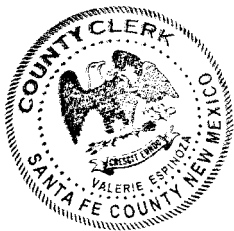


SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

November 13, 2007

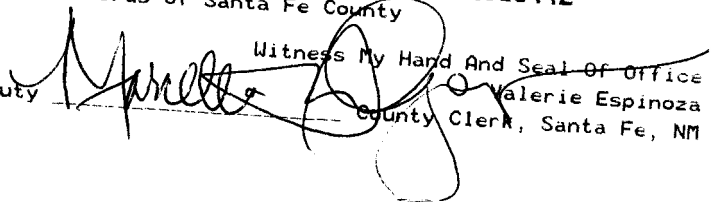
Virginia Vigil, Chair
Jack Sullivan, Vice Chair
Paul Campos
Michael Anaya
Harry Montoya



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 56

I Hereby Certify That This Instrument Was Filed for
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Of The Records Of Santa Fe County

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

November 13, 2007

This regular meeting of the Santa Fe Board of County Commissioners was convened immediately following the special presentation meeting at approximately 4:00 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 [4:40 arrival]
 Commissioner Mike Anaya
 Commissioner Harry Montoya

Members Absent:

[None]

VI. APPROVAL OF THE AGENDA

- A. Amendments**
B. Tabled or Withdrawn Items

CHAIR VIGIL: I'll just ask Mr. Abeyta if there are any amendments or tabled or withdrawn items in our amended agenda.

ROMAN ABETYA (County Manager): There are, Madam Chair. There are several. We added an item under X. Matters from the Commission, D, which is Discussion and possible approval of an expenditure of discretionary funds. Item XI. Presentations, A, that item is going to be withdrawn. The Department of Transportation was here earlier but they were unable to be here this afternoon with us, but we will make sure to have that presentation on the next agenda in two weeks.

Then, Madam Chair, on page 3 of the agenda, under XIV, Public Hearings, A. Growth Management Department, item number 3, AFDR Case #Z/S 06-5271, Tavelli Mixed-use Subdivision has been tabled. Item number 5, CDRC Case #V 07-5090, Diamante Lumber and Beam Mill Variance has been tabled. And item number 6, the CCD case MP 07-5330,

Turquoise Trail Storage has been withdrawn. And those are staff's amendments, Madam Chair.

CHAIR VIGIL: On the immediate agenda, not the Consent Calendar, are there any changes from the Commission?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question on the Turquoise Trail Storage. It says in the packet that there will be another plan presented. Will that – is that for today or is that another plan at some later date?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I'm not sure. Shelley's here from Land Use. She could probably answer that question for us really quick.

SHELLEY COBAU (Review Director): Madam Chair, members of the Commission, it's my understanding on the Turquoise Trail Storage that the applicant is going to resubmit a new design on that project, and that's the reason for their request for withdrawal.

COMMISSIONER SULLIVAN: Okay, tell me what happens when it's withdrawn. If the design is going to change, does it go back to the CCDRC for review and then comes back to the BCC?

MS. COBAU: It will. It will have to go back through the process.

COMMISSIONER SULLIVAN: So this is a withdrawal, not a tabling.

MS. COBAU: That's correct.

COMMISSIONER SULLIVAN: Okay. That's what I wanted to clarify. Thank you, Madam Chair.

CHAIR VIGIL: What is the pleasure of the Commission?

COMMISSIONER MONTOYA: Move to approve as amended.

COMMISSIONER SULLIVAN: Second.

The motion to approve the agenda as amended passed by unanimous [3-0] voice vote. [Commissioner Campos and Commissioner Anaya were not present for this action.]

VII. CONSENT CALENDAR WITHDRAWALS

CHAIR VIGIL: Are there any withdrawals from any of the members of the Commission? Seeing, hearing none, what's the pleasure?

COMMISSIONER SULLIVAN: Move for approval of the Consent Calendar as published.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: I hear a second.

The motion to approve the Consent Calendar as published passed by unanimous [3-0] voice vote. [Commissioner Campos and Commissioner Anaya were not present for this action.]

[See page 12 for Consent Calendar.]

VII. APPROVAL OF MINUTES

A. October 9, 2007

CHAIR VIGIL: Are there any changes?

COMMISSIONER SULLIVAN: Madam Chair, I have some typographical changes.

CHAIR VIGIL: Any other changes? What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval as amended.

COMMISSIONER MONTOYA: Second.

The motion to approve the October 9th minutes as amended passed by unanimous [3-0] voice vote. [Commissioner Campos and Commissioner Anaya were not present for this action.]

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIR VIGIL: We are now under Matters of Public Concern. This is the opportunity for anyone in the audience to speak to the Commission on any items not on the agenda. Please step forward and state your name for the record.

JOHM MICOU: My name is John Micou. I am with Drilling Santa Fe. I would respectfully make the following comments:

Drilling Santa Fe, DSF, would like to express concern with the lack of transparency and public input in the process of fashioning an ordinance regulating oil and gas in Santa Fe County. It is DSF's understanding that an oil and gas ordinance is currently being drafted by the County's legal staff. DSF has not seen a draft of the proposed ordinance, but the following are areas that DSF believes are the minimum requirements to ensure an oil and gas ordinance that adequately protects the Galisteo Basin's groundwater, air, quality of life and cultural resources. This not only affects the Galisteo Basin, but the whole County.

1. A permit applicant would be required to disclose all chemicals used in its exploration, production, and closure processes. This includes full disclosure of all chemicals used in hydraulic fracturing fluids.
2. On-site burial of exploration, processing, or production wastes would be expressly prohibited.
3. Any closure plan must include a mandatory provision that the permittee will remediate, reclaim and restore the surface and subsurface, including groundwater, to baseline conditions as established by the surveys.

4. Prior to any permit being granted, a detailed and comprehensive survey of groundwater, surface water, perennial and seasonal watercourses, hydrology and geology, including contaminant transport modeling using accepted models, assumptions, and methodologies, flora, fauna, soil, archaeological and cultural properties baseline conditions would be conducted by an independent entity of the County's choice and reporting to the county. The survey would be conducted at the permittee's expense. The results of the survey must be made publicly available prior to a hearing on the permit application.

5. The proposed oil and gas ordinance should contain language to the effect that nothing in the proposed ordinance should be construed to weaken the requirements of the County's hardrock mining ordinance or otherwise limit the County's authority.

6. There must be effective monitoring and enforcement.

7. Geological studies about the viability of the proposed drilling project must be submitted to the County.

Also, we would like to see some strong monitoring and enforcement. We would like to see the geological studies about the viability of such a project.

