under the BDD contract, that entire crossing is to be bored and jacked all the way from the frontage road on the west side to the frontage road on the east side. To put that particular casing in now and get the right alignment and the right, I guess grade, as far as I'm concerned, it would almost be impossible.

I think Commissioner Sullivan can address this. Borings are not that accurate as far as going across. We don't need them to be that accurate but they need to be all of it at one time. So we have met with the Rail Runner contractor twice now to talk about location, how it should be done. I think we're all of the same opinion that it should be done by the BDD contractor and it should be done then. I'm trying to talk to those people in La Cienega and advise them of why this is necessary. I will say we could probably look at time and get this on the front end of that contract, that it's done in the early stages of it so that we don't have a problem. We'll make sure we meet all the requirements and that it's not a problem with the construction of the Rail Runner. We're not going to hold it up or

it's not going to be a problem as far as where we put the casing. Because we know what grade we need to be at to get it across there.

COMMISSIONER ANAYA: Then I guess my concern is, like you said, talk to the people in La Cienega and put them at ease that we're okay.

MR. SAYRE: Commissioner, I intend to do that. My understanding is we have a meeting on the 13<sup>th</sup> and I did talk to one of the prime, I guess concerned citizens which is Charlie C de Baca this morning about it and told him this is what it is. I have emailed Carl Dickens about these meetings and why we looked at having the BDD contractor go ahead and do the whole thing and not try to split it up between contractors.

COMMISSIONER ANAYA: That sounds like a good plan. Thank you, Madam Chair. That's all I have.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Nothing further.

CHAIR VIGIL: I would just announce that the Department of Transportation will have a public meeting on the Rail Runner and I'm trying to locate it in my calendar. Does anyone know when it is off-hand? I believe it's tonight at 5:30. There's two meetings. From 4:00 to 6:00 and 6:00 to 8:00 at the Genoveva Chavez Center. At that point in time staff will be there to present the proposal for the Rail Runner, and I know we have an item on our agenda to discuss a recommendation at least from this Board. So that's all I have to announce.

## **XI. CONSENT CALENDAR**

### **A. Budget Adjustments**

- 1. Resolution No. 2007-162. A Resolution Requesting an Increase to the Road Projects Fund (311) / Various Roads to Budget Cooperative Project Agreements for the GRIP II Projects Awarded Through the New Mexico Department of Transportation (\$2,060,100) and an Operating Transfer from the Capital Outlay GRT Fund (213) for the County Match (\$220,545) for Expenditure in Fiscal Year 2008. (Growth Management Department)**
- 2. Resolution No. 2007-163. A Resolution Requesting an Increase to the General Fund (101) / Solid Waste Program to Budget Scrap Metal Revenue Received for Expenditure in Fiscal Year 2008 / \$19,000 (Growth Management Department)**
- 3. Resolution No. 2007-164 A Resolution Requesting an Increase to the Road Projects Fund (311) / CR 67A to Budget Prior Fiscal Year 2007 Grant Balance for Expenditure in Fiscal Year 2008 / \$44,262.76 (Growth Management Department)**
- 4. Resolution No. 2007 - A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) / Agua Fria Community**

**Center to Budget a State Grant Awarded Through the New Mexico Department of Finance and Administration for the 2007 New Mexico State Legislative Funds for Expenditure in Fiscal Year 2008 / \$40,000 (Community Services Department) ISOLATED FOR FURTHER DISCUSSION**

5. **Resolution No. 2007-165 A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) to Budget a State Grant Awarded Through the New Mexico Department of Finance and Administration for the 2007 New Mexico State Legislative Funds to Provide Music and Arts Education for At-risk Youths / \$35,000 (Community Services Department)**
6. **Resolution No. 2007-166. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318)/ Camino Real Park Bridge to Budget Prior Fiscal Year 2007 Grant Balance for Expenditure in Fiscal Year 2008 / \$250,000 (Community Services Department)**
7. **Resolution No. 2007-\_\_\_. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) / Parker Property to Budget Prior Fiscal Year 2007 Grant Balance with an Operating Transfer to the Capital Outlay GRT Fund (213) / \$100,000 (Community Services Department) ISOLATED FOR FURTHER DISCUSSION**
8. **Resolution No. 2007-167. A Resolution Requesting an Increase to the General Fund (101)/ to Budget a Project Agreement Amendment Between Santa Fe County and the New Mexico Department of Transportation for the Impaired Driving Demonstration Program/ \$350,600 (County Sheriff's Office)**
9. **Resolution No. 2007-168. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Adult Facility to Budget Prior Fiscal Year 2007 Cash Balance to Fund (4) Temporary Positions and Contractual Services \$85,000 (Corrections Department)**
10. **Resolution No. 2007-169. A Resolution Requesting an Increase to the Fire Protection Fund (209) / all Fire Districts to Budget Actual Allotments of the FY 2008 Fire Fund Distribution and Available FY 2007 Cash Balance for Expenditure in Fiscal Year 2007 / \$872,599 (Community Services Department)**
11. **Resolution No. 2007-170. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Turquoise Trail Fire District to Budget Movie Production Stand-By Revenue on "The Burrowers" for Expenditure in Fiscal Year 2008 / \$1,340 (Community Services Department)**

12. **Resolution No. 2007-171. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Eldorado Fire District to Budget Movie Production Stand-By Revenue on "Sunshine Cleaning" for Expenditure in Fiscal Year 2008 / \$3,180 (Community Services Department)**
  13. **Resolution 2007-\_\_\_. A Resolution Requesting an Increase to the General Obligation Bond Series 2007 Fund (332) to Budget Bond Proceeds Issued for the Purpose of Improving Roads Within the County and Related Public Works Facility and Acquiring and Constructing Water Improvement Projects within the County / \$20,000,000.00 (Administrative Services Department) ISOLATED FOR FURTHER DISCUSSION**
  14. **Resolution No. 2007-172. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 Cash Balance for Contractual Services to Install an After Hours Payment Drop Box and Software Programming to Provide Penalty and Interest Information to Tax Payers on the Internet / \$20,000 (County Treasurer's Office)**
  15. **Resolution No. 2007-173. A Resolution Requesting an Increase to the General Fund (101) to Carry Forward \$28,179 of Grant Balances for the Domestic Highway Enforcement Funds from Fiscal Year 2007 for the Region III Drug Enforcement Program (Sheriff's Office)**
- B. Professional Service Agreements**
1. **Request Authorization to Enter into Amendment No. 5 to Agreement No. 27-0101-MG/TL with Concentra Health Services to Provide Pre and Post Offer Employment Physical and Drug/Alcohol Screening for the Human Resources Department (Human Resources Department)**
  2. **Request Authorization to Accept Amendment No. 3 to Agreement No. 26-025-LG with Serra, Garrity & Masiowski, PC, to Provide Legal Service for the County Attorney. Request of an Increase in Compensation by \$10,000 for FY08 and an Extension in the Term of the Agreement (County Attorney)**
  3. **Request Authorization to Enter into an Agreement with Otero County for the Incarceration, Care and Maintenance of Juveniles in Custody at the Youth Development Program (Corrections Department)**
  4. **Request Authorization to Accept Amendment No. 1 to the Agreement with Fort Mc Dowell Yavapai Nation (Tribe) to Provide Incarceration, Care and Maintenance of Juveniles in**

**Custody at the Youth Development Program to Include Residential Treatment to Juvenile Offenders Selected by the Tribe (Corrections Department)**

5. **Request Authorization to Accept Amendment No. 5 to Agreement No. 25-143-YDP with Correct Rx Pharmacy Services, Inc. to Provide Pharmaceutical Supplies and Services for the County's Corrections Department and the Health and Human Services. Request of an Increase in Compensation by \$150,000 for FY08 (Corrections Department)**
  6. **Request Authorization to Accept Amendment No. 5 to Agreement No. 261815-AADF with Stericycle, Inc., to Provide Medical Waste Pickup and Disposal Services at the Santa Fe County Adult Detention Facility. Request of an Increase in Compensation by \$5,000 for FY 08 (Corrections Department)**
  7. **Request Authorization to Accept Amendment No. 4 for Agreement No. 26-1822-CORR/MS with Summit Food Services for the Adult Detention Facility and Youth Development Program (Corrections Department)**
  8. **Request Authorization to Approve Amendment No. 3 for PSA No. 26-1203-SD/MV, for Western Transports to Increase Compensation by an Additional \$165,000.00 to the Already \$137,194.42 that is Written on Amendment 2 and to Extend the Contract Term to 24 Months to Expire September 26, 2009 (Sheriff's Office)**
  9. **Request Authorization and Acceptance to Amendment No. 2 for Agreement No. 26-1201-SD/MV with the Santa Fe Animal Shelter and Humane Society to Provide Leased Office Space for the Sheriff's Department, Animal Control Officers / \$15,540.00 (Sheriff's Office)**
- C. **Miscellaneous**
1. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of September 2007 (Administrative Services Department)**
  2. **Request Authorization to Accept Sub-Grant Agreement No. 05-JAG REVERTED-Funds for Region III FY 08 (October 1, 2007 Through September 30, 2008) Through the Edward Byrne Memorial Justice Assistance Grant (JAG) Funding (County Sheriff's Office)**
  3. **Resolution No. 2007-174. A Resolution Designating the Polling Places of Each Precinct in Santa Fe County (Clerks Office)**
  4. **Request Authorization of an FTE Water Wastewater Operations**

- Operator Assistant (Growth Management Department)
5. Request Approval of Amendment No. 3 to the Santa Fe Community College Agreement for Direct Services of the Temporary Childcare Assistance Program in the Amount of \$13,523.50 for FY 2007 -2008 (Community Services Department)
  6. Request Approval of Amendment No. 3 to the Presbyterian Medical Services at the Santa Fe Public Schools Teen Health Centers for Confidential Adolescent Reproductive Health Services in the Amount of \$24,464 for FY 2007 -2008 (Community Services Department)
  7. Request Approval of Amendment No. 3 to the La Familia Medical Center to Provide Direct Services for Promotora Perinatal Outreach and Service Coordination in the Amount of \$37,012.50 for FY 2007-2008 (Community Services Department)
  8. Request Approval of Amendment No. 11 to the Presbyterian Medical Services Contract for Administration of the CARE Connection Assessment Center in the Amount of \$101,373 for November, 2007 Through June 30, 2008 (Community Services Department) WITHDRAWN
  9. Consideration of Amendment No. 6 to the Customer Contract for Commitment of Water Service by and Between Santa Fe County (County) and John J. McCarthy (Customer) Extending the Term of the Agreement an Additional Year (Water Resources Division, (Growth Management Department) ISOLATED FOR FURTHER DISCUSSION
  10. Request Approval of the Contract for the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers, Communication Workers of America, Local 7911 (Human Resources Department)
  11. Request Authorization and Acceptance to Amendment No. 1 of the Agreement Between Santa Fe Corrections Department, Adult Detention Facility (SFCADF) and the State of New Mexico Corrections Department (NMCD) for the Care and Custody of NMCD Inmates (Corrections Department)

[For action on the Consent Calendar see page 37.]

- XI. A. 4. Resolution No. 2007-175. A Resolution Requesting an Increase to

**the State Special Appropriations' Fund (318) / Agua Fria  
Community Center to Budget a State Grant Awarded Through the  
New Mexico Department of Finance and Administration for the  
2007 New Mexico State Legislative Funds for Expenditure in Fiscal  
Year 2008 / \$40,000 (Community Services Department)**

COMMISSIONER SULLIVAN: Madam Chair, I just wanted to get a little background on this. The staff report mentions that the funding was unable to initiate an agreement concerning the project with Big Brothers and Big Sisters and so the money is being reallocated to the Agua Fria Community Center. I hadn't heard about that so I wanted to get some history on that if I could.

PAUL OLAFSON (Community Services): Madam Chair, Commissioner Sullivan, this was an appropriation a few years back, I believe about three or four years back for the Boys and Girls Club and I believe it was for part of a renovation of their facilities.

CHAIR VIGIL: Was it Boys and Girls or Big Brothers/Big Sisters?

MR. OLAFSON: That's a good question. I thought it was Boys and Girls it could have been - Teresa has just informed me it is Big Brothers/Big Sisters. I'm sorry for the confusion.

That organization decided they didn't want to accept that appropriation and they informed the County of that and the money has been reauthorized through Senator Rodriguez to the Agua Fria Community Center to finish out some landscaping and pedestrian crossings there. That's what it's targeted for right now. And what we're asking for today is just to budget it into the system so we can start spending it down. This was awarded at the previous, the 2007 legislative session.

COMMISSIONER SULLIVAN: So Paul, the Big Brothers/Big Sisters folks are aware of this, obviously, if it was done during the last legislative session. I would hope they're aware of it. Did somebody advise them that this is being moved, these funds are being moved?

MR. OLAFSON: Madam Chair, Commissioner, that's exactly my understanding and we did contact them. They did not want to proceed with the funding as it was stipulated at that time several years ago, so it was reauthorized. They were made aware of it as were the sponsors.

COMMISSIONER SULLIVAN: So they're aware currently, now?

MR. OLAFSON: Madam Chair, Commissioner, yes.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair. I'd move for approval.

COMMISSIONER ANAYA: Second.

**The motion to approve Resolution 2007-175 passed by unanimous [5-0] voice vote.**

**XI. A. 7. Resolution No. 2007-176. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) / Parker Property to Budget Prior Fiscal Year 2007 Grant Balance with an Operating Transfer to the Capital Outlay GRT Fund (213) / \$100,000 (Community Services Department)**

COMMISSIONER SULLIVAN: Madam Chair, my question on this was, and perhaps staff can help out on this, was that apparently we made a mistake and applied the wrong funds to the wrong category and took out \$100,000 from the capital outlay GRT. Where my confusion occurs is that we're going to replace that \$100,000 - it says, "and then proceed with the State Appropriation Grant reimbursement request in the amount of \$100,000." So it sounds to me like we're going to replace that \$100,000 that we mistakenly took out of the GRT fund and then go to the legislature and ask for another \$100,000. Is that what we're going to do?

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioner Sullivan, what we're going to do here is the expenditure actually occurred in fund 213 so we're going to do a transfer of funds back into 213, make it whole, and recognize the expenditure of the funds in the Special Appropriation fund and then that will enable us to do the reimbursement request and collect the \$100,000. So it won't be additional funding. It will just be reclassing the expense to the correct fund.

COMMISSIONER SULLIVAN: Okay. So where it says "and then proceed with the State Appropriation Grant reimbursement request..."

MS. MARTINEZ: That simply means then we'll be able to file the grant reimbursement request submitted to the state and receive the \$100,000.

COMMISSIONER SULLIVAN: That's already been appropriated for this purchase.

MS. MARTINEZ: That's correct.

COMMISSIONER SULLIVAN: Okay. So we're not betting on the come here that we're going to get \$100,000 to reimburse us.

MS. MARTINEZ: No. This is already guaranteed and was appropriated.

COMMISSIONER SULLIVAN: All right. That's all the questions I had, Madam Chair. Move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second.

**The motion to approve Resolution 2007-176 passed by unanimous [5-0] voice vote.**



CHAIR VIGIL: There's an item on the agenda that I did not pull but I just have a really quick question for. There's some funding available for a bicycle and bridge crossing. Is that Camino Carlos Rael, or the Carlos Rael river bridge?

MR. OLAFSON: Madam Chair, this is for the Rio Nuevo section of the river. That's the area near 599 that the State Land Office had worked on and we have an easement to cross that river area. We received a Scenic Byways grant to do trails and improvements there and subsequently they got this pot of money for a pedestrian bridge crossing at that park site.

CHAIR VIGIL: So I guess what's confusing, and this is item 6 is this is called the Camino Real park bridge, which is very close to Camino Carlos Rael.

MR. OLAFSON: Madam Chair, Camino Real is reflecting of the Scenic Byway, the Camino Real, which was the regional – So I understand the confusion but this really for the 599 area.

CHAIR VIGIL: Okay. Thank you very much.

**XI. A. 13. Resolution 2007-177. A Resolution Requesting an Increase to the General Obligation Bond Series 2007 Fund (332) to Budget Bond Proceeds Issued for the Purpose of Improving Roads Within the County and Related Public Works Facility and Acquiring and Constructing Water Improvement Projects within the County / \$20,000,000.00 (Administrative Services Department)**

COMMISSIONER ANAYA: Madam Chair, Thank you. My question on this \$20 million is how much of this money is to be used on County Road 42?

COMMISSIONER CAMPOS: Which one is County Road 42, Commissioner?

COMMISSIONER ANAYA: It goes from Cerrillos to Galisteo.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER ANAYA: It's one of the boundary lines for Commissioner Sullivan and myself.

COMMISSIONER CAMPOS: Is that the road we had a long conversation about a few months ago?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: About the engineering?

COMMISSIONER ANAYA: Yes.

ROBERT MARTINEZ (Public Works): We are dedicating approximately \$1.5 million towards County Road 42 out of the bond money. Then there's an additional half million dollars that's been approved by the GRIP, for a total of \$2 million.

COMMISSIONER ANAYA: Robert, I know we recently had a discussion that Commissioner Campos just brought up and that was redesigning of the road, to change

it from culverts to low-water crossings. How much money is it going to cost us to redesign that portion that was talked about?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, we recently received a proposal from Miller Engineering who designed County Road 42 and the amendment would cost the County roughly around \$50,000 for redesigning those four crossings, and also addressing our NPDES permit, and also doing some recalculation on some quantities for us.

COMMISSIONER ANAYA: So, Robert, that's just the redesigning part. That has nothing to do with the construction part.

MR. MARTINEZ: That is correct, Commissioner Anaya. The construction costs, we do not have a dollar amount yet because it hasn't been designed and we can't calculate quantities.

COMMISSIONER ANAYA: Madam Chair, I would like to see if we could not go with the redesigning of those low-water crossings, leave it the way that the Public Works Department had got designed. Because that design, correct me if I'm wrong, is completed with the culverts.

MR. MARTINEZ: Madam Chair, Commissioner Anaya, that is correct. The design is complete.

COMMISSIONER ANAYA: In order to save money I don't think we should do those low-water crossings because of maintenance issues that the Public Works Department has brought up. So I would like to see if this Commission would like to just go forward with the design that has already been established and move forward with this project.

CHAIR VIGIL: Any response? Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, I would support that. I think that's something that in terms of the design that was brought before us was certainly, I thought adequate. I think if we had all the money in the world and could do everything that's being requested well then I think that's reasonable but the reality is we have a finite amount of dollars that we have to spend on these projects and I would support that.

MR. MARTINEZ: Madam Chair, may I add that to cooperate with the residents of the Galisteo and Cerrillos area we did cut down the pavement width to accommodate their concerns about erosion caused from surface runoff. So we did - we were willing to compromise in that aspect of the design.

CHAIR VIGIL: Commissioner Anaya, is this County road going to be affected at all by the rail trail or some of the proposed - do we know that, Robert? The Roadrunner, is that going to affect this road at all?

MR. MARTINEZ: Madam Chair, no. It is not going to affect this at all.

CHAIR VIGIL: Thank you.

MR. MARTINEZ: The reducing of the pavement width does not require any redesign.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Madam Chair, I have a couple of questions for Mr. Martinez. Mr. Martinez, we had a huge meeting months ago with the community and they were very opposed to this. They felt that the road design, as presented by the County would be destructive to their environment. And there was a great deal of input. What happened after that? The BCC asked you to go back and talk to the members of the community. What were the results of that discussion?

MR. MARTINEZ: Madam Chair, Commissioner Campos, Public Works and Land Use did go out to the site and meet with the residents. We did walk the roadway and look at the crossings that they were requesting to redesign for low-water crossings as opposed to culverted structures. Also the concern that they had, like I mentioned earlier was the pavement width that we were proposing.

COMMISSIONER CAMPOS: Was a consensus reached at that meeting? Did you both - was there a meeting of the minds between the community and County staff?

MR. MARTINEZ: Madam Chair, Commissioner Campos, what we told them was that we would consider their request. We did not give them a yes or no.

COMMISSIONER CAMPOS: On the drainage issues?

MR. MARTINEZ: On the drainage issues, yes. Just that we would consider their request.

COMMISSIONER CAMPOS: What you're presenting now is we're going to ignore their drainage issues and go forward with the plan as stated. Is that what you're proposing today?

MR. MARTINEZ: Madam Chair, Commissioner Campos, what we were proposing was to stick with the existing design because of maintenance issues that low-water crossings would create. Now, if the Board directs us to do otherwise it's up to the Board, but maintenance-wise it's better to go with culvert structures as opposed to the low-water crossings.

COMMISSIONER CAMPOS: Even if it's more economical to do so and that's within your budget, I understand that you want to get the road built and you probably want to build it according to standards that say we can do it for less money. But what is the better way? I think that was the whole question. What is the better way to go for the environment? Are these culverts, because of the drainage, is it going to cause some serious problems?

MR. MARTINEZ: Madam Chair, Commissioner Campos, their concern with the erosion on the downstream side, whether it was a low-water crossing or a culvert. It was pointed out to us that one of the phases of County Road 42 had some erosion and that was based on lack of armoring the embankment on the downstream side. This project would entail wire-enclosed rip-rap whether it was a structure or a low-water crossing, so we don't feel that there would be any difference in erosion whether you go with the low-water crossing or a structure.

COMMISSIONER CAMPOS: When you say "We felt that", we as the

County?

MR. MARTINEZ: Staff, and our engineering firm.

COMMISSIONER CAMPOS: Engineering did not - not that you didn't agree with the community's objections to this type of drainage.

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

COMMISSIONER CAMPOS: Did they propose the kind of drainage system that would, from either of the options, low crossing or culvert?

MR. MARTINEZ: Madam Chair, Commissioner Campos, they were just insistent about getting low-water crossings as opposed to structures because they felt that low-water crossings would eliminate the amount of fill that would be used in the structure, thus giving the roadway a better alignment than Public Works. But they felt that the peaks and the valleys would slow traffic down.

COMMISSIONER CAMPOS: So there was no consensus at that point.

MR. MARTINEZ: Madam Chair, Commissioner Campos, that is correct. We did not give them an answer yes or no.

COMMISSIONER CAMPOS: And do you propose to give them an answer before we take a vote here on this Commission? Or just direction?

MR. MARTINEZ: Madam Chair, Commissioner Campos, we will advise them as to whatever the Commission decides.

COMMISSIONER CAMPOS: I'm reluctant, based on the evidence and testimony I heard at that meeting to just today, without their input, say we're moving forward or give direction to move forward. I think the issues raised were important. I thought they had some fairly knowledgeable witnesses on their behalf. It certainly is a question of money getting it done but I've always said let's get it done right. You're saying that the low-water crossings are more expensive to build? Or to maintain? Or both?

MR. MARTINEZ: Madam Chair, Commissioner Campos, they're more expensive to build because they are concrete and they require more maintenance because during any type of runoff silt can be deposited across the low-water crossing, which is the driving surface.

COMMISSIONER CAMPOS: How many low-water crossings are proposed?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, within the total project I believe there's somewhere around 20 arroyo crossings. What they request - we're agreed to look at four low-water crossings throughout the project.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. If I'm to understand correctly, what we're approving on this item is the minimum amount of dollars available for the current design and if there were other dollars available for the design proposed by the residential area then that could be a part of it. But I'm understanding that this project needs to move forward, that that is why it's part of the GO bond recommendation. So the question I would have is if we do move forward with taking action on this approve it, if we do go back and perhaps

there is some legislative dollars or some other dollars out there that would be able to assist this project, is it possible that the project could be enhanced?

MR. MARTINEZ: Madam Chair, this is the resolution for the general obligation bond. Commissioner Anaya pulled this off to ask some questions about the design.

CHAIR VIGIL: Right. Because that is part of the recommendation for expenditure of those GO bonds.

MR. MARTINEZ: Madam Chair, that is correct. County Road 42 would be funded out of this \$20 million bond.

MR. ROSS: Madam Chair.

CHAIR VIGIL: Yes.

MR. ROSS: There's a - probably the Commission shouldn't allocate from the revenues of the GO bond under the agenda item that's advertised. That probably explains why there's nobody here from that area to voice concerns about the item because all this does is budget the revenue we've received from the sale of the general obligation bonds, not allocate it within the bonds. So I guess this is a helpful discussion for staff but I don't think we should purport to reallocate under the agenda item as advertised.

CHAIR VIGIL: And that's my line of questioning. We're just taking action on the GO bond and the purported recommendations. If there are other dollars available perhaps these projects, similar to this could enhance it. Correct?

MR. ROSS: That's correct.

CHAIR VIGIL: Okay. Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: What would be the mechanism then, Madam Chair, to get Commissioner Anaya's direction or recommendation in front of the Commission and also to have anyone who wants to further comment on it? Would we just put that on the next meeting or the next administrative meeting? It seems like we're leaving it kind of up in the air here.

CHAIR VIGIL: I guess I'm not having a clear understanding. I don't think that this is not saying that we cannot do what Commissioner Anaya has requested. Commissioner Anaya has requested that we move forward with our current design and I have stated that I agree with that. We need to move forward. However, if in the future there are further dollars available to do what the community proposes then we can enhance this project with that. So I'm not - Commissioner Anaya, is that what you intended to move forward currently today with what we have on the books?

COMMISSIONER ANAYA: Yes. I plan on moving forward with this obligation bond. My question was - and maybe we need to bring it back so we can talk about it, but I just don't want to prolong this project when we already had a design that meets all our County standards and I think I'd like to move this project forward if we can. And if we could do that know I'd love to do it, but if we need to bring it back I don't have a problem doing that either.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: So what have we decided here? I'm thinking that -

CHAIR VIGIL: I think we decided that at minimum we can take action on this particular item and if there is a future need for further discussion on this it can be brought forth at a future agenda item.

COMMISSIONER ANAYA: So, Madam Chair, are we saying that we can't make a motion to continue with the project until we further discuss it at another meeting? Is that what I'm hearing?

MR. ROSS: Madam Chair, Commissioner Anaya, I think that's right. I think we have an Open Meetings issue if we were to take that kind of specific action based on the way this is advertised. What I would suggest we do is have Jennifer and myself work up a resolution for the next meeting stating that you wish, that it's the desire of yourself and other members of the body that we just move forward with the project as instructed and we'll just stick it on the next Consent Agenda and see what happens.

COMMISSIONER ANAYA: If that's okay with the rest of the Commission, I would move for that.

MR. MARTINEZ: Madam Chair, would that require a resolution or can we just advertise it as discussion and direction?

CHAIR VIGIL: I think that in order to take action - you could do it by resolution. That would solidify it. We would just have to advertise it as an action item if in fact that's what we want to move forward with with that particular project. So discussion and direction? Discussion and action? However you want to move forward. Commissioner Anaya.

COMMISSIONER ANAYA: Steve, do we need a resolution on that or what would - give me your input.

MR. ROSS: Madam Chair, Commissioner Anaya, why don't I work with Jennifer and we'll develop the appropriate document and agenda item to address all of those issues. I think probably a resolution is probably the way to go, given the level of community dissatisfaction with the original design. That will get it before the body and decided one way or another.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I would suggest that this not be put on the Consent because I think it's of significant public interest to the community, your constituents, I believe, and I think they're going to want to have their right to come here and talk to us and tell us what they think.

CHAIR VIGIL: With that direction, do I have a motion on this item?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

The motion to approve Resolution 2007-177 passed by unanimous [5-0] voice vote.

**XI. C. 9. Consideration of Amendment No. 6 to the Customer Contract for Commitment of Water Service by and Between Santa Fe County (County) and John J. McCarthy (Customer) Extending the Term of the Agreement an Additional Year (Water Resources Division, Growth Management Department)**

COMMISSIONER SULLIVAN: Madam Chair, I brought this off the Consent Calendar because it's not clear to me what is being asked for here. It says that they're requesting approval of amendment number 5, which is not – there's no amendment in our packet. To amend our language in Article II that provides for termination of the agreement in the event that the customer fails to obtain final plat approval or otherwise amend the water service agreement by December 28, 2007. So I'm unclear as to how we're – the staff is proposing to amend the agreement. Are we amending it to eliminate that clause that provides for termination? Or are we adding a year or adding two years, or what's the recommendation here? I don't see it.

MR. SAYRE: Madam Chair, Commissioner Sullivan, I think this goes back to this agreement that was done and the requirement is that he has to submit a final development plat by December 28<sup>th</sup> of this year. This is the – I believe it's amendment number four. Correct me if I'm wrong, Mr. Ross, but I think it's number 4. The reason for this is there's been extenuating circumstances regarding, I guess, getting this development done. It's on state land and it has to do with getting approvals from State Land to go forward with this. Finally I think they've gotten a large development body, developer, to tie into this project and get it done.

It's my understanding that they are going to submit, probably this next week but because of circumstances they just thought it would be a good idea to extend the agreement another year for getting the plans in and approved by this body as well as Land Use and all the other parties. That's what's before you is an extension of time for one year for them to do this.

COMMISSIONER SULLIVAN: Okay. It doesn't say that in the agreement.

MR. SAYRE: It doesn't say that in the agreement? Okay.

COMMISSIONER SULLIVAN: It doesn't say that anywhere. So, what's being proposed is an extension for one year, not to eliminate the termination clause provided in Article II.

MR. SAYRE: Right. I thought it was the same language that was in the previous agreement.

COMMISSIONER SULLIVAN: It may be but we don't have the previous one either. Okay, so now I understand it, Madam Chair. How many times do we do this?

Forever? Is there no end to this?

MR. SAYRE: Madam Chair, Commissioner Sullivan, I understand the concern here and I do agree that this is the fourth time, but they do seem right at the – they've been trying to do this. I think they're just asking for a one-year extension to make sure that they get everything in place this time and get all the things required by the County done. And it was just kind of a safety clause or safety extension that they wanted to make sure that they didn't have any problem and that there wouldn't be any concern. So I'm hopeful that this is the last time that they do this.

COMMISSIONER SULLIVAN: Let me ask a question, Mr. Ross, Madam Chair. Would it be useful – I see reference being made to the County's water line extension policy, Resolution 1998-13, which I think is now superceded, I would assume, by our current water allocation resolution. I think that superceded prior ones. Would it be useful – I may be wrong about that, so that's my first question. And then my second question would be is it useful to reference in amendment number 5 our current water allocation resolution?

MR. ROSS: Madam Chair, Commissioner Sullivan, I'm a little bit hampered because I can't find that item in the book. I have the actual amendment here in front of me. Are you reading from the underlying agreement?

COMMISSIONER SULLIVAN: No, I'm just reading from the one-page staff memo dated October 18<sup>th</sup> and it's item C 9.

MR. ROSS: I see.

COMMISSIONER SULLIVAN: In the Consent packet. And it makes reference to this water line extension policy. I know one of the things we do when we get to the end of agreements with developers is that we take that opportunity to update the agreement to be sure that the developer is now updated to whatever our current policies are. That's what I'm looking at here.

MR. ROSS: Madam Chair, Commissioner Sullivan, I now have the memo in front of me and I see what you're talking about, but I don't have the underlying agreement here. So I guess my suggestion would be of course the agreement must comply with our current water allocation policy. However, this is one of the older agreements that's within the 500. So really the only application of that policy to this agreement would be the notice for our bi-annual allocation of the need for actual deliveries of water. So let me offer this, since I don't have the original agreement in front of me.

COMMISSIONER SULLIVAN: Mr. Ross, what I was getting at here too is that we know that in some of these past agreements there have been provisions that aren't in the best interests of the County, and I'll cite one for example, and that's the apparent ability of holders of these water rights to transfer them to other holders without the County's prior approval. In our new water allocation policy we correct that. We don't allow any transfer without the County's approval. So my point is, not having seen the agreement, not having seen the amendment that's proposed here I'm just going off the cuff.



I'm thinking that this is a good time to take a look at whatever that agreement says and to correct any language in that agreement that we don't feel is in the best interest of the County.

MR. ROSS: Madam Chair, Commissioner Sullivan, I do have the agreement in front of me now and it does refer to 1998-13 in the text of the agreement, so that might be a sensible change to approve the proposed amendment but allow the Legal Department to amend that provision which is also in Article II. This is one of the older agreements and it is fully assignable.

COMMISSIONER SULLIVAN: Which we don't permit in our current agreement.

MR. ROSS: Well, the current policy doesn't permit assignment of water delivery agreements. But some of these old agreements, and this one in particular does permit assignment. Now this is a little bit of a unique situation because of the State Land Office project, and this agreement is going to be assigned, pursuant to the development that's proposed through that process.

COMMISSIONER SULLIVAN: Well, we could clarify that but I think if that development fell through for whatever reason, and the applicant then wanted to assign it somewhere else, I think Santa Fe County would want to have a say in that. That's the way we operate now. I guess what I'm thinking is that a) we need to see an amendment here in front of us, and we need to have something that the applicant has agreed to and that the County has agreed and that updates it to our current policies. I would rather this be tabled until we have something definitive in front of us for approval.

CHAIR VIGIL: Is there any timeline on this? Does anyone know?

MR. SAYRE: Madam Chair and Commissioner Sullivan, the only timeline is for submittal - to modify the date for submittal of the final development plat. And that's December 28<sup>th</sup> of this year and I think that's the critical time. I think we were trying to anticipate that they wouldn't have that problem. They will submit probably this month, this week. That was the only time schedule I saw was a problem as far as I'm concerned.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, Doug or Steve, what, besides the date, is going to change in this?

MR. SAYRE: Madam Chair and Commissioner Montoya, the only thing that's been brought up is about I think reference to the correct documents regarding what we're talking about here and I think it had to do with the current water allocation policy and line extension policy, and we can get that corrected. I see that we could probably look at tabling this and getting the right language if that's agreeable or whatever the Commission and attorney sees is most workable.

COMMISSIONER SULLIVAN: And the assignment.

COMMISSIONER MONTOYA: So it's more than just the date that's going to change.

MR. SAYRE: Well, it appears from this agreement that there needs to be

some language in there that changes, Commissioner Montoya.

CHAIR VIGIL: That means that language would only update the agreement, right? To include our current policies?

MR. ROSS: Madam Chair, the amendment right now just changes the date from December – the end of this December to the end of next December. Commissioner Sullivan has brought up that it may also be necessary to also amend the next paragraph of the underlying agreement to refer to our current water allocation policy.

COMMISSIONER SULLIVAN: And if we did that it would also, Madam Chair, solve I think the assignability issue because the current policy handles that.

MR. ROSS: Madam Chair, we have to talk to the contracting parties about whether that was acceptable to them, because you can't just change a contractual provision with an enacted resolution.

CHAIR VIGIL: Right. I would be in favor of tabling this to allow staff to do that. It would concern me whether or not they would be obligated to a policy that wasn't in place when the agreement was entered into.

COMMISSIONER SULLIVAN: They wouldn't be until December 28<sup>th</sup>. After December 28<sup>th</sup>, that's the question. What happens after December 28<sup>th</sup>?

CHAIR VIGIL: Well, I think I would think that both that deadline and any future deadlines would be questionable as to whether or not they would be required to comply with new policies.

COMMISSIONER SULLIVAN: Move to table.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

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

CHAIR VIGIL: I'm going to move an item further up on the agenda because we have staff from the Department of Transportation who are going to have a long day because they also have public meetings tonight.

## **XII. STAFF AND ELECTED OFFICIALS' ITEMS**

### **C. Growth Management Department**

#### **2. Discussion and Direction Regarding Santa Fe County's Position on the Proposed Rail Runner and Action on Station Location**

MR. ABEYTA: Thank you, Madam Chair. I'm going to defer to Jack Kolkmeier, our Land Use Director in the Growth Management Department.

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commission members, good morning. I don't believe that you got the updated version of my memo and a map. Is there a map in there? Oh, there is. I guess you did.

There are numerous issues related to the eventual commuter service of the Rail Runner into Santa Fe County and the City of Santa Fe. These issues include jurisdictional authority questions related to City, County and Metropolitan Planning Organization (MPO); regional transit access and connections; public safety issues; environmental impact and assessment concerns; noise mitigation problems; and recurring cost clarifications.

Most of these issues and concerns, however, are dependent on where a station will be located in the county outside of the city limits. Once a location is identified, Santa Fe County will be in a better position to analyze most of the expressed concerns, especially the ones related to regional service, public safety, and environmental assessments, approval procedures and options. To this end the staff would like to present the three suggested station locations outside of the city and being New Mexico 599/I-25, Cerrillos Road and I-25, and Richards Avenue at I-25, and engage in a discussion with you to determine if there is a preferred location at this time.

If the BCC can reach agreement on a preferred location, the staff would like to take that recommendation back to the Metropolitan Planning Organization for concurrence and then on to the New Mexico Department of Transportation to include in their design and financing plans.