In summary again, the County of Santa Fe is disappointed at the process of fashioning a Santa Fe County oil and gas ordinance to date has not been transparent and has not included meaningful participation by Santa Fe County residents. In addition to the above minimum requirements, DSF would greatly appreciate increased transparency in the process and meaningful opportunities for concerned citizens to participate in the process. Those are the end of my comments.

CHAIR VIGIL: Thank you very much.

MR. MICOU: Excuse me, Madam Chair, Commissioners. I do have one other thing I would like to point out. We have in hand 2400+ signatures for the petition and those keep growing daily. There is a strong public will about this subject. And I have for you to keep if you would like. *[Exhibit 1]* It's from the Sierra Club. It's their chronicles - Range Wars Rage on. It's by Trudy Von Sett. She used the last six and a half to seven minutes of this for her OCD pit hearing testimony, and I thought maybe you would like to have this as well for your review.

CHAIR VIGIL: Please feel free to present it to us and we'll make it part of the record. I also want to let you know that there is a specific meeting on this subject on November 15th which I'm sure you're familiar with. Our public process has not begun, but I appreciate your being here and your bringing your issues to us.

MR. MICOU: Thank you.

CHAIR VIGIL: Thank you.

COMMISSIONER MONTOYA: Nor has an application been submitted, to my knowledge.

CHAIR VIGIL: No, I don't believe we've received an application. Have we staff? At all?

MR. ABEYTA: No, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Did you want to give those comments that he had to the attorney?

CHAIR VIGIL: I think he's going to make it part of the record. That's what we asked him to do. Steve, do you want any documentation on the comments? Okay. Thank you, Mr. Micou. Any other one, member of the audience to speak to the Commission? Please state your name and address for the record.

CHRISTOPHER ESPESET: Madam Chair, honorable Commissioners, my name is Christopher Espeset. I live at 190 Horny Toad Road, Cerrillos, New Mexico, on the north rim of the Galisteo Basin. I've been a resident of New Mexico since 1948. I've been a resident of the Galisteo Basin for the last 35 years. I stand here today not to represent my personal agenda, but to attempt to be a voice for our children and our grandchildren, and for the beautiful Galisteo Basin.

Commissioners, we're at a crossroads in the history of New Mexico that is unprecedented. The challenges that you've met in the past will pale by the challenges that you will meet in the future, in the very near future. New Mexico's sovereignty has been challenged as surely as it was challenged in 1862 in Glorieta. At that time we turned our enemies away. That's why that flag flies over the roundhouse. Today our enemy comes armed with antiquated laws and the most powerful money machine in the world. And by their own admission will not stop until they have achieved their goals. And if it means the economic and the environmental destruction of northern New Mexico that's what will happen. They will show no quarter. They've told us that.

Now, you have the opportunity within your lifetime to be heroes. The decisions you will make will affect the history of New Mexico forever. If we lose our economic tourist base in northern New Mexico we've lost our lifeblood. If we allow our fragile aquifers to be damaged we have left no future for our children and our grandchildren. This is not about the value of our property. This is about the quality of our life.

This is about the beauty that surrounds us. We're the Land of Enchantment. People come here because it's beautiful. People move here when it's beautiful. There's a new influx of people that are moving here who are these almost retired people. They're moving here because it's beautiful. They're moving here because the sun shines. They're moving here because the cities they're leaving are cess pools. They're bringing their money and they're moving here. Let's stop doing that, they'll go somewhere else.

Conde Nast, Santa Fe is a tourist destination? You've got to be kidding if it's surrounded with gas wells. We don't have a choice in this. We cannot compromise. We cannot capitulate. We have to turn this enemy away now before it infects all of our being. Our cultures, our economies, our quality of life, our water, for God's sake, this is the high desert. We cannot allow our water to be touched, let alone turned into toxic waste.

CHAIR VIGIL: Mr. Espeset can I ask you to do some final comments in the interests of time.

MR.ESPESET: Most certainly. My final comment is may your higher

power be with you in your decision-making process because the future of New Mexico lies in your hands. [inaudible]

CHAIR VIGIL: Thank you, Mr. Espeset. Is there anyone else out there that would like to address the Commission on any subject that is not part of the agenda. I think I only identified two. So with that, we'll move on to the next item on the agenda.

X. MATTERS FROM THE COMMISSION

A. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$500 to Capital High School for the Provision of Sponsoring Their Boys Basketball program (Commissioner Montoya)

COMMISSIONER MONTOYA: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Are there any questions?

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

X. B. Resolution No. 2007-179. A Resolution Designating the Single Point of Contact with Architects on East Mountain Regional Animal Care Facility (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, as you know, we have been working collaboratively with the Town of Edgewood and Bernalillo County, Estancia Valley, the Town of Moriarty, Mountainair, Torrance, Santa Fe County, for a regional animal facility, and this is just a resolution to continue working together and to select some architectural firms and with that I'll answer any questions.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: There's no capital attached to this at all, right? There's no funding.

COMMISSIONER ANAYA: No.

COMMISSIONER MONTOYA: This is strictly the agreement of continuing to work together?

COMMISSIONER ANAYA: That's correct. There is some funding that the Town of Edgewood - well, that we received and it is going to go to the Town of Edgewood for the fiscal agent, \$150,000, but there's no money that -

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: There's a motion.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Commissioner Anaya, I guess I don't have a clear understanding of why we have to adopt a resolution for that transaction to occur, because it really – is it because we were awarded the dollars?

COMMISSIONER ANAYA: I believe it's because we're just supporting that effort, that they're going to take care of the money.

CHAIR VIGIL: Okay. Motion and second.

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

X. C. Resolution No. 2007-180. A Resolution Supporting an Athletic Complex in The Town of Edgewood, New Mexico (Commissioner Anaya)

COMMISSIONER ANAYA: Madam Chair, Commissioners, as you heard earlier, Mr. Holden expressed or told us about what they're considering, an athletic complex in the Town of Edgewood and they just want to know if we would support that or not. There's no funding that would be required by us and the facility that he showed us is going to cost approximately \$8 million, and they will be going to the legislature for funding.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Any questions? Motion and second.

The motion to approve Resolution 2007-180 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

X. D. Discussion and Possible Approval of the Expenditure of Discretionary Funds Not to Exceed \$2000.00 to Santa Fe Audio Visual for Oil and Gas Meeting Thursday, November 15, 2007 at El Dorado Elementary School (Commissioner Sullivan)

COMMISSIONER SULLIVAN: Madam Chair, this meeting, just to remind the public, will be in two days, this Thursday, from 7:00 to 9:00 at the Eldorado Elementary School. We're going to utilize two rooms and because we expect a large number of people we are bringing in some audiovisual equipment that is of a higher grade than what the school can provide, which is basically the portable lecterns that you see. With that many people we need to have a really good audio system in particular.

We'll have the main meeting in the old gymnasium and then the overflow will be in

the multipurpose room. So we'll have hookups in both areas that people can hear what's going on. We don't think it will be quite this much but we have a proposal from them, from this firm. It's a little less than this and I think it's a good expenditure because we do want all the public that's there to hear all the comments and particular comments from the state's perspective. Representative Wirth will be there to talk about the Surface Owners Protection Act and Mr. Mark Fesmire will be there from the Oil Conservation Division to talk about the state's role in protection of underground facilities and groundwater and their permitting process. Then we'll also have time for questions and comments from the public. I think it will be a useful meeting to allow people to hear a little bit more from the state perspective and somewhat from the County perspective, rather than just from the Tecton drilling company, which has been the entity which has held the two hearings to date. So this is to support that meeting.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

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

X. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Anaya, are there any matter that you wish to bring to the attention of the Board?

COMMISSIONER ANAYA: Madam Chair, just one issue and this is probably for James. County Road 54, the road going into La Cienega. I think it's 54. The one that they tore up to put water lines and they put the gas line. Could you tell me where we are with that because I'm getting calls? It's getting rough and washboard and where are we at with resurfacing that?

JAMES LUJAN (Growth Management Director): Madam Chair, Commissioner Anaya, we have milled the road and we're going to put mag-chlorite through the winter. The other utility companies have not finished. They're going to relocate the gas line or redo part of the gas line, and Qwest also has to go in there and do some relocations. So this road probably won't be paved until next spring. If we can get to it, if we have good weather, we maybe can get all those lines relocated, utilities relocated, we could possibly get to it, but probably not until spring.

So what I plan to do, we've been maintaining it and we'll probably mag-chlorite it for the winter. That's probably the best outcome.

COMMISSIONER ANAYA: I'll let them know. Thanks, James, Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item, Madam Chair. Last administrative meeting at the end of October we had a presentation about our water

conservation efforts and our well monitoring efforts and it looked like a very ambitious and very well thought out program. And then subsequent to that an article appeared in the paper saying this was only going to be a part-time effort and that we wouldn't be able to get it implemented until May. So I was a little concerned about that and I wanted to get a follow-up on that from the County Manager.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I shared the same concern when I read that article so I will sit down with James Lujan and also with the Land Use staff because it's always been my intention and I know the Commission's that that position was funded for that purpose. So I'll get that clarified from the Land Use staff and if something is different I'll report back to the Commission.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. Just a couple items. One, we have a meeting tomorrow evening with the Pojoaque Valley schools to discuss the possibility of putting some - at least a track, maybe a tennis court, doing some improvements at the Nambe Headstart site. Also just the potential, just to let the Commission know that we may consider, if the school is willing to sell the facility to Santa Fe County that we would actually purchase that facility at some point in the future. But again, that has to be voted for and approved by the school board before we can even enter into discussions with them in terms of the purchase of that property.

But in terms of the improvements, the funding is already available from the legislature to be able to do the tennis court, to do a walking track, maybe, and a picnic area and that sort of thing. So I think the school is going through their facilities master planning process now and they're determining what to do with all of their existing properties, and that is one of them. So that will be happening tomorrow evening.

The other - I guess the question that I had is we had talked about some of the water projects, wastewater projects and seeing when we can maybe approve those as a Commission in terms of prioritizing these projects so that we can begin to - or continue to do some improvements regarding water and wastewater systems. Who is going to be looking at that, Roman?

MR. ABEYTA: Madam Chair, Commissioner Montoya, I just received information that I was waiting from the Finance Department. So I was hoping to by either the next meeting or the first meeting in December have that discussion with the Commission. So I'm gathering all the information. And like I said, if we don't have it in two weeks we'll have it at the first meeting in December.

COMMISSIONER MONTOYA: Okay. Great. And then lastly, Madam Chair, I just wanted to let the - I've talked to some of you already and it's already hit the newspapers, but I am seeking and will have a formal announcement of my candidacy for the congressional district race in the seat currently being held by Congressman Udall. So I'd like to ask the Commission and all the staff for your support because I'm certainly going to need it. I just wanted to let you all know that it is true.

COMMISSIONER ANAYA: Congratulations and good luck.

COMMISSIONER MONTOYA: I'm going to need it. Thanks.

CHAIR VIGIL: Anything else from any other Commissioner? If not, I'll wrap up with the items I have. I really want to thank Rita Maes who helped out with the veteran ceremonies today. She's been working with a sore throat tirelessly to make that event happen and I thought that she and Jose Villegas did a wonderful job. And to all the County employees who assisted her in making those ceremonies happen. Thank you very, very much. Actually, we really need to thank our constituent services people in general. They are so overworked, but they do such a wonderful job for all of us, our eyes and our ears and our constituency responsiveness out there when we can't be. So I know all of us – maybe we haven't said it openly but we thoroughly appreciate it and I think we've said it privately, and please, Roman, extend our gratitude to constituency services for all that they do.

MR. ABEYTA: I will, Madam Chair.

CHAIR VIGIL: I also wanted to inform the Commission that I was part of the exit audit from the audit that was conducted at Santa Fe County and I want to applaud our Finance Department for the excellent work, all the department heads that cooperated through this audit and let them know we're very, very pleased to hear the final audit report. However, there are still some – they're no longer called findings. There's a new term of art for them. There are some issues that will need to be worked out in terms of redefining policy and direction for the County. One of them for the second, possibly third – I don't know how many years, is how we handle take-home vehicles for employees. That's going to have to be something that has a whole new policy redirected. And that is going to be based specifically on the recommendations from the auditors. This recommendation has had a finding for several years that I know of and it's something that we need to not have as a finding in our next audit.

But I was very pleased in general, because the auditors were making many positive statements about how Santa Fe County cooperated and particularly the timeliness of the audit. It was within an excellent timeframe and that's a tribute to how we are running our finances. So I think probably that audit will come before the full Commission. Is that correct? Is that an item that needs to come before us?

MR. ABEYTA: Madam Chair, once it's been finalized then yes. We will provide a brief summary to the Commission.

CHAIR VIGIL: Okay. And I think that's it. I think I'm going to make some personal comments about the requests on oil and gas drilling. As was mentioned today, it's a new horizon. It's going to be cases of first impression. I think we're getting an inordinate amount of emails on it. We recognize how citizens feel about it. I want citizens to know that we are taking this issue incredibly seriously. As concerned as they are about the outcomes, you can quadruple that for your elected officials. Because the burden rests with us in making the right choices, and making the right choices in terms of procedure and balancing all the issues that we have to balance with regard to due process, environmental

impacts – those two issues themselves can be polarized in many ways.