What I'd like to do briefly, given that there's lots of issues on the table that you have an interest in and would like to discuss would be to go over the three identified locations in the county and talk to you a little bit about them from our perspective as your staff, and then open that up to whatever you'd like to discuss if that's okay to proceed, Madam Chair.

First of all I want to say what stuff is the most important issue here and that is the locations of populations, growing populations in Santa Fe County. I'll bring this up so you can see this. The populations – we presented this map this to you last week in our growth management strategy. Our populations are growing in the area of La Tierra, La Cienega, the greater Eldorado area and the Community College District. When we showed those to you last week everybody kind of starts a little bit, especially of the populations that are growing in the La Cienega area and the La Tierra area.

That's really significant because our concern and our issue all along here has been – as I mentioned to you I was on Governor Miles bullet train task force in 1983, so I've been at this for a long, long time. The issue and the concern that keeps coming back for us as we continue the dialogue and the discussion is we clearly understand the DOT's perspective about needing to get traffic off the road between Albuquerque and Santa Fe and to try to serve the population in the greater Albuquerque area.

The issue for us in Santa Fe County is it has never explained clearly and articulated clearly to us in all the times that we've been engaged in the dialogue with the Department of Transportation regarding the Rail Runner, and that is what services will be provided to the greater Santa Fe area? In other words, our region, what services are being provided for us to go to Albuquerque? The questions arise frequently, but it's never been made clear what decisions need to be made, what research has been done in this regard and how they

relate to the point where we're at right now?

The significance of this comes back to the populations that I just showed you, in relation to the station locations. Because if this is to be a true regional transit project, that means it should serve not only the greater Albuquerque area but also the greater Santa Fe area for services that go the other way. And we've heard this over and over again from our constituents. How will they get to the airport? How will they get to the University of New Mexico? How will the connections be made into the greater Albuquerque area?

That being said, of extreme importance to your constituencies clearly, it again comes back to the locations that have been suggested so far. Secretary Faught told us when she was here a week or so ago, two have been decided on already, and those would be the railyard and the Department of Transportation at Cerrillos and Cordova Road. And again, those are fine. Those work to service the population being brought up from Albuquerque to reach the Santa Fe area. But when we start looking at the needs that we have as our population continues to grow, and again, the need for that population to go to the greater Albuquerque area, as we look at those locations, and as was said to us last week, well, there'll be a lot of parking at the DOT. Somebody could come to the DOT site, park there and go to Albuquerque. If you're living in La Tierra, La Cienega, the Community College District, or Eldorado, you're not going to do that. There need to be other options for us to consider.

So that brings us to the three locations that we have, which are in really good places. Richards Avenue, Cerrillos Road and I-25, and 599 and I-25. A week ago there was not only - you could argue, there's been a number of discussions on them - that any one of those will work. It's possible they could. I spent a lot of time over the last couple of weeks walking the sites, looking at them. So I think I've been able to make some sense about how those operate in terms of the plans and the growth management strategies that we're evolving for ourselves.

The Richards Avenue site has quite a bit of right-of-way in the center between the north and the south bound lanes and as you drive through there, and this has been a City opinion as well, that this could serve the southern part of the city really well for people wanting to go into Santa Fe, to take the train into Santa Fe. And it could also potentially serve the Community College District population, again, to go into Santa Fe. They could go the other way as well. Where it's deficient again is when the focus is on our population. Here in Eldorado, La Tierra, La Cienega, you're not going to be able to get off there to use that facility to go south unless there's an interchange.

So it seems that while that might be useful for the city, from our perspective it's not the best of locations to serve a much broader regional capacity. It might be useful in two, three, five years, depending on how the Rail Runner pans out and how the phasing works over a period of time.

Going south, the next location is Cerrillos Road and I-25, again it has potential. There's a lot of room there to provide a station in a number of different locations. The problem it seems to us as the development has occurred there, it's a pretty complicated

maze of activity as it is right now. A station might complicate traffic issues already fairly apparent there. Same with Richards. Again, to put the station there without an interchange at this point – there's already a traffic problem there. There are huge traffic issues. That would more than anything at this time rather complicate that.

The third location, 599 and I-25, seems to us the staff at this point to be the most reasonable for a number of reasons. One is it not only accesses, provides access for people wanting to go to the town again on the Rail Runner – you have this population of La Cienega – if you're living in La Cienega and you want to take the train into town, it's more likely that you're going to take it from that spot rather than going to Richards. The same would be true also for the La Tierra population, coming down the same way. The Community College District population has a number of options. The Richards Avenue one would work for the Community College District population. It also works for 599 because that can access the roads that go over to Highway 14 over 599.

More important for that site in our opinion is that if this is to be viewed as a regional transit opportunity again, that region should include other portions of the northern part of Santa Fe County as far up as Pojoaque Valley, Chimayo, Española. People living in those areas further north can easily come down 84/285, go to 599, come down here. But more importantly have access to go to Albuquerque. Same for Eldorado, same for all the populations around the La Cienega as well.

So I think our recommendation as your staff at this point would be that if the discussion centers on a station location that best serves Santa Fe County as a region our preference would be the 599/I-25 location. And again, as we heard from Secretary Faught, unless I didn't hear her correctly, it was my understanding that there would be these two locations and one other. If that's in the cards for financing and moving forward at this point. In some of my discussions with some of you, we weren't all of the same opinion, I don't think, so we might need to have that clarified since we have folks from DOT here to see if we're on the same page with that. But that is what I heard.

If that's true then picking one of these sites that best services county residences in the populations laid out at this point, accesses the regional portions of the county and even those further north for that matter, 599/I-25 appears to be the best location at this point. We would also suggest though that as the Rail Runner evolves and matures that it's very likely, if there's an interchange at Richards and I-25, that becomes an additional station location, at some secondary phase.

So that's our recommendation to you. Then secondly, all the other questions about noise, lighting, environmental assessment and the other issues that you have raised, could probably be better discussed if we were to agree on a station location. That's our suggestion; you may not agree with that or have some other way you'd like to proceed with, but it would seem to us that if you can say okay, well, 599 is the best. Richards Avenue, that's another phase in the future, then the other questions have you have raised about our noise ordinance, for example that has come up several times, we can kind of get a clearer opinion of how that might operate at that 599/I-25 location.

The other locations that are on there are in the city and I don't really want to open a discussion on that unless you're prepared to do that as a Board. But the [inaudible] location and the location off of St. Francis, again, I'm sure that you can make positive and negative comments about all of those but at least we have a clear arena in the county, it would seem like. Let's talk about that first and try to make that decision.

We also technically need to take a decision back, it's my understanding, to the MPO. So it would be good for us to have this discussion, make a decision about that site location, take it back to the MPO and then continue to have our dialogue and discussions with the Department of Transportation. That would be our presentation, Madam Chair.

CHAIR VIGIL: Any questions for Mr. Kolkmeier? Seeing none at this point in time, Mr. Kolkmeier, be on standby. I would just ask if there's anyone from the Department of Transportation that would like to respond to this presentation. Thank you for being here.

PATRICIO GUERRERORTIZ: Good morning, Madam Chair, Commissioners. My name is Patricio Guerrerortiz. I'm the Deputy Secretary for Programs and Infrastructure, and one of my programs is the Rail Runner. The reason for our presence today is to hear what the Commission has to say and to make sure that you know we are interested in your discussions and conversations and your concerns. We don't have any preference at this point. This is your decision. Technically, any of these locations can be made to work. But how it would affect the region, how it would affect the county, how it would affect the metropolitan area is your decision and we're here to make sure that you know that we support you whatever your decision is and that we'll work in the best way we can to make it happen once you make it. But we don't have any particular opinion as to which one would be better. It's all up to you, and that's the way it should be. It's going to affecting this region directly.

I am saying this also as a person who lives in this county and who has specific interest in how this County operates from the citizen's perspective. As a department official, we don't done have any preference and we are here to support your decision, whatever that is.

CHAIR VIGIL: Mr. Guerrerortiz, would you answer the question that was brought up in the presentation. There was some confusion as to whether or not there is definitely one location that DOT will accept beyond the two that are within the city limits and is that your understanding and can you represent that from the department today?

MR. GUERRERORTIZ: Madam Chair, Commissioners, I'd be happy to reiterate that. We have the funds and we will be willing, when the decision is made in a timely fashion, we will be willing to incorporate as part of the project that will be completed by the end of next year. Yes, there are funds for one more location, one more stop at this point, and again, any availability of funds that occurs after construction is completed will have to compete with other entrants that exist around the states, but we have reserved the funding for one more location within Santa Fe County at this point.

CHAIR VIGIL: Thank you for clarifying that. Further questions? Any

questions? Discussion, comments, response? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you. No questions, Pego. I just wanted to support the staff's recommendation. I think from the District 5 that I represent, in looking at where the populations are going to occur and the ease of access into 599, I think that makes a lot of sense to me. In terms of those who are in the Community College District, they can of course go down Richards Avenue to access the train, but all that does is further congest Richards Avenue. It's just as quick to go out Rancho Viejo Boulevard and you're on 14 and access the 599 and thereby relieving the congestion that already exists on Richards Avenue.

I like the regional concept of that. I like the fact that we're talking with RTD about looping that bus service through Rancho Viejo and out onto 14 which this would make an ideal stop for. That seems to make a lot of sense. I think that's preferable to the Cerrillos Road intersection. I know the Las Soleras developer there was saying that they would have a station there and it's a pretty complex environment to make a station there. Parking would have to be off Cerrillos and it would essentially be another city station, as I see it, inside of the I-25 loop.

So there's been a lot of discussion, pros and cons on the station but I would just throw out my opinion that 599 being the best regional approach.

CHAIR VIGIL: Thank you. Further discussion?

COMMISSIONER ANAYA: Is that a motion?

COMMISSIONER SULLIVAN: Madam Chair, if there's no further discussion, I would move that the Santa Fe County Commission endorse the location for a Rail Runner station in the vicinity of I-25 and New Mexico 599, and that that recommendation be forwarded to the Metropolitan Planning Organization for concurrence.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second.

COMMISSIONER MONTOYA: Madam Chair, how many more to we have to provide? I take it we're looking at three and we're only going to go with one for now?

CHAIR VIGIL: Right. And that's the question Mr. Guerrerortiz responded that they do have actual funding for one. There are two other potential sites. I guess we could discuss those if you have some discussion on them.

COMMISSIONER MONTOYA: Okay. Well, I think it would help in terms of at least providing some direction, of where we're going to go in the future with these as opposed to waiting, and I think Jack's recommendation too -

COMMISSIONER SULLIVAN: I think, Madam Chair, just let me respond to that too before Jack does anything. He'd probably be saying the same thing and that is one of the things we're waiting for, and it may, according to the Secretary, be another year until it's completed, are those corridor studies that are being done of I-25 and 599. They're three-step studies and they've been halted right now for data collection issues but when that comes back they're going to be looking at issues such as do we configure the Cerrillos Road intersection? Do we put an interchange at Richards Avenue? If so, if we put an

interchange at Richards Avenue it makes a train station there more usable, if that happens. If we don't put a train station there then that really would just become another city train station in essence.

But I think before we wanted to give direction on any others, we'd really want to see what comes out of those very expensive studies that DOT is conducting. I'll just turn it over to Jack.

MR. KOLKMEYER: I'm in concurrence with you, Commissioner.

CHAIR VIGIL: Commissioner Montoya, did you want to discuss anything further on that?

COMMISSIONER MONTOYA: Mr. Guerrerortiz, is that correct? Should we probably hold off on any further discussion on any other sites until those studies are done for DOT?

MR. GUERRERORTIZ: Madam Chair, Commissioner Montoya, I'm aware that the studies are going on. We don't have the final report yet in place, and it is something that we are working along with the MPO, so we're not ready to say what we're going to do in those two other spots. What is important to keep in mind is that we're not trying to put any pressure on you to make a decision today as to what is going to happen in the near or long-term future. The only concern that we have today is that whatever your decision is made about which station you're selecting at this point. That's something that we need to know so that we can use that as part of the project that we have in progress right now.

We will continue to put our best effort forward in working with you as to what will happen next with the corridor, the I-25 corridor.

COMMISSIONER MONTOYA: Is that study also going to include recommended train sites or train station sites? Or is it just for the overpasses?

MR. GUERRERORTIZ: The study will be broad enough to – because we are always talking about the multi-modal transportation systems. The study will include other issues that have to do with other modes of transportation besides vehicular traffic and onramps on I-25. So there will be references, I presume, as to what other connections or connectors we find for the different spots, for Richards Avenue, Cerrillos Road and further up north.

COMMISSIONER MONTOYA: Okay. Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Other questions, comments? I just want to comment. I'm in agreement with the motion. I think when you look at this as potential regional transportation system rather than an express transportation system, this is a connectivity. This is a hub. This would be a place where we would be able to bring in some northern New Mexican and southern New Mexicans and the growth areas that the county is experiencing as was expressed through the presentation. I do, however, believe that we don't have sufficient information or knowledge to fully discuss option sites beyond this one. But I do think, as I view the county and its growth patterns, that Richards Avenue is



certainly a viable location, because of the growth area, because of the Community College, because of schools being developed there, because of churches being developed there, because that is an area where we have actually approved most of the developments that I'm familiar with while I've been a Commissioner. So that would be viable.

The other option, looking at the Cerrillos/I-25 option, which needs to be considered also because when we start looking at future option, of course now we have a budget item, a line item, that DOT has put aside for some funding for a particular location. We're not guaranteed that that's going to happen in the future, so we may have to form partnerships. We may need to start looking at other options for this. It would be wonderful if DOT would keep us in mind with regard to a future site but I understand how budgets work. The only guarantee we have today and moving forward with this is that there is money for one site. So I'm in agreement with that but I think when we look at future sites there is more information we do need to, as I said, consider forming future partnerships. Perhaps with some of the developments around the I-25/Cerrillos Road or some of those who would be recipients of the transportation benefits around the Richards Avenue.

Anyway, with that, is there any further comment, discussion?

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

MR. KOLKMEYER: Thank you, Madam Chair, Commissioners.

CHAIR VIGIL: What is the will of the Commission? Would they like to recess now for lunch and come back? It is exactly 12:00. Or would you like to move on with the Santa Fe County Treasurer's recommendation for depository financial institution.

COMMISSIONER SULLIVAN: I can go a little further if anyone else can.

CHAIR VIGIL: We'll go to 12:30 then.

COMMISSIONER MONTOYA: Madam Chair, just a point of information. We did not move on the Consent Calendar.

CHAIR VIGIL: Yes, we did.

COMMISSIONER MONTOYA: When.

CHAIR VIGIL: I took a full motion on amendments, tabled and then moved Consent Calendar items outside for the motion we had on the entire item number VI, which included the Consent Calendar. Now, are you requesting that we take a separate action on that?

COMMISSIONER MONTOYA: Well, I believe we need to. Because again, that was for the withdrawals.

CHAIR VIGIL: I think this is about the third time this issue has come up.

COMMISSIONER MONTOYA: It's still the same.

CHAIR VIGIL: So when I announced this morning, I announced A and B - Roman reported on those. Then I requested removal of Consent items and those items were removed. Then I asked for a motion on item VI. A, B and C and I believe the motion was to approve with amendments and we took action on that. Commissioner

Montoya feels like we should take separate action on Consent Calendar which I'm perfectly fine with. It doesn't matter. If you're more comfortable with, Commissioner Montoya, I'll take a motion.

COMMISSIONER CAMPOS: Yes, I agree with Commissioner Montoya.

CHAIR VIGIL: Okay.

COMMISSIONER MONTROYA: Move for approval of the Consent Calendar items that were not withdrawn.

COMMISSIONER CAMPOS: Second.

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

CHAIR VIGIL: I would just ask Legal to clarify if that's necessary, not necessarily now, but in the future you may want to discuss it further with both Commissioner Montoya and myself and Commissioner Campos.

MR. ROSS: Will do.

COMMISSIONER CAMPOS: It's a question of intent. What does the Board intend to do, and if the intent is to approve, that's it. I think Commissioner Montoya is right. We have to vote on the Consent. I think it's in our intent.

MR. ROSS: Madam Chair, one thing we could do to help you is when we prepare the agenda, we could add a D under XI. Approval of Agenda, and that would clarify that we're taking action on the Consent Calendar at that point. I think that would help everybody.

CHAIR VIGIL: I would further say that instead of it being a D, because that wouldn't separate it that much further from items A, B or C, we could add item VII. And then move Approval of Minutes to item VIII. And make the Consent Calendar a separate roman numeral.

MR. ROSS: We could do that. That would work to.

CHAIR VIGIL: I think we're both intending the same so we can do that.

MR. ROSS: The idea would be to take care of it all at the beginning as an administrative matter. We'll work on that.

CHAIR VIGIL: Okay. I think we've accomplished the same ends, just not in the same manner.

MR. ABEYTA: Madam Chair, I don't see the Treasurer here so I would ask that we go into B, Administrative Service Department items.

CHAIR VIGIL: Thank you, Mr. Abeyta.

**XII. B. Administrative Services Department**

**1. Review and Discussion of the Monthly Financial Report for the Month of September 2007 Specific to the General Fund**

MS. MARTINEZ: Madam Chair, Commissioners, this is the first report if you will, that we're intending to give you on a monthly and a quarterly basis. It being September we just went ahead and gave you the quarterly numbers for the general fund report. This is strictly general fund and we summarized revenues and expenditures. So the first column before you will be the budget column, overall, total budget. The next column will be the quarterly budget. Basically, we just take the total budget and divide it by the number of months, and then we compare that to what actually materialized in that first quarter.

I have to apologize because the version that I myself included in this packet was not the final version and there's a math calculation at the end. So the total variance on the revenue side is a negative variance, meaning that actually numbers in some of the revenue line items did not materialize at the level they were budgeted. What we have to keep in mind is that some of these things are very cyclical and driven by certain times of the year where the funds would be collected and property tax is the best example. We'll see the majority of the receipts in December-January and in May-June.

So the biggest determinations in terms of coming in in excess of what was the projected budget, obviously are going to be property tax and GRT as the year materializes. Today, the County gross receipts tax has come in \$400,000 greater than what the first quarter budget was predicted, and the other big one is the investment income. First quarter budget amount was anticipated at \$323,000, and it materialized at \$765,000. So that, in the first quarter, we actually received \$400,000 greater than we had anticipated in our budget plan.

So the top box, if you will is total revenue summary and the lower box is total expenditure summary. And I'll stand for any questions.