I really don't want residents to think that because, for instance, me, when I get an email, I thank the resident for their email. And there's so much fear out there that I think residents are actually getting upset over the fact that they're not hearing what at least my position is in it, and they're not, because I don't know my position. It has not come to us for a public hearing process. I've heard from residents. I've heard from citizens. I've heard from many, many people who have a strong opinion on this subject. I myself have to reserve my opinion until I know all of the facts, until I hear what the proposal is, until I know how it's going to impact the environment. Until I know exactly what the issues are out there and how well we've been able to learn about those issues. And I think it's really important for citizens to understand that this process has not even begun for Santa Fe County, except for the fact that the potential of that application will come to us and if it does, that initiates our process.

I think once it does I think citizens will have better response from us, from me in particular. I do not feel comfortable in responding to some of the requests that say what is your position on this. And I also want to say some of these emails are very scathing and uninviting to a response. Most of them, 88 percent of them, come in good faith, but there are some that haven't, and that's difficult to deal with, because we have not even taken a position and there are emails out there assuming we have. So I think it's really important that the public knows that we are highly, highly intensely scrutinizing this project in the best way we know how in balancing everything that we need to balance.

And with that, I think we can move on.

XI. CONSENT CALENDAR

A. Findings of Fact

1. **CDRC Case # V 07-5180 Ramona Maestas Variance – Ramona Maestas Requested a Variance of Article LLL, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Permit a Second Residential Unit on 1.06 Acres. The Property is Located off State Road 502 at 8 Sombra de Jose in Jacona within Section 12, Township 19 North, Range 8 East, Santa Fe County /Commission District 1 (Approved Unanimously)**
2. **Case No. Z 06-5680 Homes Direct of Albuquerque Master Plan/Preliminary and Final Development Plan – Homes Direct of Albuquerque, (Ray Griffin) Requested Master Plan/Preliminary and Final Development Plan Approval for a Manufactured/ Modular Homes Sales Office/ Home Showroom on 2.349 Acres. The Subject Property is Located at 18581-B Highway 84-285 in Arroyo Seco, within Section 18, Township 20 North, Range 9 East / Commission District 1 (Approved Unanimously)**

3. **Case No. Z 07-5100 Santa Fe Metro Center** - (Paul and Mary Jo Parker), Requested a Master Plan Amendment to the Santa Fe Metro Center Master Plan to Vacate the Conservation Easement and Include 14.19 Acres of Developable Land to the Santa Fe Metro Center and Request Authorization to Proceed with Master Plat Procedure for 9 Additional Commercial/Industrial lots on 14.19 Acres. The Property is Located on the I-25 East Frontage Road, Adjacent to the Channel 11 Studios and Office, within Section 26, Township 16 North, Range 8 East / Commission District 5 (Approved Unanimously)
4. **Case No. V 07-5200 Rancho de Gonzales Variance** – Rancho de Gonzales (J.J. Gonzales), Requested a Variance of Article III, Section 4.2 (Types and Locations of Commercial or Industrial districts) of the Santa Fe County Land Development Code to Allow Commercial Zoning Outside a Commercial District. The Subject Property is Located at 27328 East Frontage Road, Adjacent to the National Guard Armory, within Section 33, Township 16 North, Range 8 East /Commission District 5 (Approved 4-1, Commissioner Sullivan Opposed)
5. **EZ Case # DL 06-4510 Kinkade Family Transfer** – Jerry Kinkade Requested Plat Approval of a Family Transfer land Division to Divide 3.269-Acres into Two Lots, within the Carlson Subdivision. The Lots will be Known as lot C-1 (2.019 Acres More or Less) and lot C-2 (1.25 Acres More or Less). The Property is Located off the East Frontage Road at 29 Comanche Road, via Rattlesnake Road, within Section 34, Township 16 North, Range 8 East, / 5 Mile EZ District 5 (Approved Unanimously)

B. Miscellaneous

1. Request Approval to Authorize the County Manager or his Designee to Sign the Sub-Grant Agreement #05-JAG, REVERTED Funds for Region III FY08 (October 1, 2007 Through September 30, 2008) through the Edward Byrne Memorial Justice Assistance Grant (JAG) Funding \$242,364.00 (Sheriff's Office)

[See page 3 for action on the Consent Calendar.]

CHAIR VIGIL: No items on the Consent Calendar have been removed.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Questions?

COMMISSIONER SULLIVAN: I thought we already approved the Consent

Calendar at the beginning of the meeting.

CHAIR VIGIL: Oh. Yes, we did. That's another confusing part of the agenda.

COMMISSIONER MONTOYA: They added VII, didn't they?

CHAIR VIGIL: VII, yes.

COMMISSIONER MONTOYA: Because before it was just C.

CHAIR VIGIL: That's right. That might need to be reconciled. The legacy I'm going to leave is not knowing what to do with the Consent Calendar. Roman, help me out.

MR. ABEYTA: Madam Chair, we're trying but as Steve just said we might be making it more confusing. So we'll work on that.

CHAIR VIGIL: Okay. Maybe you can just get me a script. So did that include B, Request approval to authorize the County Manager or designee? That's part of the Consent Calendar. Okay.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Madam Chair, I don't have anything at this time.

XIII. B. Matters from the County Attorney

1. Ordinance No. 2007-12. An Ordinance Adopting an Ordinance Declaring Graffiti to be a Public Nuisance, Requiring that a Person Whose Property is Damaged by Graffiti Promptly Abate the Graffiti, and Imposing Penalties

MR. ROSS: Madam Chair, there are a couple of items on the agenda prior to the executive session. The first of which is the Graffiti Ordinance, and I think Rachel Brown is going to give you a little overview of that proposed ordinance.

CHAIR VIGIL: Thank you, Rachel.

RACHEL BROWN (Assistant County Attorney): Madam Chair, Commissioners, we have before you an ordinance which you saw last month. There has been a minor revision to it in that under Section 5. Abatement, Section B under Section 5, we specified that the County is entitled to provide staff and funding to participate in abatement on private property if a property owner so requests after a citation and should we have sufficient staffing and funding to assist in the abatement. Other than that revision, the ordinance is as presented previously, declaring graffiti to be a public nuisance and authorizing citation of property owners who do not make efforts to abate graffiti once it's

brought to their attention.

CHAIR VIGIL: Thank you, Rachel. Are there any questions? Do we need another hearing?