CHAIR VIGIL: Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a quick one, Teresa. On the 1/16 increment for the judicial complex, we have a \$273,00 variance to the good, meaning that we had originally projected \$2.4 million for the year and I guess \$600,000 a quarter and we actually collected \$873,000 the first quarter. Are those cyclical also? In other words, do we anticipate at the end of the fiscal year that we'll be right about \$2.4 million?

MS. MARTINEZ: We probably will be higher, Commissioner Sullivan, probably to the tune of three to five percent.

COMMISSIONER SULLIVAN: Three to five percent. Okay. And then on expenses, are you going to talk about that separately?

MS. MARTINEZ: Yes.

COMMISSIONER SULLIVAN: Okay. You're just talking revenues now. That's all I had then.

MS. MARTINEZ: Okay. On the expense side we broke it down by major categories and again, the same format, total budget in the first column, first quarter budget, and then comparing actual expenditures. This is again general fund only and right now we have a first quarter budget of \$11.4 million, and of that, \$645,000 is contractual. Another \$1.9 million is operating expenses. So we'll see that those are probably, along with salary and benefits, the categories that have the larger variance, so first quarter actuals did not materialize at the level of projected budget for the first quarter. So again, some of those expenditures can be cyclical, depending on when the contract may be engaged or operating expenses that could include monthly utilities and maybe your expenditure for the month of September had not yet been processed, so there are various factors that could affect these numbers. And I will stand for questions on the expense side.

CHAIR VIGIL: No further questions? Teresa, thank you for doing this. We really appreciate it.

COMMISSIONER SULLIVAN: Madam Chair, it sounds like we're bringing in more revenue that we anticipated and we're spending less money that we anticipated. Can't hardly beat that, when you get right down to it, right?

CHAIR VIGIL: Until the bills come in. Right, Teresa?

COMMISSIONER SULLIVAN: Till the rest of the bills come in. We won't talk about that now.

CHAIR VIGIL: Mr. Abeyta, are we ready for item B. 2?

MR. ABEYTA: She just walked in for B. 2, so we're ready.

## **XII. B. 2. Updated Status Report on the E-GIS Project**

CHAIR VIGIL: Please proceed.

AMANDA HERGIS (Administrative Services Department): Hi. I'm going to be showing you a power point slide that talks about what we're doing. I have a hard time standing in front of a microphone and talking. I usually wave my arms around. So I was trying to stand here so you all can hear me.

First of all, I want to thank you, Commissioners, for funding the start of our E-GIS project. It's been good to actually have some good financial support and we've been doing some very good things. I want to point out that my slides are in your packet so you can follow along in the packet or you can follow along on your screens on your desk.

First, we're going to talk about the overall plan and I want to walk you through this plan in sort of a narrative to show you kind of the grand vision that we have for GIS and relational databases at the County. Then I'm going to give you some progress to show you what we've done so far with the funding that we have so far, and then talk about our next steps and what requirements those will be in terms of staffing and financing down the road in the years to come. I also want to remind you of why we're doing this project, because as a County, our job is to make decisions that directly affect people's lives, through finances,

health, safety, and we need good data to make those good decisions. This is a process that will enable all of us to make better decisions using integrated geographic data along with all of the other departmental and office data that we have in the County.

If you think about all of our data that we have, most of it relates to where are we in the county. We are – what neighborhood are you in? What are the characteristics? What is your neighborhood like? Can we build a tall house or a short one? This all relates to where. What part of the county do you live in? Where can we provide you with services? So it's all about where.

So I want to step you through the plans, the goal, and then we'll talk about where we are and where we're going. The big picture right now, if you look on the right side of the screen you see all these little disconnected boxes, and these are what I'm picturing as all the departmental databases that don't really talk to each other right now. They're all scattered, independent of each other, and over, lost and alone in the corner, we have our GIS mapping. The result of this is it's very difficult to combine data out of all these different databases and come up with any rational conclusion about anything.

So what we're going to do is build a GIS server – we're calling it our E-GIS server, and this is going to hold what's called a Geo-database, which is just a regular database that has been geographically enabled. This will be accessible to all the different County departments right now that use GIS, either on their own desks or through the online mapping application. Right now we have GIS users in the Assessor's Clerk's Roads, Growth Management, obviously GIS, E-911 Addressing, Fire, Community Projects – all of these departments and office use GIS.

Initially, we're going to be sort of on a script basis uploading our editable data into this database. So people are going to initially continue their current work flow and then we'll pop it up into the server so that probably on a nightly or weekly basis, depending on how often things are edited, and it will be available to everybody as soon as it's edited, which is not the case right now. We're also going to script load in some of the Assessor's data to match up to the parcels. The way the parcels are stored is very simple. We want to add in all the assessment data, all the ownership and land value and all of that, get it in there, so that we can serve that out in an automated fashion and make it quick and easy. Right now this process happens every, maybe three months or so, two or three months. This will make it happen on a nightly basis.

The next step after that will be pointing our existing online mapping to this updated data so that the data on our online maps, that's the ArcIMS maps that you can get to from legend over on the left had side. That will be constantly fresh data. We'll have improved access for our staff, vastly improved access for the public. So it will be great for the public.

And then, what we don't have right now that I want to build is a service-based web application, where a user – this could be you, could be me, someone from the public – goes to this webpage, types in an address or maybe an intersection or a parcel ID, and it brings back all of this geographic data that we have. Because once you know one location

in space you can kind of drill down through all the geographic layers and get all this other information out. So we can tell you, your zoning is this, your Commission district is that. You're in fire district this one and school district that one. If you're in the floodplain, yes or no. What's your road district? So all of those are geographic pieces of information that we can pull out of this GIS server, the geo-database.

Notice that I'm saying that's geographic information that we're pulling out and notice that that lightning bolt does not yet touch those little boxes on the other side. So we're going to improve on that. Let me show you what we're doing to date. Right now we've already got a purchase order in place with a consultant. He's been working on setting up that server, so the test server is installed. The database is installed. We've got some script loading of data going in right now. This is all in test mode right now, and we've got some scripting going on from the Assessor's records in HTE into this GIS server. So that's happening as we speak and we're making good progress with that.

What we'll do after that, with fiscal year 08 funds will be to point our existing ArcIMS Mapping up to that geo-database server and do some further geo-database design. I mentioned that we're on a test server right now so we'll be moving to a production server so we'll have tests and production. It will be failover so it will be available more. If one machine goes down the other one will still be running. And that will happen very soon, after we're done with the testing of what we're doing right now.

Fiscal year 09, my plan is to start building this service-based architecture, service-based website where we're pulling that geographic information out of the geo-database. When you query on it you can come back with all of this geographic information that we store. And then, just to remind you of what's coming down the pike, we also have CAMA and that will be able to tie into this and so the CAMA application, which we're not directly involved with but can directly tie to, will be able to populate this information and with the CAMA we'll be able to add in some of the information on the right side of that website, like the Assessor's data. We could maybe have a list of what was the value this year, the previous year, the previous year. That could be pulled out of the CAMA database.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: What's CAMA?

MS. HERGIS: Commissioner Anaya, CAMA is Computer Aided Mass Appraisal, and it is the package that the Assessor's is currently soliciting for. I wasn't here so I don't know if - you probably are getting a briefing on that today. I think it's on the agenda. So it's the - it's going basically from paper property record cards to a computer based system for more equitably assessing properties and keeping them up to date.

Okay. One of the other things we can do here is this website could have maybe a little map on the page. It could maybe have a photograph of the house. If we have people - any time anybody goes out to a house, like an assessor to go out to inspect, or someone to go out and check on a septic tank or something like that. Whoever goes out there could very easily take with them a digital camera that could stamp a GPS coordinate on it. Or

even just a digital camera and bring it back and say this is where I was, and we could tie that into here as long as we have the matching information. We know which property that photograph goes to.

We also have in the plans an address database which would aid in keeping our data clean. So if you think about it now, if you want to go find a property in all these various databases and it's by address, you may have to type in Camino Rael, or Cam. Rael, or just Rael – it's stored in all these different databases in all these different spellings and misspellings and abbreviations. And once we have a master address database where all of the road names and all of the allowable address ranges on that road are in there, we can tie that in to all of this, maybe have a pick list. Instead of someone typing in an address they would query this address database, find the correct spelling, the correct address range and copy-paste or there are a lot of ways to get that in there.

So the plan in fiscal year 10 is to get this address database tied in and also, I'm thinking that's when it would be the easiest to pull in data from all of these other databases too. Once we have clean data being cleaned up by this address database, being cleaned up by the CAMA, other things like that, we can pull these other informations into this service-oriented webpage. So at that point, all of the data talks to each other and we all make better decisions in a more integrated fashion.

Do you have any questions on all of that? Does that make sense?

COMMISSIONER MONTOYA: Madam Chair, just regarding the sequence of fiscal years, is this being done primarily because of budget purposes?

MS. HERGIS: Yes, Commissioner Montoya. I was thinking that budgetary reasons would probably drive this. Additionally you remember that the County commissioned a plan, a study, from Weston Solutions, and I'll show you in a couple slides. The Weston plan broke this project up into I believe a six-year cycle or a six-year plan and with certain budgetary numbers through the plan. I've taken that six-year plan and compressed it somewhat and slid their budgetary projections around. So right now, this is certainly up for discussion. Obviously, we've got fiscal year 08 fairly well set in stone but depending on what we want to do and where we want to go with this and how much money you want to throw at it, it could be accelerated. But anytime you want to accelerate a project you need to throw a lot more money at it.

COMMISSIONER MONTOYA: Which could in the long run kind of cut down costs, couldn't it?

MS. HERGIS: I think in the long run it certainly could and because right now it's taking a lot of time to query all these databases and come up with an answer that a manager or that you the Commission might want. So by integrating these databases we cut down the time and if you consider time is money then – and also making a better decision in the long run saves you money because of liability reasons, because of – if you don't have all the data you might make a costly mistake.

Let me show you a couple more slides here and that may get a little more to your answer. So this is showing you what's required. We've got a few things that are required.

In the middle here I'd say we need clean data, and that means those mismatched addresses that are typed eight different ways and spelled eight different ways, and also the UPC code, which is the unique parcel identifier, so every parcel has a unique number, and that would be the UPC. And say you're issuing a building permit, or you're hooking up somebody for utilities or recording a document. If all of those transactions were also stamped with the UPC in some way, it's in a field or whatever, that's one way to query all of these databases, by having that matching number.

So if you think about how to query all these databases, if you think about you, your number is your Social Security number. We can query your doctor, your medical insurance, your employer, your bank account, your mortgage, all of those, by your Social Security number. If we didn't have those matching numbers it would be more difficult to query all those databases which is why we need to keep it careful. But in this case the matching number in most cases for parcel-based queries it would be the UPC, the parcel identifier. A more easy unique identifier is an address; people tend to know their address and they tend not to know their parcel identifier.

It also is going to require some work flow analysis and retraining of people, probably, to encourage them to put that UPC or whatever it is we're using as a unique identifier. Also it's going to require some IT resources, so a database administrator, usually shortened to DBA, and some business analysts to understand the data that's in these different databases and understand how to hook into them and get out the information that we want.

These FTE or contract people are also in the IT strategic plan and also in the GIS staffing plan that Agnes Lopez and I both have supplied to Roman. So we've got some plans going out into the future about staffing for all of this. It also requires some servers, some server room electrical upgrades, potentially, just because you add more servers you need more electricity.

So here is the original dollar numbers from the Weston plan and they included just consulting dollars. I added in also hardware, software and training dollars, because those are obviously also necessary. And just to find you the numbers, but I think the total on that over the five years was \$700,000. And what I'm proposing now is a four-year time frame and the total number on that is actually less, about \$650,000. One of the tasks that the Weston study identified was creating a zoning map and a zoning layer and we are in the process of doing that right now with the Land Use Department now cooperatively. So that's kind of close to done. It goes along the same time frame as the Land Use Code rewrite.

So basically, this year 08 we've been funded. In the capital plan we got \$165,000, so that was fantastic. Thank you very much. And then here are those numbers kind of slid around. This is just sort of a discussion point. This is based on the March 2005 report by Weston and so these numbers may change based on what you guys want to do, what consulting costs and what other needs come up in the County financially. This also is a reminder that we just continue to need some good staff for this and we have some really



good staff. On the slide, the bottom right and left items circled in red are the IT stuff for this. Then we have some GIS data specialists, GIS analysts, programmers potentially down the road, and it's also a reminder, that little stack of data resources in the middle is a reminder that this is not just the GIS focus, it's also all of the people in all the departments who are putting data in on a daily basis, recording documents, issuing building permits, utility billing – all of those people are putting data into the system and they all support the entire enterprise GIS vision of where we want to go. So it takes a lot of people to get this kind of thing done.

So just as a recap, although we've done some wonderful things with GIS lately, which includes using the orthophotos to find missing assessments, to plan roads, to plan new trails, things like that, it also takes a long time to sift through these various databases and get information out that the management and the Commission wants to see. We have some scattered, messy, incomplete data, not just in the maps but also in the various departmental office databases. And the core competency of GIS is to bring all of these databases together and analyze them to come up with new information and make better decisions. So without all these connections we're sort of hampered in that regard. Once we get all of this set up it will be much, much faster. If you need information you can go to one place, query one application, come up with an answer about a lot of different things. This is my property, what's my zoning, my fire district, my school district, who's my Commissioner so I can call and complain that my road hasn't been plowed, and things like that.

And instead of taking weeks to produce informational maps for the management or the Commission, maybe it's only going to take an hour or two to make these nifty maps, like for the growth management. You may have heard that that was kind of a difficult process to pull all that information together. Then once we have this integrated GIS thing going on we can do that analysis to come up with better decisions. So the main point here is what we really want to do as a County is to make better decisions, integrated with all of the information that we have, and integrated with all the different departments so we can have a big picture view of what's the best decision to make in whatever situation, how to apply that decision fairly and equitably to all our citizens, and come up with a good answer that's going to save us time and money in the long run.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: How old is that Weston study?

MS. HERGIS: Commissioner, the final study was delivered to – or I think it's kind of the final draft was delivered to the County in, I believe, March 2006.

COMMISSIONER MONTOYA: Okay. So a little over a year ago.

MS. HERGIS: Yes.

COMMISSIONER MONTOYA: I think, Madam Chair, one of the things, when it did come out was the sequence of the timing of how this is going to be implemented. I think, and I discussed this with our previous manager and Roman, I want

to ask you too, is there any way that we can expedite this based on the funding that's being required and where we're at so that we can get this in a quicker time frame than what's being proposed?

MR. ABEYTA: Madam Chair, Commissioner Montoya, we can take a look at that, but like anything, what's going to happen is it's going to then take away from other priorities that the Commission may have. But when we do have these discussions we'll bring you what Amanda is proposing plus a consolidated plan. And then we just take a look at the priorities and we decide which way to do it, but we can definitely put something together that does that.

COMMISSIONER MONTOYA: Madam Chair, I think this is critical in terms of Santa Fe and producing services that are quality services. We're a Class A county now. We need to start acting like a Class A county and this is part of it.

CHAIR VIGIL: I think I agree with Commissioner Montoya. As much as we can look into expediting this. I know that it is a critical piece of information before other decisions are made. I have a question for you. What the capacity of this is – one of the pieces of information that I think would be useful to the Commission is to know who's on wells and who's on community water systems. Is that a piece of information that could be input for the property owner that we would also have access to?

MS. HERGIS: Commissioner, yes. When you integrate geographic data like that you can essentially picture them as a bunch of plastic overlays that all match in space, and if you query a place in space, such as a parcel, you can also sort of drill down to those layers to find out what else do we know about that place in space, such as what wells are on the property, how deep is the well, what's the depth to the water table when the well was drilled. You can also make the assumption that if there's a domestic well there's also a septic so you can take a look at your potential impact on groundwater from septic systems. Does that answer your question?

CHAIR VIGIL: Yes, it does. I'd like to direct staff to discuss that as an option for this database because I think I personally perceive a lot of value to doing that but there may be some drawbacks or issues that I haven't heard about with regard to that. So if that could be made a part of this database gathering I think it would help not only this Commission but future Commissioners to do the analysis that needs to be done and when they're looking forward on moving towards utilities, services or water infrastructure that needs to be done I think it's able to identify areas of most need at minimum.

MS. HERGIS: I do believe that that's one of the things they're looking at in the growth management plan right now, in the various regions. The well information comes from the Office of the State Engineer, so we're essentially grabbing data that the state is collecting. But the beauty of that is that we can integrate it with our existing data.

CHAIR VIGIL: Thank you. Any further questions?

COMMISSIONER MONTOYA: Madam Chair, will this potentially clean up our maps that right now we have some – the different zoning that we have cutting right through the middle of a property, for example?

MS. HERGIS: Commissioner Montoya, the clean up of the maps and the zoning I think are related but a little different. The zoning cutting through the middle of the property is in some cases based on a hydrologic model and hydrology doesn't follow property lines, so the decision needs to be made there about how are you going to draw a zoning line. Then regarding the cleaning up of other maps - yes. Any time you do this kind of a process you're going to be having more eyeballs looking at the maps and more people saying, Hey, I know that's my property and that's not quite right. And then our job is to say, Wow. Thanks for noticing. We'll fix it. And we'll fix it. And then as time moves on, the more people who access this data and the more eyes we have, essentially being free quality control checkers, and the more we're responsive to that kind of constructive criticism the better our maps will be. So I guess the short answer is yes, this will fix a lot of those problems. The zoning is another issue all together.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIR VIGIL: Thank you. Thank you very much. Very informative presentation. Roman, the next item is the CAMA system. How much time does that need? Because it's only a report. I don't think we have to take action.

MR. ABEYTA: No, we could do it probably in three, four minutes.

**XII. B. 3. Update on RFP No. 27-1910-AS/RM, Computer Assisted Mass Appraisal (CAMA) System, Software and Services for Santa Fe County**

RICHARD MARTINEZ (Purchasing Division): Madam Chair, Commissioners, good afternoon. Roman and Pete have asked me to provide a very brief update on the CAMA RFP, as Amanda slightly touched on, just I want to read this directly out of the RFP. Santa Fe County Assessor's office, in conjunction with several other County departments including Purchasing put together an RFP and we issued that RFP out on July 1<sup>st</sup>. I'm reading this directly out of the RFP. Santa Fe County is seeking proposals from perspective offerors for the customization and installation of a Computer Assisted Mass Appraisal System integrated with GIS parcel editing. This system must provide the essential features required to perform the County's property tax appraisal process, including but not limited to data management, evaluation analysis, performance analysis, reports and administration.