MS. BROWN: There's no second hearing necessary.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: We will take a roll call. I just wanted to thank Rachel. I wanted to thank all the staff who's been working on this anti-graffiti ordinance and the anti-graffiti program. We're moving way ahead here with a lot of the abatement and a program and assistance of teens that we have put into place, and I'm really pleased that there are far more ideas that have come out of that task force in terms of attacking graffiti in a comprehensive manner. Thank you, Rachel, for your participation in this.

The motion to approve Ordinance 2007-12 passed by unanimous [4-0] roll call vote with Commissioners Anaya, Montoya, Sullivan and Vigil all voting in the affirmative.

COMMISSIONER MONTOYA: Madam Chair, does that mean that we can put in requests now for the abatement?

CHAIR VIGIL: Yes. Most definitely.

COMMISSIONER MONTOYA: County Road 84, right near Pojoaque Middle School, right on the wall right there. It just got hit up this morning. Thank you.

CHAIR VIGIL: Rachel, since you're here, the sign on Camino Carlos Rael, the back of it has been hit up repeatedly.

MS. BROWN: Which sign?

CHAIR VIGIL: It is our No Crossing sign. It's a huge sign. We turn it around on the Agua Fria side, and that constantly gets tagged.

MS. BROWN: Okay.

CHAIR VIGIL: So I think that one could be abated. And it's one of our properties.

MS. BROWN: Okay. I'll put that in.

CHAIR VIGIL: We will have a hot line. Do we have that phone number available yet?

MS. BROWN: I don't, but I believe that at either the next meeting or the meeting after this there will be a resolution presented with the entire graffiti program that will include all the details about the hot line, Crimestoppers, all the other components of our efforts against graffiti.

CHAIR VIGIL: Thank you, Rachel.

MR. ROSS: Madam Chair.

CHAIR VIGIL: Mr. Ross.

MR. ROSS: Let's not forget that the ordinance doesn't go into effect for 30

days after it's recorded at the County Clerk's office. That doesn't mean we don't take efforts to abate graffiti as outlined in the ordinance, but we can't actually prosecute anybody until 30 days have passed since the ordinance is recorded.

CHAIR VIGIL: Thank you. Thank you, Rachel. We have a new ordinance.

XIII. B. 2. Resolution No. 2007-181. A Resolution Declaring the Intent of Santa Fe County, New Mexico, Subject to the Satisfaction of Certain Conditions, to Issue Tax-Exempt Education Facility Revenue Bonds Pursuant to Section 4-59-2(F)(7) NMSA 1978 in an Amount Not to Exceed \$12,000,000 to be Secured Solely by Education Facility Revenues, for the Purpose of Financing an Elementary School for the Archdiocese of Santa Fe [Exhibit 2: Presentation by Archdiocese]

MR. ROSS: Madam Chair, this is a request that has come to us from the archdiocese. I thought originally that this was a request for an IRB but it turns out it's actually a request - the caption is correct - for an educational facility revenue bond. Mr. Franklin is here and I believe someone from the archdiocese is here to explain what is proposed.

CHAIR VIGIL: Mr. Franklin, please state your name and address for the record, and your topic of discussion.

PETER FRANKLIN (Bond Counsel): Madam Chair, Commissioners, good afternoon. I'm Peter Franklin with Modrell Sperling. We're bond counsel to the County, and my office address is 123 E. Marcy, Suite 201 in Santa Fe.

As Mr. Ross indicated, the archdiocese of Santa Fe has requested that the Board of County Commissioners consider a resolution of intent to issue, on behalf of the archdiocese, education facility revenue bonds in an amount not to exceed \$12 million. This resolution would be the first of two steps. If you adopt the resolution, a hearing will be scheduled for December 11, at which time the Commission would consider a bond ordinance. The purpose of the bonds is to finance an elementary school located at Richards and College in the Rancho Viejo area.

The County will have no obligation to pay debt service under these bonds. The sole source of payment will be revenues generated by the project, really by the archdiocese. These bonds would have no impact on the County's bond rating or its capital resources. I have with me today a representative of the archdiocese, Tony Salgado, who is the finance director, and he's here to describe the project itself and to answer questions about the school, and I'd be happy to answer your questions about the bonds.

CHAIR VIGIL: Thank you. Mr. Salgado, welcome. Would you please state your name and address.

TONY SALGADO: Tony Salgado, 4000 St. Joseph Place NW,

Albuquerque, New Mexico. That's my office address.

CHAIR VIGIL: Thank you. Please proceed.

MR. SALGADO: Madam Chair and Commissioners, I appreciate the opportunity to speak for you. We are seeking educational facility revenue bonds for the purpose of reimbursing the school for capital expenditures, and the school is a 501(c)(3). The archdiocese will make the debt service payments and there's no obligation to the County. The facility, which is currently in its second year of operation is a 64,000 square foot facility and the cost was \$12 million including equipment.

The school currently had 400+ students and the classrooms are pre-K through sixth grade. You have before you some summaries of the bond issue structure and also the overview of the transaction. Again, the school is a 501(c)(3) and there's no obligation to the County because the archdiocese will be making the debt service. So our request is that the resolution be heard in the December County Commission meeting and that there would be a notice publicized before then.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Peter, this is similar to what we did with the academy?

MR. FRANKLIN: Madam Chair, Commissioner Montoya, that's correct. It is the same type of bond issue we did for the ATC charter school, approximately two years ago.

COMMISSIONER MONTOYA: Okay. And I'm sure that most of you had the opportunity to see it but they've really put a nice facility out there. And it's serving the needs of parents and children who want that choice, so I think this would be the same thing. So we can't act on this now until December?

MR. FRANKLIN: I'm sorry, Madam Chair, Commissioner Montoya. Just to clarify. We are asking - the archdiocese, I should say, is requesting that you adopt a resolution of intent today. That will schedule - that will direct publication of a notice of a meeting to be held on December 11 to consider the bond ordinance itself.

COMMISSIONER MONTOYA: I'd move for approval, Madam Chair.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER SULLIVAN: Discussion.

CHAIR VIGIL: Discussion, Commissioner Sullivan, then Commissioner Campos.

COMMISSIONER SULLIVAN: Peter, is this - my packet says this was an industrial revenue bond and it says in the agenda that it's an educational facility revenue bond. What's the difference?

MR. FRANKLIN: Madam Chair, Commissioner Sullivan, the legal authority to issue 501(c)(3) revenue bonds actually comes under the industrial revenue bond statute that has been in place for municipalities and counties for a number of decades.

Some years ago the legislature recognized that there was no state law authority for counties or municipalities to issue what are known as conduit 501(c)(3) bonds. They put that authority into the industrial revenue bond statute. You could call this an industrial revenue bond if you wanted. We thought it was more accurate to describe it as an education facility revenue bond. The statute that we are operating under is the IRB statute.