As a result of the RFP, up to date, on September 13<sup>th</sup> we received five proposals in response to the RFP. Those offerors who submitted proposals were Colorado Customware, Tyler Technologies, Apologix, SunGard HTE and Manatron, Incorporated. Written evaluations were conducted two weeks after receipt of the proposals. Last week we actually interviewed the top two finalists. Those two top finalists were Manatron, Incorporated and Tyler Technologies.

Where we are at today is I'm currently in the process of totaling up the points

between the written evaluations and the demonstrations, again which occurred last Wednesday, Thursday. What we are hoping to do is have the scores totaled no later than the end of this week with notification to the highest rated offeror and trying to set up negotiations at some point next week. The RFP schedule suggested that we would conduct negotiations and attempt to finalize a contract in the month of November. We are very much on schedule for hopefully recommending contract award in the last BCC in November. Again, everything going smoothly with setting up negotiations with the highest rated offeror by next week and negotiations going smoothly as well.

Currently that's where we are at with the solicitation. If there are any questions in relation to the RFP, go right ahead.

CHAIR VIGIL: Is GIS part of the evaluation team?

MR. MARTINEZ: Madam Chair, yes. GIS, IT, we have folks from the Assessor's, Treasurer's and I believe that is it.

CHAIR VIGIL: Okay. Thank you. Commissioner Montoya

COMMISSIONER MONTOYA: Madam Chair, regarding those companies, are they New Mexico companies?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, none of the firms who provided proposals are from New Mexico. These are all out of state firms.

COMMISSIONER MONTOYA: Oh, okay. There are no local companies that do that, I guess.

MR. MARTINEZ: Madam Chair, Commissioner Montoya, no. Not understanding fully the technical aspect of the system I don't know if these firms, based on their submittals, they have a lot of experience outside of state. HTE of course has experience here in New Mexico. We currently utilize some of their modules here within the County. I do not recall - I believe Tyler Technologies may also be the only other firm that may have some experience here in New Mexico. But actually all five of them are from out of state.

COMMISSIONER MONTOYA: Okay. Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions? Seeing, hearing none, thank you very much Mr. Martinez.

MR. MARTINEZ: Thank you.

CHAIR VIGIL: We're going to go ahead and recess and reconvene as the Board of Finance. It is not 12:20. What's the pleasure of the Commission? Shall we come back at 1:30? 2:00? I know we have a long executive session.

COMMISSIONER CAMPOS: Two o'clock.

CHAIR VIGIL: Two o'clock. We will reconvene as the Board of Finance at 2:00. Thanks.

[The Commission recessed from 12:20 to 2:25.]

## XII. STAFF AND ELECTED OFFICIALS' ITEMS

### A. Santa Fe County Board of Finance

1. **Resolution No. 2007178. A Resolution Designating Wells Fargo Bank to Become a Depository Financial Institution for Santa Fe County as Outlined in the County's Investment Policy, Resolution No. 2007 - 102. This Would Allow the Treasurer's Office to Invest Surplus Funds (Not Required to Meet Short Term Obligations). All Allowed Investments will be Secured by Collateral or Letter Credit Issued By Federal Home Loan Bank**

CHAIR VIGIL: I'm going to call this meeting of the Board of County Commissioners back to order. We are on item XII. A. 1 I need a motion to go into session as the Board of Finance.

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

**The motion to approve Resolution 2007-178 passed by unanimous [4-0] voice vote.** [Commissioner Montoya was not present for this action.]

VICTOR MONTOYA (County Treasurer): Good afternoon, Commissioners.

CHAIR VIGIL: Good afternoon, County Treasurer.

MR. MONTOYA: As you know, the Investment Committee met regarding Wells Fargo's application to become a financial depository institution, and it was the recommendation of the committee that we continue the process and present them to the County Board of Finance for approval and at this time I have three people from Wells Fargo Bank. I have Elena Garcia and Pat Nye and Larry Lumburg from Wells Fargo. They're here to answer any questions or make a brief presentation, if that's okay with you, Commissioner.

CHAIR VIGIL: Let me ask if there's questions at this point in time.  
Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Montoya, right now, who is holding this position? What bank is holding the position that you're looking for replacement.

MR. MONTOYA: We're not replacing a bank. We would just be adding on another financial depository institution. This is just for the purpose of allowing us to place some excess funds with other banks, other than the ones the Commissioners previously approved.

COMMISSIONER CAMPOS: So how many depositories do you have presently?

MR. MONTOYA: Two right now, Commissioner. We have Los Alamos National Bank and we have of course our custody bank, which is First Community Bank.

So if you approve Wells Fargo this would be our third one.

COMMISSIONER CAMPOS: Thank you, Madam Chair.

CHAIR VIGIL: Further questions for County Treasurer Montoya.

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Montoya, it says Wells Fargo Bank, N.A., is the only bank in the US and one of the only two banks worldwide to have the highest credit rating from both Moody's Investment Service. What does that mean? And who's the other bank?

MR. MONTOYA: Larry, can you answer that? Or Elena?

ELENA GARCIA: Hi. Thank you for having us, County Commissioners. My name is Elena Garcia. I work with the specialty markets group out of Albuquerque, New Mexico. We specifically work with public fund entities throughout New Mexico. To address the question that Commissioner Anaya asked, the AAA rating is that Moody's and Standards and Poors will go through bank ratings as far as assets, contributions, equity, things of that sort, and they'll rate the banks based on that. And we were, up until I think it was several months ago, the only bank that was AAA rated.

COMMISSIONER ANAYA: And who's - because it says there's two.

MS. GARCIA: Right. After the fact, now there are two. Now the second bank is Bank of America.

COMMISSIONER ANAYA: Oh. Bank of America. And now Wells Fargo.

MS. GARCIA: Well, Wells Fargo was the only bank and now they added Bank of America.

COMMISSIONER ANAYA: I guess this question would go to Victor. How did you select Wells Fargo?

MR. MONTOYA: Commissioner, actually, in our investment policy we have an application process for banks to apply for that designation and they just called and we're looking for business and I told them that the only way we could do it would be if we underwent the process in our policy, our investment policy that we have. And so I provided them with a copy of the investment policy and then they prepared the application and provided all of this information that we presented to you today. The presented that information to the Investment Committee and I handed out these same binders with this information to everybody on the Investment Committee and everybody reviewed it and we discussed it. We asked them questions because we had them make their presentation to the Investment Committee first, and at that time we decided the following month to continue with the process.

There's nothing for us to lose because we can either choose to fund them with some of our surplus funds if they can offer a competitive rate and if they cannot give us a good competitive rate we don't have to place any money with them. So it's just another option for us to have in terms of our distributing funds from the County, what we have. Right now we're going into our peak tax collection period so we're going to have a lot of excess funds for a while. We can make this as short a term as we want or as long as we think we

want to have them.

COMMISSIONER ANAYA: And were there other banks involved in this process, given a binder to look at? Or was it just Wells?

MR. MONTOYA: Right now, Commissioner, as I stated before, we have done this with Los Alamos National and we've also done it with our custody bank, which is First Community Bank. But this option is available to any bank and I try to, if I have a lot of money that's laying around uninvested, I try to - I'm just always looking to see if we can get a better yield on our money. So any bank within the county is eligible, or that has a branch within the county is eligible. I believe we even looked at somebody from Espanola before but they were not within the county and they're a very local bank and they don't have a branch within the county, so that is one reason why they were not able to get this same designation.

But if any bank that's in the county wants to apply for this they certainly can do it. It will go through the same process. It will go through the Investment Committee. And then if the Investment Committee decides to present it to the County Board of Finance then they will do that and you will have the same opportunity to either approve them or not approve them.

COMMISSIONER ANAYA: Thank you, Victor. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions for Victor? I represent the Board of County Commissioners on the Investment Committee as chair and I participated in at least one of the presentations and reviewed this, and I think the consensus was with the Investment Committee and correct me if I'm not representing it appropriately, was that diversifying is also part of our investment policy and this would allow our County Treasurer the opportunity to diversify, to look at competitive rates and to be able to invest appropriately with those rates.

MR. MONTOYA: That's correct, Chairperson Vigil.

CHAIR VIGIL: Thank you.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Kind of along the lines of what Commissioner Anaya was saying, should we then open it up to other banks?

MR. MONTOYA: Yes, Commissioner. Any bank within the county or any branch within the county is free to apply. I probably should go out and maybe solicit more.

COMMISSIONER MONTOYA: They applied because they came to you?

MR. MONTOYA: Yes. And that's the way our investment policy is geared, but they have to do a formal application process and provide the information that's listed on the investment policy, and then we present it again to the Investment Committee. And if they decide, we as a group decide that it has merit then we'll present it to the County Board of Finance for approval.

COMMISSIONER MONTOYA: Yes, I guess, Madam Chair, I would just encourage us then as the Board of Finance to look at other institutions as well, particularly

local ones. I guess I have this bias and preference – nothing against the people from Wells Fargo but if we can keep our money in our community that’s certainly my preference as much as possible. So that’s kind of where I’m at.

MR. MONTOYA: Commissioner Vigil, Commissioner Montoya, I just want to let you know, we’ve done really, really well with Los Alamos National Bank, and just to give you an idea, we received – of course the instruments will be maturing and the yields won’t be as high but right now we’re receiving from that bank alone in investment income about \$83,000 a month, which is almost a million dollars a year. And that money is lent out by Los Alamos for construction loans, automobile loans, all of that stuff, which helps our economy and I understand that.

COMMISSIONER MONTOYA: Thank you.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question for the Wells Fargo reps. In looking over your materials under the Community Reinvestment Act, the materials on page 25, I see that you’ve done a lot of things in helping underserved areas in San Diego, a quarter million dollar investment in Native American connections in the state of Arizona to provide housing and education and help. Minneapolis art space projects. Rehabilitation, a contribution of \$10,000 to Navajo Mountain, Utah and pre-tax preparation in Boise, Idaho. Also some work with the construction trades union in Seattle. I guess my question is, what about – and something also in Boston, Boston Cares, Corporate Volunteer Day. What about Santa Fe? I don’t read anything here in Santa Fe? What type of community outreach and community reinvestment are you doing in Santa Fe County?

MS. GARCIA: Commissioner Sullivan, I did bring along Pat Nye with our Community Development Division and I think that she can probably better address that because she works directly with the community involvement with some of our communities so I’ll ask Pat to come up and maybe see if she can answer some questions for you.

PAT NYE: Good afternoon. My name is Patricia Nye; I go by Pat. I’m the Community Development officer for Wells Fargo and I cover the state of New Mexico, based in Albuquerque. I believe in your binder, and I’m not sure what page, if it has page numbers, but there should be a document that refers to Wells Fargo investing in New Mexico.

CHAIR VIGIL: Index 4.

MS. NYE: Okay, and so we included a couple different items in your binder. One is what we call our Corporate Citizenship Report for 2006 and I believe that’s what you were referring to. Part of the materials are about that but the document that refers to Wells Fargo investing in New Mexico specifically refers to what we have done throughout the state. As an example of investments that we have made in, in particular in Santa Fe County, we’re a strong supporter of Habitat for Humanity as a company, and within New Mexico we have done a number of sponsorships for Habitat homes, including in Santa Fe. Over the past we have done different sponsorships for the Santa Fe Habitat. This year we have approved a \$10,000 partnership for a Habitat home here in the City of



Santa Fe as an example.

Other examples of investments that we have done in Santa Fe, we have a Community Development Corporation that looks to the local markets to refer business, so we have done a tax credit investment in a low-income housing tax credit apartment complex here in Santa Fe. We also work with the affordable housing organizations such as HomeWise. A few years ago Wells Fargo did a \$250,000 – what we call an equity equivalent investment. We refer to them as EQ-2's, and that was an investment at two percent for ten years for them to help fund their affordable housing initiative.

Also within the company we have a portfolio mortgage product that the bank in New Mexico holds on their books that we call Wells Fargo Community Development Mortgage program, and that specifically helps families that are under 80 percent of the area median income to purchase homes. That product is at 100 percent loan to value, no private mortgage insurance, and a half a percent below the market rate at a fixed rate only. So we offer that in Santa Fe and we have done a number of those loans in Santa Fe as well as what we call a neighborhood option that allows for properties within low or moderate income areas to be purchased under that program.

So those are some examples of things that we have done specifically in the Santa Fe area to help support the community.

COMMISSIONER SULLIVAN: Thank you. That certainly sounds impressive. You talk about in New Mexico having about 17 investments totaling \$29 million, how much of that would you say is in Santa Fe County? Just roughly speaking.

MS. NYE: In Santa Fe what we have is about \$1.2 million. That's the investment in the low-income housing apartment here.

COMMISSIONER SULLIVAN: Okay. Well, we'd like to see more.

MS. NYE: And I would certainly like to see more as well, so I'd be happy to speak with anyone that knows of an opportunity because that's part of my role is to be looking for the opportunities and to get them to the right area in our company to make things happen.

COMMISSIONER SULLIVAN: Well, we're just doing right now a comprehensive study, affordable housing study, to see how Santa Fe County can invest some of the money it has into market affordable housing and it's being done by Suby Bowden. I don't know if you know her or not, an architectural planning firm here in town. So I'd encourage you to visit with her and see from the financial end what kind of information and experience you can provide to them. They're just finishing up the data collection phase of this study, which will go on into next year. They're going to be reporting on financial partnerships and tools in the kit, they call them, that we can use to strengthen our affordable housing, especially the Mortgage Finance Authority and entities like that that are already in place. But I think beyond that it's heavily reliant on the private sector and that means heavily reliant on private sector financing.

MS. NYE: Right. And I appreciate that and I'll certainly follow up on that opportunity. I am the chair in Albuquerque for the City of Albuquerque's Affordable

Housing Committee there, so I've been working throughout this year because our City Council and the Mayor approved the workforce housing plan, so I have a lot of familiarity with the issues around affordable housing and I certainly appreciate those in Santa Fe County as well.

COMMISSIONER SULLIVAN: And how many offices do you have in Santa Fe County?

MS. NYE: We have ten locations, bank branches in Santa Fe.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I wrote down two other programs that you could probably look into and that is our 4-H program in Santa Fe County and our senior centers. If there's any way you could help them out, appreciate it.

MS. NYE: Okay. I know we're a strong supporter, as an example, of the junior livestock sale. I know a lot of the 40H youth participate in that and we support that every year at the state fair. And I know the seniors are a growing population. That's certainly appreciated.

COMMISSIONER ANAYA: Thank you, Pat.

CHAIR VIGIL: Further questions, comments?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Just regarding those organizations, more or less what dollar amounts are we looking at in terms of the support that has been provided in Santa Fe County to and through these organizations?

MS. NYE: Our contributions, support, usually ranges from \$1,000 to \$10,000, is the average amount that we provide. We are a strong supporter of the United Way, the Buckaroo Ball, that is a multi-organizational support structure and help divide out the funds that way.

COMMISSIONER MONTOYA: So it's anywhere from \$1,000 to \$10,000 per organization.

MS. NYE: Right. And we take our contribution requests - we have an open process, so we take requests for contributions throughout the year from organizations. We don't have a set cycle or anything like that. And we do have a separate housing foundation which is unique to most financial institutions that specifically addresses the requests for things like Habitat builds or affordable housing, non-profits that are doing homeownership projects.

COMMISSIONER MONTOYA: Okay. Thank you.

MS. NYE: Thank you very much.

CHAIR VIGIL: Pat, with United Way, I see that you all participate in the pancakes on the plaza, but I didn't see them identified as one of the organizations that receive disbursements. Do you just support United Way through pancakes on the plaza?

MS. NYE: No, we have a community support campaign throughout the fall related to that, so I think that one is a few years old. Probably we need to update that information. But we have a process where all our bank employees throughout our regions can do payroll deductions direct. They can designate the specific non-profit as well as United Way for the general fund as well.

CHAIR VIGIL: And when the employee deduction program is in place, do those employees who dedicate part of their salary to the United Way, does that stay in Santa Fe or does it go to United Way in Albuquerque? Do you know?

MS. NYE: We have specific campaigns for every community that we're in. So if you're in Santa Fe then the United Way campaign goes to your United Way here in Santa Fe County.

CHAIR VIGIL: Thank you, Pat.

MS. NYE: Thank you.

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

COMMISSIONER SULLIVAN: Move for approval.

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

COMMISSIONER ANAYA: Second.

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

MR. MONTROYA: Okay. Thank you very much, Commissioners.

CHAIR VIGIL: I need a motion to come out of the Board of Finance.

COMMISSIONER MONTROYA: Motion to adjourn.

COMMISSIONER SULLIVAN: Second.

**The motion to come out of session as the Board of Finance and reconvene in regular session passed by unanimous [5-0] voice vote.**

**XII. C. Growth Management**

- 1. Update from the County Water Resource Specialist on the Status of the County Water Conservation Program, Including Community Outreach, Well Metering, Outdoor and Indoor Water Conservation. Update will Include Status of Current Programs, Planned Improvements and Incentives**

CHAIR VIGIL: Who will take the lead on this? Mr. Kolkmeier.

MR. KOLKMEYER: Thank you. Before the break somebody from the audience asked if there was any intended resemblance of the pumpkins that are underneath each of you and I simply could only say I didn't know but now that I'm looking at it -

COMMISSIONER MONTROYA: The only ones are those five over there. There's some resemblance.

CHAIR VIGIL: Except they forgot to comb my hair.

MR. KOLKMEYER: Thank you, Madam Chair. It's always a pleasure to introduce new employees in our department and this afternoon it's a pleasure for me to introduce one of our newest employees, Laurie Trevizo, who is our water resource specialist, and she will be doing the water conservation ordinance update for you this afternoon and with that I would like for you to welcome Laurie Trevizo.

COMMISSIONER ANAYA: Welcome.

CHAIR VIGIL: Welcome, Laurie.

LAURIE TREVIZO (Water Conservation Specialist): Hello. As Jack said, I'm Laurie Trevizo and I've met just a few of you, so now I can formally introduce myself. I'm going to give you an update on the water conservation program. I was hired August 13<sup>th</sup> of this year. I have a bachelors degree in geology and a masters degree in geology, with an emphasis on hydrology. After I obtained my masters degree I started to work for the New Mexico Environment Department in their hazardous waste bureau, the team member that regulated LANL, and after that I worked for an environmental consulting firm and our main client was the New Mexico Army National Guard and we did environmental compliance for them.