COMMISSIONER SULLIVAN: Typically, are industrial revenue bonds sold at a lower interest rate than what the applicant would get in the open market?

MR. FRANKLIN: Well, Madam Chair, Commissioner Sullivan, it really depends what form of financing the applicant is looking for. A 30-year revenue bond is generally going to have a lower rate of interest. A tax-exempt revenue bond is going to have a lower interest rate than conventional bank financing. This proposal is for a tax-exempt revenue bond and I believe a rating will be requested. So the interest rate would be substantially lower than conventional bank financing.

COMMISSIONER SULLIVAN: That's not quite my question. My question is conventional bank financing for the church. Is the church tax-exempt?

MR. FRANKLIN: I believe the church is tax-exempt.

COMMISSIONER SULLIVAN: So what is the advantage then to the church of this bond?

MR. FRANKLIN: Basically the advantage is this is the available method by which this type of bond can be issued. A 501(c)(3) bond requires a governmental entity to issue it, even though it's issuing it on behalf of the 501(c)(3). The fact that the archdiocese is tax-exempt and could go to a bank doesn't enable it to obtain tax-exempt financing except through a governmental entity.

COMMISSIONER SULLIVAN: And they're also - they're tax exempt and they also don't have to pay gross receipts tax, right?

MR. FRANKLIN: That is correct.

COMMISSIONER SULLIVAN: So the only advantage of this then is you feel they get a lower interest rate by doing this.

MR. FRANKLIN: Yes.

COMMISSIONER SULLIVAN: And does the County's fees, including your fee, are those paid for by the proceeds from the bond?

MR. FRANKLIN: They are entirely paid by the proceeds of the bonds.

COMMISSIONER SULLIVAN: Okay. And how much difference in interest rate or savings would the church realize?

MR. FRANKLIN: Tony, do you have a guess at that? I don't actually have a clear idea of that. I can tell you that a 30-year tax-exempt financing at a rate somewhere between 4 and 6 percent is going to be a substantial savings over a similar length taxable financing.

MR. SALGADO: Madam Chair and Commissioner Sullivan, our best guess and research indicates that we could save about 150 basis points in interest costs, which for this size bond issue it could save us about \$150,000 a year in interest costs, so the savings

is substantial.

COMMISSIONER SULLIVAN: And what does 150 basis points mean?

MR. SALGADO: It would be like, if you're looking at six percent conventional interest cost you'd be looking at 5 percent tax-exempt through this educational facility, or 4 ½.

COMMISSIONER SULLIVAN: So it's a percent and a half.

MR. SALGADO: Yes.

COMMISSIONER SULLIVAN: Okay. And then the other item I wanted to bring up for you to take back to your folks in Albuquerque, is that I've received several complaints, noise complaints, with regard to the church, as well as lighting complaints. And I haven't been able to get them resolved. The noise complaints have to do with the playing of the recordings of the bells every 15 minutes, and residents nearby are complaining about how loud that is. We have a noise ordinance in the county. We'd just as soon not take the church to magistrate court. So that's one issue, if you could perhaps take that back.

The other is lighting. Although they have lights in the parking lots out there, a light source, the gymnasium has glass in it, around in the sides. So it seems like all night long the lights are on in the gymnasium so that gymnasium, or at least the top glass portions of it stay lighted. It seems, number one, you'd want to turn the lights out to save energy, but number two, that's creating a big light box on the top of the hill there, which has also caused some complaints. Is there something we could do about that?

MR. SALGADO: I'll personally visit with the pastor at Santa Maria de la Paz, which is adjacent to the school. They are separate entities and they are separately managed.

COMMISSIONER SULLIVAN: But it's still the same church though, right?

MR. SALGADO: But I will visit with the pastor.

COMMISSIONER SULLIVAN: I'd appreciate that and my constituents will appreciate that. I'll tell them that you are working on it. Thank you.

CHAIR VIGIL: Further questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Franklin, who is eligible to apply for this type of bond? Just any 501(c)(3)?

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

COMMISSIONER CAMPOS: Any non-profit could come to the County and say help me buy this building for \$100 million or whatever.

MR. FRANKLIN: Any 501(c)(3) is eligible under the statutes. I wouldn't try to tell you that any 501(c)(3) ought to receive County assistance no matter what, but under the statute the eligibility is 501(c)(3) status.

COMMISSIONER CAMPOS: And is there any detriment to the county by issuing these bonds?

MR. FRANKLIN: Madam Chair, Commissioner Campos, in this case, because the archdiocese is not paying property taxes or gross receipts taxes anyway, there

really isn't. In a normal industrial revenue bond you're taking taxable property off the property tax roles for a period of time. That's usually the form of assistance that's being requested. In this case it's a wash; there's no difference.

COMMISSIONER CAMPOS: Okay, so should we have any criteria as to how we make these decisions or is it pretty much open to anybody who wants to come in?

MR. FRANKLIN: Madam Chair, Commissioner Campos, I will tell you that a number of counties and municipalities do have industrial revenue policies that establish criteria for providing this type of assistance. And the project is intended as an economic development project, for example, there are often criteria about the number of jobs to be created and the compensation levels and health insurance and things like that. There are also, often you see policies intended to hold the school system, both the public schools harmless from a loss of property tax revenue. Again, here, that's not an issue because they're not paying property taxes.

But industrial revenue bond policies and criteria are fairly common among the bigger counties and municipalities in the state.

COMMISSIONER CAMPOS: But we don't have those policies.

MR. FRANKLIN: I don't believe there are policies in place at this point.

COMMISSIONER CAMPOS: And the purpose of the IRB is to encourage economic development?

MR. FRANKLIN: Well, the purpose of a typical IRB is to encourage jobs creation and economic development and so on. The 501(c)(3) add-on that's in the IRB statute is really intended to assist with 501(c)(3) financing for non-profit, charitable ventures.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: I have some questions, but let me ask the others -

COMMISSIONER SULLIVAN: I just had a short one, but you go ahead. It just had to do with the handout that we just now got. It was talking about the advantage of non-taxable bonds, and the handout says that a portion of the bonds may be required to be issued on a taxable basis. Could you explain that?

MR. FRANKLIN: Madam Chair, Commissioner Sullivan, there may be - this transaction is going to involve special tax counsel because 501(c)(3) transactions are on a level more complex than a typical taxable or tax-exempt transaction. And they are looking at certain questions about when some expenditures were made and whether they were made too long ago to be reimbursed on a tax-exempt basis, is my understanding.

COMMISSIONER SULLIVAN: And if that's the case, would the County be involved in those taxable transactions, those bonds? Would the County be at some risk?