For this presentation I'm going to give you an update on the current status of this program as well as how we would like to implement the future changes. The ordinance was 2002-13 and it consists of the commercial retrofit program, the domestic well metering program, conservation, which includes signage and literature distribution, public education and outreach. There are several other ordinances which include restaurant, lodging and conservation signage, instant hot water devices, and those were submitted to you - actually Shelley gave you those. *[Exhibit 1]*

The commercial retrofit program was implemented in 2004 and it includes toilets and urinals must be low-flow, faucets must be fitted with aerators, shower heads must be low-flow. The program does not include home-based businesses. In 2004 letter to 816 businesses were sent out. So since 2004, 630 businesses have not responded, but actually I got an update yesterday about that program and it seems that over half the businesses have complied and the database that I was looking at is somewhat old. Follow-up letters to businesses that haven't complied will be mailed by May of 2008. We'd also like to create a page on the website that contains downloadable forms that can be faxed or submitted electronically.

Other future steps include when businesses receive their licenses they will receive a letter regarding the ordinance and the retrofit program and when new businesses receive their licenses they will be required to sign a compliance letter for this program.

Another program is the domestic well metering. Information has been gathered since 2005 on the building and development permit applications. This only applies to properties that have wells with water restrictions recorded on their plats. The information

on the permits includes water restrictions, well meters, serial numbers, and the current water meter reading. The standard operating procedure for this program is that copies of the permits are distributed to the water resource specialist, and previously the County Hydrologist, and previously there was a water conservation person. Information has been gathered from those permits and entered into the database. This was a Microsoft access database that can generate letters, postcards and labels. Currently, there are about 250 wells entered into the database and approximately 200 permits that need to be entered in my office and apparently there are quite a few that need to be entered in utilities.

This is what an example of the development permit and the location of where that information is gathered.

So for the future, for the domestic well metering program we'd like to train County employees on the Microsoft access database and once employees are trained then notifications about well meter readings can be sent out to the property owners. Press releases will be in the newspaper to make constituents aware that their meter reading is required. I would also to create a webpage on our website where constituents can enter their annual well meter readers electronically, and we'd like to educate the public on how to correctly read their meter, and this information will also be available on the website. So far I've attended the website update and enhancement meetings to implement this change, and we'd also like to incorporate new well information from development review submittals.

Letters will be mailed out to all persons within the database by January of 2008 and we'd like to link this database to GIS, which will help Code Enforcement and we would like to create a spatial database. We'd also like to include a water conservation fridge magnet just as a reminder, so that they can know when, what time of year to submit their water meter readings. So far I have received phone calls and letters for people already submitting their information.

There is an enforcement component to this particular section, and basically, if you exceed your water meter usage or allotted usage, then you'll be notified and provided with water conservation educational material, and there's a list of violations that is associated with that as well.

So public outreach and education program - so far we've participated in the Santa Fe Green Building Expo, which was September 29<sup>th</sup> and 30<sup>th</sup> of this year. We also had an informational booth at Whole Foods last Friday. During that time we distributed educational information, water conservation ordinances and water harvesting guidelines. During that time we answered questions about water conservation, land development, permits, and we fielded a few complaints.

For the future we would like to have the booth at Whole Foods as a regular, maybe seasonal, quarterly event that would coincide - they have several sustainable and green meetings and events, and those would coincide with those nicely, I think. And I talked to Whole Foods and they're willing to help us out with that.

We also have another planned event with the City of Santa Fe coming up next

Monday, this coming Monday in Albuquerque, sponsored by the New Mexico Water Conservation Alliance. The New Mexico Environment Department Water Quality Fair, where we're going to do water quality testing of the Cerrillos and Galisteo areas. That's planned for November 17<sup>th</sup>. Participants will also be asked to bring in their water meter reading information.

This is an example of the flier that I put together. I gave you a better flier, an official flier in your little packet, or Shelley did. So we have a few children's events also planned. I've set up a mentoring program with the Santa Fe Alliance for Science, and those events should be planned for early 2008, some time next year. I don't have an official date on those. I've also contacted the Pojoaque School District and the Children's Museum, and currently we are participating in the New Mexico Children's Water Festival, which is April 16<sup>th</sup> and 17<sup>th</sup> of this year.

In the future we'd like to hold a contest to design a mascot for the County Water Conservation program. The City has sort of a mascot too and we'd kind of like to go ahead and have a mascot of our own. We'd also like to host a teachers' workshop on water conservation. New handout and educational materials are needed. These include rain gauges, coloring books, stickers, pencils, crayons, things that we can give out. Materials will be available to download on the website in case some teachers aren't available to get this information.

I'd also like to contact local radio stations for public service announcements, and hopefully do a public service announcement commercial that would stress the importance of water conservation that can be aired during BCC meetings. I'd also like to have signage located in high traffic areas such as Eldorado bus line, which is operated by the County.

The commercial water conservation program consists mostly of restaurants and lodging facilities, and lodging establishments must display water conservation information to guests. There's several fact sheets available on the website. Restaurants must display table tents informing customers that water is served upon request. So for restaurants, table tents were distributed in 2005. We'd like to update those materials and hand some more out by May of 2008. And again, lodging facilities received notifications in 2005 and we'd like to update those materials as well and try and get them out by May of 2008.

For the future we'd like to update all of the water conservation signage. Shelley gave you a couple of the brochures that we're using now. I'd like to update those and have them a little more eye-appealing, visually a little bit nicer. Anyway, we'd like to visit businesses to distribute this new literature and we need to obtain a list of lodging facilities from the Finance Department or our business permit specialist here in Growth Management. We'd also like to create water conservation literature for landscaping because we don't have anything like that right now. We'd like to distribute the public restroom signs with business licenses just to save on time so that we don't have to visit every restaurant out there. We'd like to create an interactive website where businesses can put in the amount of water they believe they're using and it will tell them how many patrons they have and then it will tell you how many gallons.

We'd also like to include information on the commercial retrofit and well meter reading programs in those letters.

The instant hot water recirculating device program – homeowners receive an affidavit when applying for a development permit. The affidavit has been signed, notarized and kept in the Growth Management Division, Land Use Permits Department file. And only 2007 permits are kept on site. Older records are archived.

Funding – this position hasn't been filled for two years and funding has been reallocated for other uses. Funding is needed to buy educational materials and update the brochures, things to hand out, such as bags, pencils, key chains and water bottles. Once the fee ordinance is in place, funding could be generated from those fees and set aside for the water conservation program.

That's all I have right now. Thank you.

CHAIR VIGIL: Thank you, Laurie. Questions? Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Trevizo, you presented information suggesting that a number of businesses have not responded to our notice. Our notice basically advised them of what our requirements were? As far as water conservation, fixtures, etc.

MS. TREVIZO: Yes, the notice did inform them that their toilets should be 1.6 gallons, those types of things.

COMMISSIONER CAMPOS: Were they required to respond, and if so what types of responses were you expecting?

MS. TREVIZO: They were required to respond and from the information that I've looked at, which was done in 2005, there was an Excel spreadsheet that had a list of whether or not they complied with that. So that was where I got those numbers of 816 letters sent out and 630 hadn't responded. But, like I said, as of yesterday, from other County employees, I did learn that that program has been completed or is near completion.

COMMISSIONER CAMPOS: What do you do with a non-responsive business? Do you follow up with letters? Do you send someone out there?

MS. TREVIZO: From what I understand Code Enforcement will be sent out to check on those things.

COMMISSIONER CAMPOS: They are being sent out or is this –

MS. TREVIZO: They were in 2005, but as of right now, I'll have to look at the database we have so far. Because like I said, I just got information yesterday that that program is near completion.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think you have a lot of great ideas here.

MS. TREVIZO: Thank you.

COMMISSIONER SULLIVAN: It's kind of like where to start? There's so many things that you can do and many are not really expensive things but are important things to get out to the public. Just a couple of suggestions I would make. I think once you

get these materials assembled in the packet here, that would be a good thing to distribute to our new satellite offices, because they could hand out information on water conservation and potential developer inquiries and things like that that you have here and that would be I think quite useful.

Another thing that I noticed is a lot of times we focus on the penalties and are the penalties enough to ensure compliance. But I think what's more effective is simply awareness and comparison. For example, if in those letters that we send out to people saying you're exceeding the .25 acre-feet or whatever the amount is in their permit, I find that bar graphs are very explanatory for people. PNM uses them on their gas and electric bills. They have a bar graph that says how much did you use last month, how much did you use this month, how much did you use this month last year. For non-mathematical types of folks it's very easy to see, and if we sent a bar graph out that said your usage was this amount, and the average usage in the county is this amount - so they can get a reflection of it's not just a regulatory thing, it's a public service thing that you're using twice as much as everybody else uses. Why is that? How good a citizen are you for doing that and wasting water?

So just that visual bar graph I think is quite effective because people look at it - here's me, here's everybody else and I'm twice as much. Why is that? How can I conserve. It's almost a competition type of thing to see if I can get down to where everybody else is and prove, at least to myself that I'm a good citizen, as I should be.

So those would be some suggestions I'd have to get people interested, competitive, aware, and it can all be done in a positive format, as opposed to a punitive one.

MS. TREVISO: Right.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Anything further? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, have we fined anybody yet?

MS. TREVIZO: Madam Chair, Commissioner Anaya, I have no idea. I'll be completely honest with that. I don't know.

COMMISSIONER ANAYA: I'm glad to see that our constituents are obeying our ordinance. You mentioned that you were handing out information at Whole Foods. Are you handing out information like at a Walmart?

MS. TREVIZO: We approached Whole Foods first because they already have events or meetings that they're hosting that are either green or sustainable. That's why we approached them first. Not only that but they were willing - they actually have space for us in their little common area to host us. But it is a good - we would like to do other places such as Walmart. Any place that would have us, really. Because we got a lot of good feedback from that. There were a lot of questions and a lot of people glad to see the County out and about.

COMMISSIONER ANAYA: And are you familiar with Kids and Cows?

MS. TREVIZO: The 4-H program puts that on. It would be good if you would get with Pat Torres and maybe you could see what they do and you could be there to



help out, spur some of the stuff for the kids.

MS. TREVIZO: Yes, that sounds –

COMMISSIONER ANAYA: Madam Chair, that's all I had. Thank you.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, this position was vacant for two years. Who was in that position prior to Laurie?

MR. ABEYTA: Madam Chair, Commissioner Montoya, Liza Vitale was in there and then Wayne Dalton helped us out for a period of time when she left. Then we went through a period where we were advertising and trying to find a replacement for Liza.

COMMISSIONER MONTOYA: Okay. Well, I like what you've give us. Thank you. Welcome to Santa Fe County.

MS. TREVIZO: Thank you. And Commissioner Montoya, I was thinking after watching the presentation on the kids outdoors, maybe we could have co-programs with water conservation as well. If that opportunity comes up, let me know.

COMMISSIONER MONTOYA: Okay. Will do. Thank you.

CHAIR VIGIL: Laurie, thank you for the presentation. I thought it was well done. A good first step. I have one question and then two comments. You talked about web-based meter reporting, and that would be reported to us by the user.

MS. TREVIZO: Yes, ma'am.

CHAIR VIGIL: Would we need to verify those meter readings, and if we did, how would we?

MS. TREVIZO: Well, right now, we're currently not verifying those, the paper meter readings that we're getting right now. When people come in for development review they show us a photograph of their meter, but it's not their current meter reading, so it's just that they have a meter on their property. I guess it's sort of a good faith effort that they're reading it. I think part of that is we need to educate people on how to read meters correctly because they can be in different units such as gallons of cubic feet per second. So if we receive a number, if there's no unit associated with that number it's hard to determine how we should categorize it. So those are some of the things that we need to address. Looking at this database, those are some of the questions that we need to address.

CHAIR VIGIL: Okay. Then two sort of comments or perhaps recommendations. Santa Fe Community College has a sustainable communities component to it. They do a lot of promotions on conservation. You may want to connect with their community outreach people with regard to how we could pass on information too. Also, SWMA, the Solid Waste Management Authority, has just brought on an educational outreach FTE too, who I think is going to create a real strong focus for educational outreach in the public schools. I think some of the information that we have on water conservation could be incorporated into the recycling educational outreach. So I think if we start coordinating with some of the things that are already there we'll be able to get a stronger outreach.

MS. TREVIZO: I agree.

CHAIR VIGIL: Thank you for the update. I appreciate all the work.

MS. TREVIZO: Thank you.

**XII. E. Human Resources**

**1. Discussion of the Proposed Ordinance No. 2007-\_\_ . An Ordinance Approving the Santa Fe County Local Labor Management Relations Board**

BERNADETTE SALAZAR (HR Director): Good afternoon, Madam Chair, members of the Commission. I'm here today to give you an update on the proposed ordinance on our local labor board. After multiple discussions with labor, management has decided to hold off on the local labor board at this time and to give a period of about 12 months to evaluate our situation. After talking with labor both parties expressed a great interest in resolving issues and affairs in an expeditious manner. We would like to take this opportunity during this evaluation period to work together on the challenging issues that we face on a daily basis in order to come to resolution effectively and efficiently in the best interest of the County.

We will evaluate the situation over a 12-month period and meet again, both labor and management and in 12 months determine if this is something that we'd like to explore in the future. I would stand for any questions.

CHAIR VIGIL: Okay. Thank you for that update, Bernadette. Are there any questions for Bernadette?

COMMISSIONER MONTOYA: Madam Chair, how is this going to be ongoing in terms of the discussion or the evaluation? What are we going to be evaluating and determining?

MS. SALAZAR: Madam Chair, Commissioner Montoya, some of the things that I'd like to look at, every time we get a grievance or a complaint or something, looking at how we're resolving them, we're looking at how many cases we're actually taking to the state board, how long the cases are taking if we do take cases to the state board, what the financial impact is for the County for our cases to go to the state board, and how many cases we're resolving before they get to that level.

COMMISSIONER MONTOYA: And how many do we have currently pending? Do we have any?

MS. SALAZAR: We have one pending right now.

COMMISSIONER MONTOYA: One pending? Okay. Thank you, Madam Chair. Thank you.

CHAIR VIGIL: Any other questions? There are members from labor here, would you like to address the Commission? Please state your name and address for the record.

CHRIS ARMIJO: Good afternoon, Madam Chair, Commissioners. My name is Chris Armijo. I'm the representative for AFSCME, Council 18 out of Albuquerque. Yes, there were multiple discussions. We got off to a rocky start but I have to tell you my faith has been restored in your HR Department and your County Manager's office, the way things have been handled. There again, I want to thank the Commissioners for allowing labor to speak with each and every one of you individually and corporately in the BCC meeting concerning the local labor relations board.

There were some issues that were discussed. We discussed the problems that have arisen over the last probably three months that I'm aware of since I've taken over this local and we've come to an agreement. But there are other alternatives to addressing these issues. One of the things that we had discussed was FMCS. For those of you who are not familiar with the FMCS it's the Federal Mediation and Conciliation Services who are willing to come in in an area where we can't reach an agreement, and their services are absolutely free. They don't cost either party, which is great. One of the gentlemen is David Martinez. Some of you may know him; some of you may not. Another gentlemen I spoke with personally is out of Phoenix, Arizona. His name is Dennis Hill. He is also David Martinez' counterpart. I believe HR is familiar with David Martinez and they're well satisfied in what he does.

As part of our agreement and discussion basically is that in calling FMCS we're going to set up some trainings that will basically educate management and their staff and also labor on what is an acceptable practice, what could constitute a prohibited practice and how to avoid those. Even as recently as Thursday we had a Step 2 grievance meeting in the HR's office and one of the directors made what we would consider an anti-union comment and it was just a perfect example because he wasn't aware that what he said, even though he said it was his opinion, he wasn't aware that it was basically a violation of PEBA. Instead of us being jumpy and just jumping in right away, as I told Commissioner Anaya at one time, we don't want to just jump in and to PPCs. That's ridiculous. Let's educate everyone. Let's start off on a fresh track and let's do what's best for the County.

I personally, I have six counties that I serve including municipalities and state offices and I pretty much focus my attention over there, but I really do believe that there's some miscommunication and we just need to get it back on track and to discuss what our differences were and move forward and I believe that we're heading in that direction.

CHAIR VIGIL: Thank you, Mr. Armijo. Any questions for Mr. Armijo? None. I appreciate that. Bernadette, thank you for all the work and dedication on this issue.

MR. ARMIJO: Thank you for your time.

CHAIR VIGIL: Thank you all. Anything to add, Mr. Abeyta?

MR. ABEYTA: Madam Chair, I just want to say thank you to both David and Bernadette. They did do a lot of work over these last 30 days and there was give and take on both sides and I appreciate that level of cooperation from both labor and management. So thank you both again.

CHAIR VIGIL: No action on this.

**XII. F. Matters from the County Manager**  
**1. Update on Various Issues**

MR. ABEYTA: Madam Chair, I'm going to put in each of your mailboxes an action plan that has been developed by the Community Services Department. This is something that we are requesting of all our departments since we've done the reorganization and have consolidated into four major areas. I just wanted to put the Board on notice that I will be providing one to each of you to take a look at, and then I will be soliciting your feedback in the coming days and weeks as we meet individually. And other than that, that's all I have, Madam Chair. Thank you.

**XII. G. Matters from the County Attorney**  
**1. Executive Session**

- a. Pending and Threatening Litigation**
  - ii. Consideration and Approval of the Stipulated Judgment and Settlement Agreement by and Between HomeWise Inc., the City of Santa Fe, and Santa Fe County**
  - iii. Consideration and Approval of the Settlement Agreement by and Between the United States of America (Department of Justice) and the Santa Fe County Adult Detention Center, Annabelle Romero, Corrections Director, David Trujillo, Jail Administrator, and the Board of County Commissioners of Santa Fe County**
  - iv. Consideration of and Approval of the Settlement Agreement by and between the Governing Body of the City of Santa Fe, New Mexico, the Board of County Commissioners of Santa Fe County, and Las Soleras Oeste Ltd. Co., Geronimo Partnership, the Crossing LLC, Crowne Santa Fe LLC, Randall Schmille, Tierra de la Amigos LLC, and Burttram Family Investments LLC, Owners of the Proposed Development Known as "Las Soleras"**
- c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

MR. ROSS: Madam Chair, we need to go into closed executive session to discuss pending or threatened litigation and those three items listed under that category, as

well as to discuss the purchase, acquisition, or disposal of real property and water rights.

COMMISSIONER ANAYA: So moved.

CHAIR VIGIL: Motion to go into executive session. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: For the purposes as stated by our County Attorney.

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: Yes.

**The motion to go into executive session passed by unanimous [5-0] voice vote, with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting in the affirmative.**

CHAIR VIGIL: Mr. Ross, how long will it take? We do have some items to take action on once we're done with executive session.

MR. ROSS: Madam Chair, I think it will be about an hour and a half.

CHAIR VIGIL: We shall take a five-minute recess before we go into executive.

[The Commission met in closed session from 3:20 to 5:30.]

COMMISSIONER CAMPOS: I move to come out of executive session where we only discussed -

CHAIR VIGIL: Items as stated by the County Attorney, pending and threatened litigation, acquisition of real property, water rights. I believe that was it.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

**The motion to come out of executive session passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action]**

**XII. G. 4. Consideration and Approval of the Settlement Agreement by and Between the United States of America (Department of Justice) and the Santa Fe County Adult Detention Center, Annabelle Romero, Corrections Director, David Trujillo, Jail Administrator, and the Board of County Commissioners of Santa Fe County**

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER CAMPOS: Move to approve the agreement.

CHAIR VIGIL: Okay.

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

- XII. G. 3. **Consideration and Approval of the Stipulated Judgment and Settlement Agreement by and Between HomeWise Inc., the City of Santa Fe, and Santa Fe County**
5. **Consideration of and Approval of the Settlement Agreement by and between the Governing Body of the City of Santa Fe, New Mexico, the Board of County Commissioners of Santa Fe County, and Las Soleras Oeste Ltd. Co., Geronimo Partnership, the Crossing LLC, Crowne Santa Fe LLC, Randall Schmile, Tierra de la Amigos LLC, and Burttram Family Investments LLC, Owners of the Proposed Development Known as "Las Soleras"**

CHAIR VIGIL: With regard to the other items that have been advertised, I don't believe that we're ready to take any action on those at this point in time. I would entertain a motion to table those.

COMMISSIONER SULLIVAN: Move to table items 3 and 5 under paragraph G.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER CAMPOS: Second.


The motion to table items XII. G. 3 and 5 passed by unanimous [5-0] voice vote.

**XIII. ADJOURNMENT**

Chair Vigil declared this meeting adjourned at approximately 5:30 p.m.




Approved by:

  
Board of County Commissioners  
Virginia Vigil, Chair

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

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



**WATER QUALITY TESTING  
PROVIDED FREE OF CHARGE  
BY THE**

SFC CLERK RECORDED 12/06/2007



**NEW MEXICO ENVIRONMENT  
DEPARTMENT  
AND  
SANTA FE COUNTY**



**What:** Water testing for residents with private wells serving homes not connected to a public water utility

**Who:** Galisteo/ Cerrillos residents

**When:** Saturday, November 17, 2007, 10 am – 2 pm

**Where:** Turquoise Trail Elementary

**How to Collect the Water Sample:**

- Use a clean glass or plastic container (at least a quart).
- Do not use containers that have a strong odor, such as pickle jars.
- Let the water run for five minutes before collecting the sample.
- Collect the sample as close to the time of testing as possible.
- Cover the container with a clean lid.
- Collect the sample before any water treatment systems such as reverse osmosis, water softener, or carbon filter.

Analysis will be performed the same day, and you can either pick up results or have them mailed to you. Water will be tested for the following:

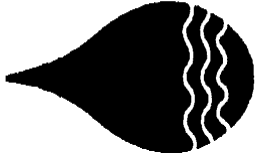
- |               |           |
|---------------|-----------|
| •pH           | •Sulfate  |
| •Conductivity | •Iron     |
| •Nitrates     | •Fluoride |

**Information to bring about your well:**

If your well has Santa Fe County water restrictions, please bring the following information:

- Parcel ID #
- Meter #
- Plat reference (water restrictions)
- Existing water restriction on parcel
- Section, Township, and Range
- Readings – either monthly/quarterly/yearly
- Units water meter reads (gallons or cfs)





HOW CAN  
 YOU HELP  
 CONSERVE  
 WATER IN  
 SANTA FE  
 COUNTY?

Santa Fe County Water Conservation Program



*Every drop counts*

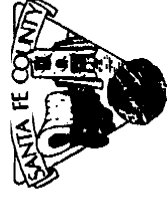
SFC CLERK RECORDED 12/06/2007

**Santa Fe County**

102 Grant Ave  
 P.O. Box 276  
 Santa Fe, NM  
 87504-0276

505.986.6225

[water@santafecounty.org](mailto:water@santafecounty.org)



*Every drop counts*

Photo courtesy of Lella Davis

In an effort  
 to conserve,  
 water will  
 be served  
 upon  
 request  
 only.

It is estimated that a gallon of water  
 can be saved for every two glasses of  
 water not served. Consider not only  
 the water inside the glass, but the wa-  
 ter needed to wash the glass, to make  
 the ice, and to cool the ice makers.



**Santa Fe County**  
**Water Conservation Program**

505.986.6225

[water@santafecounty.org](mailto:water@santafecounty.org)

## Conserving a Limited Resource

WHY IS IT SO IMPORTANT TO CONSERVE WATER IN SANTA FE COUNTY?



Though it is essential to conserve natural resources wherever you are, Santa Fe County presents a definite challenge for all of us. Santa Fe County is located in a high desert region. This means that visitors and residents are treated to crisp and re-

freshing mountain air, as well as an agreeable climate. However, this also means that water does not re-circulate easily. It is estimated that each year, more water is lost to evaporation than is gained by precipitation. In addition to this, Santa Fe County is highly susceptible to drought, and lacks the water resources many other cities enjoy. As you spend time in Santa Fe, you will notice the paucity of lakes, rain, and moisture in the air.

Santa Fe County residents cherish our location and our climate, therefore we are dedicated to making it a sustainable and water friendly community. The following page provides tips on how to save water; take these suggestions with you and tell others as well.

Have a splendid stay in Santa Fe!

## Water Saving Tips

**T**ake shorter showers. A standard showerhead uses 8 gallons of water per minute, while a water conserving showerhead uses 2.5 gallons of water per minute. Remember this while showering.

**D**on't use the toilet as a waste basket. Only flush what belongs in the toilet, and put your trash in the trash can.

**R**e-use towels and linens. By using your towels and linens for more than one day, you can significantly decrease the amount of water used to wash them.

**S**have with the water off. Instead, fill the sink with a few inches of warm water to rinse your razor.

**T**urn off the water while you brush your teeth. Before brushing, wet your brush and fill a glass to rinse your mouth.

**I**f you take a bath, only partially fill the tub. If you take a shower, turn the water off while you soap up.

## Things to Consider

the property/  
Check

with in place, or do you  
need a new one?

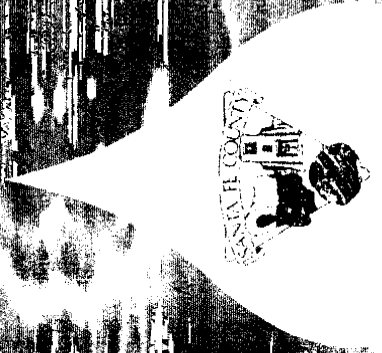
or require  
one to

if no new landscaping is pro-  
posed, the water harvesting re-  
quirements must still be met.

is a requirement  
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County  
land or

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quirements  
within this bi-



water conservation tanks

Questionable

87504

# So, you want to do it in Santa Fe County

Santa Fe County Water Conservation Program

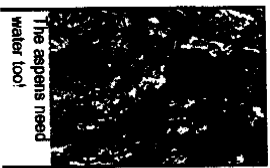
Requirements  
for installing  
water harvesting  
systems and  
irrigation systems

## Think about the water you'll be using

Santa Fe County is home to beautiful mountains and an arid climate. With this natural beauty also comes the responsibility to conserve and maintain our land. Santa Fe County is located in a high desert region and receives an average of 14 inches of rainfall annually. In addition, it is estimated that each year, more water is lost to evaporation than is gained by precipitation.

If you are planning on developing something small or something large, residential or commercial, **water conservation requirements apply to any and all of the projects you propose.**

These requirements have been carefully designed and are implemented in hopes of ensuring sustainable development and a hopeful future for this region. With your help, we can all feel good about conserving water while developing in Santa Fe County.



The cisterns need water too!

### Residential Development

- \* All properties with a domestic well and water restrictions are required to install a water meter and submit annual meter readings. You can verify if water restrictions exist by checking the recorded survey plat. Property that has recently been divided will most often have water restrictions; always make sure that someone is responsible for the water meter installation.
- \* In an effort to promote drought-tolerant landscaping, planting grass sod or seed that contains Kentucky Bluegrass is prohibited.
- \* All residential development is required to collect roof drainage from a minimum of 85% of roof area to be reused for landscape irrigation.
- \* Residences 2,500 ft<sup>2</sup> of heated area or less must utilize rain barrels, cisterns, or other catchment basins.
- \* Residences 2,500 ft<sup>2</sup> of heated and greater must install an active rainwater catchment system comprised of cisterns
  - Cisterns must be buried or partially buried.
  - Cisterns must hold 1.15 gallons per ft<sup>2</sup> of residential heated area; this figure can be adjusted based on landscaping, but not eliminated.
  - Landscaping must be watered by a pump and drip irrigation system connected to cisterns.
  - Cisterns must meet all requirements imposed in the Water Harvesting Guidelines, available at [www.santafecounty.org](http://www.santafecounty.org) under "water conservation information" and available in the Land Use Department.

### Commercial Development

- All commercial development is required to collect all roof drainage into cisterns to be reused for landscape irrigation.
- \* Cisterns must be buried, partially buried, or enclosed within an insulated building/structure.
  - \* Cisterns must hold 1.5 gallons per ft<sup>2</sup> of roofed area; this figure can be adjusted based on landscaping but not eliminated.
  - \* Cisterns must meet all requirements set forth in the Water Harvesting Guidelines
- By July 2005, all commercial facilities should have low-flow toilets and urinals, water conserving showerheads, and faucets outfitted with aerators. **All new commercial development must be in compliance with these requirements immediately.**
- \* Toilets must be 1.6 gallons per flush
  - \* Urinals must be 1.0 gallon per flush
  - \* Showerheads must not exceed a flow rate of 2.5 gallons per minute
- All public restrooms are required to post 8 1/2 x 11 inch water conservation notices. These notices are available at the County, or businesses can create their own.
- All private and public eating establishments are required to notify patrons that water is only served upon request. Table tents are available at the County, or the restaurant can create its own signage.
- All lodging establishments are required to provide patrons with water conservation literature. Brochures are available from the County.
- Home occupation businesses are exempt from these requirements.
- These requirements apply to all new and existing commercial developments**

SANTA FE COUNTY  
Ordinance no. 2002-13

AN ORDINANCE ADDRESSING WATER CONSERVATION FOR ALL  
RESIDENTIAL AND COMMERCIAL USES OF WATER WITHIN SANTA FE  
COUNTY

Introduction

This ordinance addresses water conservation within Santa Fe County and prohibits specific water-wasting actions. A schedule for fines and a listing of those County personnel authorized to issue the fines is included. This Ordinance applies to all residential and commercial water users within Santa Fe County. Any water use on land that is designated by the County Assessor as farmland or ranchland is exempt from this ordinance.

Whenever there is a conflict between the provisions of this ordinance and the requirements of the Office of the State Engineer or the Public Regulatory Commission, the requirements of those entities shall take precedence over the provisions of this ordinance.

A. THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS  
HEREBY FINDS:

1. Water resources in Santa Fe County whether ground water or surface water are limited.
2. Numerous droughts in our state have demonstrated that the County's water resources are extremely vulnerable to depletion by drought.
3. At all times of the year and in all areas of the County, it is critical to conserve our water resources.

B. THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS  
THEREFORE CONCLUDES AND DECLARES:

1. In order to provide a sustainable resource for our children and grandchildren so that they can live in our community, fire protection for all County residents and sufficient water so that traditional agricultural uses of water can be maintained, it is imperative that we conserve our water resources.
2. These concerns are directly linked to the public, health, safety and welfare.
3. Water waste by anyone at anytime in Santa Fe County is damaging to the public health, safety and welfare.

1  
2 C. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
3 COMMISSIONERS OF SANTA FE COUNTY:

4 The following water conservation requirements apply to all residents of  
5 Santa Fe County and all businesses operating within Santa Fe County at all  
6 times of the year.

7  
8 Outdoor Conservation

- 9  
10 1. Outdoor irrigation is prohibited between 11 AM to 7 PM from May through  
11 September of each year. The following sources and types of irrigation  
12 methods are exempt from the irrigation hour restrictions:
- 13 A) Plants being irrigated for retail or wholesale sale,
  - 14 B) All manual watering by landscape maintenance and contracting personnel,  
15 however landscaping personnel setting timed irrigation systems must ensure that  
16 the systems comply with the irrigation hour restrictions,
  - 17 C) Any water derived through rainwater catchment systems or any permitted water  
18 re-use system, and
  - 19 D) Any water being used from an acequia or other agricultural irrigation system.
- 20 2. Vehicle washing is only allowed with the use of a shut-off hose nozzle.  
21 3. An outdoor irrigation system may not be operated while a leak from it exists.  
22 4. Planting sod or grass seed that contains Kentucky bluegrass is not permitted  
23 5. All swimming pools, hot tubs and spas must be covered to prevent evaporation when  
24 not in use. Swimming pools may only be emptied once per year.  
25 6. Water system leaks from private water lines shall be repaired by the owner or  
26 property manager within fifteen (15) days of initial notification by the County or the  
27 owner's knowledge of the leak. Proof of repair shall be provided to the County upon  
28 completion of the repair when such notification is requested.  
29

30  
31 Indoor Conservation

- 32  
33 1. Water system leaks from private water lines shall be repaired by the owner or  
34 property manager within fifteen (15) days of initial notification by the County or the  
35 owner's knowledge of the leak. Proof of repair shall be provided to the County upon  
36 completion of the repair when such notification is requested.
- 37 2. For all new and remodeling construction and all replacements of existing plumbing  
38 fixtures, the water conservation plumbing standards set out below shall be met. In  
39 addition, with the exception of item (D), all existing water users shall retrofit their  
40 facilities such that the plumbing fixtures noted below are in place by January 1, 2005.  
41 Single and multi-family residential water users are exempt from this retrofit  
42 requirement.
- 43 A) Water closets, either flush tank, flushometer tank or flushometer valve operated  
44 shall have an average consumption of not more than 1.6 gallons (6.1 liters) per  
45

- 1 flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6  
2 gallons shall not be used to satisfy this requirement.
- 3 B) Urinals shall have an average water consumption of not more than 1.0 gallon of  
4 water per flush, with the exception that, if approved by Santa Fe County, blowout  
5 urinals may be installed for public use in stadiums, race courses, fairgrounds and  
6 other structures used for outdoor assembly and similar uses.
- 7 C) Lavatory and kitchen faucets shall be equipped with aerators and shall be  
8 designed and manufactured so that they will not exceed a water flow rate of 2.5  
9 gallons (9.5 liters) per minute.
- 10 D) Self-closing, metering or self-closing faucets shall be installed on lavatories  
11 intended to serve the transient public, such as those in, but not limited to, service  
12 stations, train stations, airports, restaurants and convention halls. These faucets  
13 shall deliver no more than .25 gallons of water (1.0 liters) of water per use.
- 14 E) Shower heads shall be designed and manufactured so that they will not exceed a  
15 water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety  
16 showers are exempted from this provision.
- 17 F) Water-conserving fixtures shall be installed in strict accordance with the  
18 manufacturer's instructions to maintain their rated performance.
- 19 G) For all new and re-modeling construction, all of the requirements regarding water  
20 conserving devices shall be certified by a certificate of compliance by a licensed  
21 mechanical contractor or plumbing permittee before or at the time of the final  
22 plumbing inspection.
- 23 H) All outdoor timed irrigation systems must be equipped with a rain sensor so that  
24 the irrigation system does not operate when it is raining or has recently rained.
- 25 D) Exceptions to the above requirements may be permitted when necessary to  
26 maintain adequate health and safety standards.
- 27
- 28 3. All private and public eating establishments shall provide water and other beverages  
29 only upon request. This policy shall be clearly communicated to the customer in at  
30 least one of the following manners: on the menu, by use of a "table tent" or single  
31 signage on the table, or posting in a location clearly visible to all customers. All  
32 catering and banquet operations shall comply with the provisions of this subsection.  
33 The intent of this requirement is not to discourage the drinking of water but to  
34 discourage the washing of additional unnecessary glasses.
- 35 4. Lodging facilities shall not provide daily linen and towel changing for guests staying  
36 multiple nights unless the guest specifically requests each day that linens and towels  
37 be changed.
- 38

#### 39 Conservation Signage and Literature Distribution

- 40
- 41 1. Public, semi-public and governmental restrooms and shower facilities shall post not  
42 less than one (1) water conservation sign in each restroom and shower facility, the  
43 size of which shall not be less than eight and one-half inches (8.5) by eleven (11)  
44 inches. Such entities may use a sign provided by Santa Fe County or develop their  
5 own sign using text provided by Santa Fe County.

- 1 2. Hotels, motels and other lodgings shall provide a water conservation informational  
2 card or brochure in a visible location in each guest room. Such literature may be  
3 provided by Santa Fe County or the establishment itself using text provided by Santa  
4 Fe County.
- 5 3. Retail plant nurseries shall provide their "end-use" customers with County provided  
6 low water-use landscape literature and water efficient irrigation guidelines at the time  
7 of sale of any perennial plant. An "end-use customer" is the person or persons who  
8 will ultimately own the plant material. A landscape contractor or architect is not an  
9 end-use customer. In order to facilitate the purchasing of low water-use plants,  
10 nurseries are strongly encouraged to tag or sign their plants that require little or not  
11 supplemental water once established. For the sale of all turf or grass seed or sod, the  
12 customer shall be given County provided literature indicating the restrictions to  
13 planting water consumptive turf.
- 14 4. Landscape contractors, maintenance companies and architects shall provide their  
15 prospective clients with County-provided low water-use literature and water efficient  
16 irrigation guidelines at the time of presenting a service contract to the prospective  
17 client. Landscape professionals are strongly encouraged to educate their customers  
18 regarding the operation of their timed irrigation systems.
- 19 5. Title companies and others closing real estate transactions shall provide the entity  
20 purchasing a home, business or property with County-provided indoor and outdoor  
21 conservation literature at the time of closing.
- 22 6. The County departments shall provide indoor and outdoor conservation literature to  
23 all persons applying for a building permit and all persons initiating new water service  
24 to the County Water Utility.