MR. FRANKLIN: The County would still be the conduit issuer of those bonds but I wouldn't - there is no legal risk to the County concerning the issuance of the bonds, whether they are treated as taxable or tax-exempt. I think the point you're getting at is would the bonds be issued tax-exempt but then be later determined to be taxable. We

would make sure that that didn't happen.

COMMISSIONER SULLIVAN: It sounds like maybe there would be two issues, one taxable for whatever portion of the \$12 million in expenditures qualified or didn't qualify and one non-taxable for the balance that did qualify. So I was just a little concerned about the taxable bonds that may be issued. Does that put the County in any different position?

MR. FRANKLIN: Madam Chair, Commissioner Sullivan, you're exactly correct. What the project plan is talking about is issuing two related series, one tax-exempt, one taxable. It does not put the County in any different position. The County would have no responsibility for the payment of the bonds under either series and there would be no expectation that the taxable bonds should have been tax-exempt.

COMMISSIONER SULLIVAN: Okay. And are there others, to your knowledge or maybe Mr. Salgado's knowledge, are there any liens or lawsuits in place involved with the construction of this elementary school?

MR. SALGADO: No, there are not, Commissioner Sullivan.

COMMISSIONER SULLIVAN: The contractors are fully paid, [inaudible] leases have been obtained?

MR. SALGADO: That is correct. They're fully paid.

COMMISSIONER SULLIVAN: Thank you. Thank you, Madam Chair.

CHAIR VIGIL: My question, Mr. Franklin, and this is no reflection on Santa Maria, I'm sure they're good to go on this. But if they should default, would that impact our bonding ratings or anything beyond what you discussed tonight?

MR. FRANKLIN: Madam Chair, the thing about conduit revenue bonds such as IRBs or these types of bonds is that the bond market and the rating agencies understand that the County is doing this as a public service to a worthy borrower, and the County isn't putting up its own credit, other than trying to use competent professionals to work on the transaction, is not using a process of due diligence to assure that any of the representations about any entity except the County are true. You'll see, for example, in the County GO bond transactions that we work on, when you sign a general no litigation certificate, one of the things that's excluded from the representation that the County hasn't been in default under any of its own obligations is industrial revenue bonds. That's carved out because the bond market, bond investors understand that what happens with an IRB isn't really up to the government entity that issued the bonds. It's really up to the company or in this case, the archdiocese that receives the assistance.

CHAIR VIGIL: Now, is there a maximum amount of projects that we can assist with as a conduit and if there is, are we impacted in any way? I guess maybe you need to answer the first question first. If we start approving a high volume of these, would that affect our bonding capacity?

MR. FRANKLIN: Madam Chair, it would not affect the County's bonding capacity directly, but it's conceivable - first of all, there's no legal limit on the number, but it's theoretically possible that if you approve such a large number of IRBs that are

taking taxable property off the property tax roles that what you're doing is actually cutting into the County's property tax base.

One thing the IRB statutes allow is the negotiation of an agreement for payments in lieu of taxes where, okay, if a project that would ordinarily pay \$50,000 a year in taxes, okay, we're taking that property, that IRB-financed property off the property tax roles, but you've still got a - you, the company still have to pay the County the amount necessary to meet its debt service obligation on its GO bonds, meet all its other obligations that it relies on property tax revenue to pay each year. So that's typically how local governments deal with that. I think it would have to be quite a large number of IRBs for that to ultimately be a problem but the first step on the slippery slope and all.

CHAIR VIGIL: Thank you. There is a motion and a second.

The motion to approve Resolution 2007-181 passed by unanimous [5-0] voice vote.

XIII. B. 3. Executive Session
a. Discussion of Pending or Threatened Litigation
c. Discussion of the Purchase, Acquisition or Disposal of Real Property and Water Rights

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

[The Commission met in executive session from 5:00 to 6:30.]

Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous [3-0] voice vote.

XIV. PUBLIC HEARINGS

A. Growth Management Department

- 1. Consideration of Ordinance No. 2007-___. An Ordinance Amending Article III Section 10, Article V Section 9, Article VII, Section 6.5 and Article X of the Land Development Code, Amending the Requirements for Community Water and Sewer systems or Shared Wells for Subdivisions and Land Divisions; Repealing Previous**

Inconsistent Language (SECOND PUBLIC HEARING)

CHAIR VIGIL: Who will take the lead on this?

KAREN TORRES (County Hydrologist): Madam Chair, I will. Good evening, Commissioners. Since we last discussed this ordinance, we as staff got together and had a meeting to address concerns that were raised by the Commission the last time. We discussed what the goals were for the County. We discussed how such an ordinance would fit in with the growth management plan. We discussed costs of improvements and legal ramifications with an ordinance like this. Out of those discussions some amendments to this ordinance were made. I would like to briefly discuss that.

In your packet, on page 3 of my staff report. And let me rephrase that. We primarily discussed Table 5.1. That seemed to be the topic of discussion at the last BCC meeting. And this is the required improvements when you create lots, for water and wastewater.

What was changed were the size of the lots, was the first change that was made. The lot sizes were made to be more in line with the County's standard lot sizes. So under the fourth column there we removed – the lot sizes were 2.5 to 10 acres and we increased that to 2.5 to be in line with the minimum lot size for the Basin Fringe Zone. And then that would also impact the next column, going from 2.5 acres to 40 acres. So these are the minimum net lot sizes. So what that means is when a development comes in the smallest lot in that development, either family lot split, subdivision, whatever it is, has to be within that range, so you can't have five one-acre lots and then five three-acre lots and then have the average equal 2.5 or somewhere in there. It has to be – this focuses in on the smallest lot within that subdivision.

And then, the additional change that was made was we looked at the number of lots that would be required before water and wastewater systems would be set in. We looked at existing regulations for public water systems, and currently NMED, they have a range when a well is considered a public water system. Especially a well that has a domestic water supply component. We were focusing on the requirement of a well serving 25 individuals and we tried to estimate how many homes that would be. Staff came up with an estimate between 10 and 15 homes, which would meet that burden. The table in here was changed to reflect that in the category of 2.5 to 12.5-acre lots the requirement for a community water system would kick in at 15 lots, where previously it kicked in at five lots.

Additionally, there was a requirement for – under the 12.5 to 40-acre lot sizes of a community water system starting at 5.5 acres and that was removed from this table. But when the project size gets to be 25 to 99 lots the community water system does kick in. So hopefully that makes a little bit of sense to you. But those are the primary changes that were done. The other text in this ordinance has remained the same. We did not receive any comments regarding that text and I think with that I'll stand for some questions.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: What is this on the table over to the right, it says under 5-14, there's an A with a line through it.