#### 25 Domestic Well Use Metering Program

26  
27 The domestic well metering program applies to only those residents of Santa Fe County  
28 living or operating businesses on lots where restricted water usage and water meter  
29 reporting requirements were voluntarily accepted as a condition of the plat approval. All  
30 other residents of the County are exempt from this program.  
31

- 32  
33 1. All properties that are required to report water meter readings as a condition of plat  
34 approval shall have the name and address of the property owner entered into the  
35 database when the building permit is issued.
- 36 2. The final inspection field report shall require that the water meter be installed in order  
37 for final inspection approval.
- 38 3. All properties that are required to have water meters shall also be required to test their  
39 water meter for reading accuracy every ten (10) years and replace if necessary.
- 40 4. Each property that is required to report water meter reading will receive a mailing  
41 from Santa Fe County containing a post card that can be filled out with the meter  
42 reading and returned to Santa Fe County.
- 43 5. Failure to submit the meter reading will result in the same penalties as outlined for  
44 other water violations.
- 45 6. When water is used in excess of the amount allocated to the property, the first year a  
46 letter with educational/informational materials on how to reduce water use will be  
47 sent to the water user and they will be required to submit water meter readings every



1 six months to track their progress. All subsequent water usage violations will result  
2 in the same penalties as outlined for other water violations.

3  
4 **Water Waste, Fugitive Water**

5  
6 **1. Water Waste**

7  
8 No person, firm, corporation, county, state, federal or municipal facility or operation  
9 shall cause or permit to occur any water waste. In general the occurrence of  
10 unforeseeable or unpreventable failure or malfunction of plumbing and irrigation  
11 system hardware shall not be deemed sufficient grounds for issuance of a citation or  
12 other enforcement proceedings unless and until the County issues a formal written  
13 notice.

14  
15 Water waste means any non-beneficial use of water. Waste includes but is not  
16 limited to leaks from indoor and outdoor plumbing systems in excess of 0.25 gallons  
17 per minute.

18  
19 For unforeseeable or unpreventable outdoor violations, the County shall generally  
20 issue a formal warning notice prior to taking enforcement action. Prior to taking  
21 formal enforcement action the County may instruct the water user not to operate the  
22 faulty system until it is appropriately repaired. If operating the system is integral to  
23 the operation of the facility the County may at its own discretion provide a period of  
24 time in which to remedy the violation prior to commencing formal enforcement  
25 action. Once a warning notice or an official citation has been issued for an outdoor  
26 occurrence, subsequent water waste events shall be subject to strict enforcement.  
27 Strict enforcement may include the issuance of citations and other such activities as  
28 the County deems necessary to bring the water user into compliance. For indoor  
29 water waste events and for those water waste events outdoors caused by a faulty  
30 system which is integral to the operation of the facility, the waste must be abated  
31 within 15 calendar days of the issuance of a warning notice or initiation of  
32 enforcement action. Enforcement action shall be taken if the waste continues beyond  
33 the 15-day period.

34  
35 Water waste does not include:

- 36  
37 A) Flow resulting from fire fighting or other routine inspection of fire hydrants or  
38 other training activities,  
39 B) Water applied to abate spills of flammable or otherwise hazardous materials,  
40 C) Water applied to prevent health, safety or accident hazards when alternate  
41 methods are not available,  
42 D) Water that reaches or flows onto adjacent property or public or private right-of-  
43 way when caused by vandalism, wind, emergencies or acts of God,  
44 E) Flow resulting from a routine inspection or maintenance of a water utility system,

- 1 F) Water used by Santa Fe County in the installation, maintenance, repair or  
 2 replacement of public facilities and structures such as traffic control devices,  
 3 storm and sanitary sewer structures and road or street improvements,  
 4 G) Water used by contractors or utilities including but not limited to sawcutting and  
 5 pavement, compaction or other use required under terms of their contract,  
 6 H) Any water that is discharged as a result of well development or a pumping test.

7  
 8 2. Fugitive Water

9  
 10 Fugitive water is prohibited. No person, firm, corporation, county, state, federal,  
 11 municipal or other governmental facility or operation shall cause or permit the  
 12 occurrence of fugitive water.

13  
 14 Fugitive water means the pumping, flow, release, escape or leakage of any water from  
 15 any pipe, valve, faucet, irrigation system or facility onto any hard surface such that  
 16 water accumulates as to either create individual puddles in excess of ten feet square in  
 17 size or cause flow along or off of the hard surface or onto adjacent property or the  
 18 public right-of-way, arroyo, or other water course, natural or manmade. Fugitive  
 19 water also means, during the irrigation of landscaping, the escape or flow of water  
 20 away from the landscaping plants being irrigated even if such flow is not onto a hard  
 21 surface.

22 Fugitive water shall not include:

- 23 A) Incidental run-off caused by vehicle washing provided that a shut-off nozzle is in  
 24 use,  
 25 B) Periodic draining of swimming pools and spas,  
 26 C) Storm run-off, including snowmelt run-off,  
 27 D) Flowing resulting from temporary water system failures or malfunctions,  
 28 E) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public  
 29 health, safety or accident hazards when alternate methods are not available. The  
 30 washing of outdoor eating areas and sidewalks is not included in this exemption,  
 31 F) Flow resulting from vandalism, high winds, emergencies and acts of God, or  
 32 G) The occurrence of an unforeseeable or unpreventable failure or malfunction of  
 33 plumbing or irrigation system hardware, prior to the issuance of a formal warning  
 34 notice. Once a formal warning notice has been issued, the water user is instructed  
 35 not to operate the faulty system until it is appropriately repaired, unless operating  
 36 the system is integral to the operation of the facility. Once a warning notice has  
 37 been issued, subsequent fugitive water events at the same location will be subject  
 38 to issuance of citations.  
 39

40  
 41 Enforcement and Penalties

42  
 43 1. Enforcement

44  
 45 The Santa Fe County Utilities Department, the County Code Enforcement Officers,  
 46 the Santa Fe County Sheriff's Department and the Santa Fe County Fire Department

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may enforce any and all of the County Water Conservation regulations. To the extent that the Board of County Commissioners may find it desirable to vest specific enforcement authority in other County personnel or other governmental agency, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted County water conservation.

The following schedule of fines shall be used for violations of this Ordinance. All violations on a single date at a single address constitute a single offense for purposes of enforcement.

First violation:	\$50.00
Second violation	\$100.00
Third violation	\$200.00
Fourth and all subsequent violations	\$400.00

2. Penalties

Any person who violates the provisions of this Ordinance shall be prosecuted in a court of competent jurisdiction and penalized to the maximum extent allowed by law.

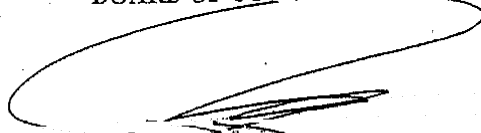
3. Severability

The provisions of this Ordinance shall be severable. If, any provision of this Ordinance is ruled to be invalid by a court of competent jurisdiction:

- A) The effect of such judgement shall be limited to the specific provision or provisions that are expressly stated in the judgement to be invalid; and
- B) Such judgement shall not affect, impair or nullify the validity of application of the remainder of this Ordinance that shall continue in full force and effect.

PASSED, APPROVED AND ADOPTED this 10<sup>th</sup> day of December, 2002.

BOARD OF COUNTY COMMISSIONERS



Paul Duran, Chairman

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ATTEST:

*Rebecca Bustamante*  
Rebecca Bustamante, County Clerk



APPROVED AS TO FORM:

*Steven Kopelman*  
Steven Kopelman, County Attorney



1240.213  
COUNTY OF SANTA FE } SS  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed  
for record on the 23 day of Dec A.D.  
20 02 at 8:13 o'clock P.m  
and was duly recorded in book 2295/2296  
page 992 - 001 of the records of  
Santa Fe County

Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.  
*Marcella Taylor*  
Deputy

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# SANTA FE COUNTY

## *Ordinance No. 2006-3*

### AN ORDINANCE AMENDING ORDINANCE 2002-13 TO REQUIRE USE OF INSTANT HOT WATER DEVICES OR DESIGNS IN NEW RESIDENTIAL DWELLINGS

*BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE THAT:*

1. The "Indoor Conservation" section of Ordinance 2002-13 is hereby amended to read as follows:

#### **"Indoor Conservation**

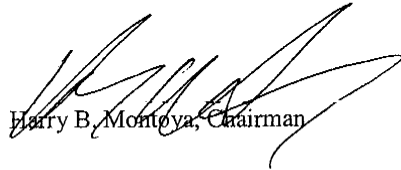
1. Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
2. For all new and remodeling construction and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of item (D) and (J), all existing water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by July 1, 2005. Single and multi-family residential water users are exempt from this retrofit requirement.
  - A) Water closets, either flush tank, flushometer tank or flushometer valve operated shall have an average consumption of not more than 1.6 gallons (6.1 liters) per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons shall not be used to satisfy this requirement.
  - B) Urinals shall have an average water consumption of not more than 1.0 gallon of water per flush, with the exception that, if approved by Santa Fe County, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses.
  - C) Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.

- 1 D) Self-closing, metering or self-closing faucets shall be installed on lavatories  
2 intended to serve the transient public, such as those in, but not limited to, service  
3 stations, train stations, airports, restaurants and convention halls. These faucets  
4 shall deliver no more than .25 gallons of water (1.0 liters) of water per use.  
5 E) Shower heads shall be designed and manufactured so that they will not exceed a  
6 water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety  
7 showers are exempted from this provision.  
8 F) Water-conserving fixtures shall be installed in strict accordance with the  
9 manufacturer's instructions to maintain their rated performance.  
10 G) For all new and re-modeling construction, all of the requirements regarding water  
11 conserving devices shall be certified by a certificate of compliance by a licensed  
12 mechanical contractor or plumbing permittee before or at the time of the final  
13 plumbing inspection.  
14 H) All outdoor timed irrigation systems must be equipped with a rain sensor so that  
15 the irrigation system does not operate when it is raining or has recently rained.  
16 I) Exceptions to the above requirements may be permitted when necessary to  
17 maintain adequate health and safety standards.  
18 J) 1.) Applicability. The requirements of this subsection J shall apply only to  
19 development permits issued for the initial construction of single family and multi-  
20 family dwellings, as defined in the Santa Fe County Land Development Code,  
21 after the effective date of the ordinance.  
22 2.) Instant Hot Water Device or Design Required. Residential units subject to  
23 this subsection J must be designed so that hot water is delivered to any hot water  
24 tap in the dwelling within 5 seconds of the tap being turned on. This requirement  
25 can be achieved through the use, either alone or in combination, of the following  
26 devices or designs: (i) a hot water re-circulation system with time and temperature  
27 controls; (ii) on-demand circulation systems; (iii) centrally located water heaters;  
28 (iv) point-of-use water heaters; (v) short hot-water line run distances; (vi) smaller  
29 diameter piping; (vii) "instant hot" fixtures; (viii) super-insulation methods; or  
30 (ix) other device or design approved by the Land Use Administrator.  
31 3. Procedures for Approval. The Land Use Administrator shall promulgate  
32 written guidelines concerning the procedures and submittals required to show  
33 compliance with subsection J(2) as well as gain approval of devices or designs not  
34 specifically itemized in subsection J(2).  
35  
36 3. All private and public eating establishments shall provide water and other beverages  
37 only upon request. This policy shall be clearly communicated to the customer in at  
38 least one of the following manners: on the menu, by use of a "table tent" or single  
39 signage on the table, or posting in a location clearly visible to all customers. All  
40 catering and banquet operations shall comply with the provisions of this subsection.  
41 The intent of this requirement is not to discourage the drinking of water but to  
42 discourage the washing of additional unnecessary glasses.  
43 4. Lodging facilities shall not provide daily linen and towel changing for guests staying  
44 multiple nights unless the guest specifically requests each day that linens and towels  
45 be changed."  
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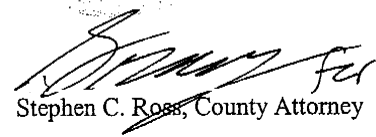
1 2. This Ordinance shall become effective thirty days after it has been duly recorded by  
2 the County Clerk.

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4 PASSED, APPROVED AND ADOPTED this 14<sup>th</sup> day of February, 2006.

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7 **BOARD OF COUNTY COMMISSIONERS**

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12 Harry B. Montoya, Chairman

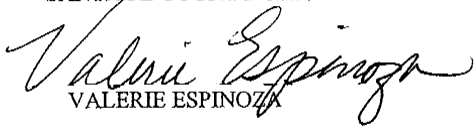
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15 **ATTEST**  
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18 Valerie Espinoza, County Clerk  
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23 **APPROVED AS TO FORM:**  
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27 Stephen C. Ross, County Attorney  
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31 **CERTIFICATE OF FILING**

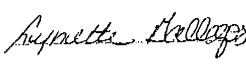
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33 I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as  
34 Ordinance, No. 2006 - 3, was filed in my office on the 20 day of March, 2006, as  
35 Instrument # 1425035

36  
37 **SANTA FE COUNTY CLERK**

38   
39 VALERIE ESPINOZA  
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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
BCC ORDINANCE  
PAGES: 3  
I Hereby Certify That This Instrument Was Filed for  
Record On The 20TH Day Of March, A.D., 2006 at 15:10  
And Was Duly Recorded as Instrument # 1425035  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy  County Clerk, Santa Fe, NM

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# SANTA FE COUNTY

*Ordinance No. 2006-8*

## AN ORDINANCE AMENDING ORDINANCE 2006-3 TO REQUIRE USE OF INSTANT HOT WATER DEVICES OR DESIGNS IN ALL PERMANENT STRUCTURES WITH A HOT WATER TAP

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF SANTA FE THAT:

1. The "Indoor Conservation" section of Ordinance 2002-13 is hereby amended to read as follows:

### **"Indoor Conservation**

1. Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
2. For all new and remodeling construction and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of item (D) and (J), all existing water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by July 1, 2005. Single and multi-family residential water users are exempt from this retrofit requirement.
  - A) Water closets, either flush tank, flushometer tank or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons shall not be used to satisfy this requirement.
  - B) Urinals shall have an average water consumption of not more than 1.0 gallon of water per flush, with the exception that, if approved by Santa Fe County, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses.
  - C) Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.



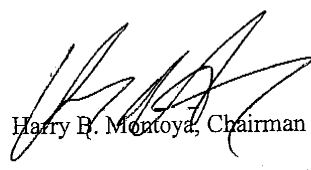
SFC CLERK RECORDED 12/06/2007  
VALERIE ESPINOZA REC'D CLERK IN 08/18/2006

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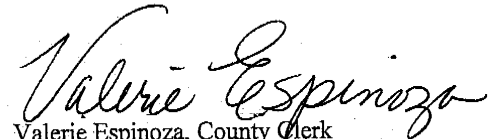
This Ordinance shall become effective thirty days after it has been duly recorded by the County Clerk.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of July, 2006.

BOARD OF COUNTY COMMISSIONERS

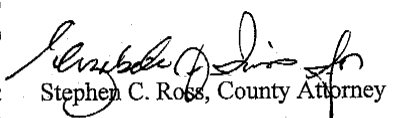
  
Harry B. Montoya, Chairman

ATTEST:

  
Valerie Espinoza, County Clerk



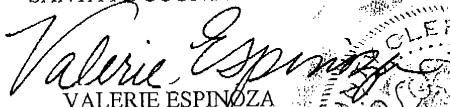
APPROVED AS TO FORM:

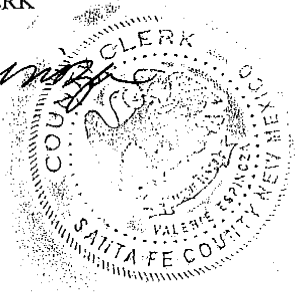
  
Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2006 - 8, was filed in my office on the 18<sup>th</sup> day of August, 2006, as Instrument # 1447187

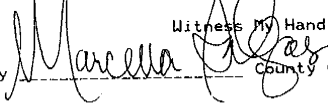
SANTA FE COUNTY CLERK

  
VALERIE ESPINOZA



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC ORDINANCE  
PAGES: 4

do hereby Certify That This Instrument Was Filed for  
on The 18TH Day Of August, A.D., 2006 at 13:34  
Duly Recorded as Instrument # 1447187  
The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
 Valerie Espinoza  
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 12/06/2007  
 ORIGINAL FILED IN 08/18/2006

SF COUNTY

*ATTN: Wayne Dalton*  
 PO BOX 276  
 SANTA FE NM 87504-0276

ALTERNATE ACCOUNT: 73450  
 AD NUMBER: 00167907 ACCOUNT: 00002845  
 LEGAL NO: 78987 P.O. #: 600222  
 95 LINES 3 TIME(S) at 136.80  
 AFFIDAVIT: 6.00  
 TAX: 10.89  
 TOTAL: 153.69

AFFIDAVIT OF PUBLICATION

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that at 5:00 p.m. on Tuesday, June 13, 2006 at the regularly scheduled meeting of the Board of County Commissioners of the County of Santa Fe, the Board will consider taking final action on Ordinance 2006-001. Any Ordinance Amending Ordinance 2006-001. Use of hot water devices in buildings with hot water heating systems. The Ordinance is limited to commercial structures and includes all permanent structures to be signed so that hot water is delivered to the structure. The conditions for the application turned on. The public hearing will be held at the County Court House Chambers, located at 102 Grant Avenue, on the corner of Grant and Palace Avenues, Santa Fe, New Mexico. At the public hearing, the Board will accept public input on whether to adopt said ordinance.

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE

I, R. Lara, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 78987 a copy of which is hereto attached was published in said newspaper 3 day(s) between 05/23/2006 and 06/06/2006 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 23rd day of May, 2006 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

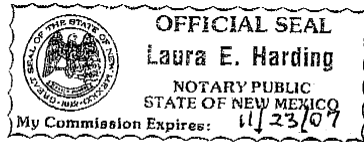
/s/ *R. Lara*  
 LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of June, 2006

Notary *Laura E. Harding*

Commission Expires: 11/23/07

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 13th day of June 2006, at 5 P.M. on a petition to the Board of County Commissioners. Legal # 78987 Pub. May 23, 2006 June 6, 2006



www.santafenewmexican.com