MS. TORRES: Yes, because that was what was proposed previously and I guess I wanted to emphasize that it was removed, and so I did it that way. It's sort of a strike-through that, so I hope that wasn't too confusing.

COMMISSIONER ANAYA: That means that that's no longer there?

MS. TORRES: No longer there.

COMMISSIONER ANAYA: So, more than 2.5 to 40 -

MS. TORRES: 12.5. So the minimum net lot size for any of the lots in that subdivision are 12.5 to 40 acres they would be required to have a community water system when they build 25 to 99 lots.

COMMISSIONER ANAYA: I'm not talking about that one.

MS. TORRES: The 5-14? I apologize. That's a strike-through, so that requirement was removed.

COMMISSIONER ANAYA: So there should be nothing there.

MS. TORRES: There should be nothing there. I was trying to illustrate that it was there previously and that it was taken out.

COMMISSIONER ANAYA: Because it shows it being - well, what does it show? I don't understand.

MS. TORRES: Previously when this ordinance was presented it had the requirement for a community water system starting at five lots and extending to 24 lots. And then through discussion that was removed. To show that it was taken out, what I did is I put a little line through the A, like a long line, which probably wasn't a good choice for me to do, to show that it was removed. So I hope that's clear.

COMMISSIONER ANAYA: Clear as mud.

MS. TORRES: I can see going on and on. It's not how it exists currently in the Land Use Code.

COMMISSIONER SULLIVAN: How it exists in the Land Use Code are in black.

COMMISSIONER ANAYA: I was wondering.

CHAIR VIGIL: Further questions?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Is this something that's already in state law, state statute, the size?

MS. TORRES: Well, they didn't really nail down, as far as the size of the lot. They really just look at how many homes are being served or how big of a population is being served before it's considered a public water system. That's solely for the water portion of this. If you're talking about wastewater, that kind of gets into a different set of

regulations for lot sizes.

COMMISSIONER MONTOYA: Okay. So there is something regulating this already.

MS. TORRES: For the water requirements?

COMMISSIONER MONTOYA: Yes. For page 3.

MS. TORRES: Yes. The New Mexico Environment Department Drinking Water Bureau, they regulate public water systems, so they have regular monitoring for water quality. They have specific design specifications to protect the public, and they also have – all the public water systems have to pay into a revolving fund in order to pay for sampling and things like that. To offset the costs. And it's rated based on how much water is used. So generally, small water systems pay a little bit into this fund and large water systems pay a lot into the fund. Through that though, when they are a public water system they are also available for grants and other funding sources too, if they choose to organize that way.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIR VIGIL: Any further questions? I have some questions. Karen, has this gone to NMED or the Office of the State Engineer for any comment?

MS. TORRES: I did send it to John Longworth at the Office of the State Engineer and I did not receive comment back from him. And NMED, I did not contact them specifically regarding this ordinance. In general though they have been very supportive of any ordinances that support infrastructure for water and wastewater in the public interest and as a health issue.

CHAIR VIGIL: One of the concerns I have with it is I represent a district that has a very solid water association in place. I think if we enact this it would directly compete with that water association, requiring a development to put on its own community water system. And I think that's one of the unintended consequences that can come in initially with this legislation because I think as a County we have to create a support system for the existing water systems, particularly those that are following the state statute and moving along and getting things done the way the state requires them too, but don't have the support system in place to move forward as a water association and provide sufficient infrastructure and water rights. Those kinds of things.

So I know that there are developments that may go in my district that this will apply for that will directly compete with the water association.

MS. TORRES: Well, the requirement of a community water system can be an existing one. It doesn't have to be a new community water system that's created.

CHAIR VIGIL: That's now how I read this language. Where does that –

MS. TORRES: If you look at A, below the table, and that's pretty much implied in the current regulations as well. We assume that a community water system, if you do an existing one, or expansion of an existing, or creation of a new. But if you look under the table, it has an A there, and then in red there is some new language in there. Because that was a question that came up. It came up from Eldorado and it came up from

other water systems. So this is just basically to clarify that point because again, it was – when you say community water systems, when folks like me that work in water and Land Use staff, it's presumed of course that it's either connection, expansion of existing, or creation of a new. Or of course the City or County municipal systems.

CHAIR VIGIL: But it's not specific. It says connection to an existing community water system, or formation of a new community water system. So as a project is looking towards a development, they have a choice. They're not going to – this is no requirement that they have to go to a community water system. It allows them to do either and that still goes to my argument that it's going to be competing with those community water systems that are doing a great job out there.

So if a developer has that choice it would make sense to me that a developer would go to an existing community water system, but not requiring that is what concerns me.

MS. TORRES: And I agree. This language is broad and because you can't know all the specifics of the existing infrastructure in an area, so that's why the language kind of allows for both, and it always has. One of the things though, is when you're connecting to an existing system it's going to cost less to do that, because they already have a lot of basic infrastructure in place. So the requirement of a community water system, it's going to drive towards of course the most cost-efficient method of delivering water, and that's going to be expansion of existing systems.

CHAIR VIGIL: I'm going to say that that's really going to be dependent on where the development is and how close it is to the infrastructure because the developer and the development may be far enough away from existing infrastructure where they would consider doing their own community water system.

MS. TORRES: Yes. It's going to be a cost analysis. If you're so far away from existing infrastructure it may not benefit you to hook into that in the long run. It's kind of on a case by case basis. Sometimes it's quicker to expand existing lines than to create your own community water system. So it depends on if you're looking at time or you're looking at money.

CHAIR VIGIL: I think we might be sabotaging our own process here with this and I'm not too sure I can currently support it without the analysis of the Office of the State Engineer and the New Mexico Environment Department. I'd really like that expertise input. That's all I have to say. Commissioner Anaya.

COMMISSIONER ANAYA: So I guess my concern is the additional costs for providing those community water system and solid waste systems. According to this, you're saying anything over, from 15 to 24, would have to provide that.

MS. TORRES: Yes. Depending on the size of the lot, of course. The 2.5-acre to 12.5-acre lot sizes, the 15th lot would have the requirement of a community water system. Now, if you're going smaller than 2.5, you'd have the requirement of a community water and a community wastewater system. Of course the initial capital costs will probably be borne by the developer. The cost analysis that we did was from the standpoint of the homeowner. We looked at an annualized cost. Because basically the

developer puts off those costs to the homeowner and how the homeowner finances that is like getting a mortgage on that home and property and they pay that annual payment for that.

COMMISSIONER ANAYA: So is this going to make it even more difficult for them to meet the 30 percent affordable housing? How does that work?

MS. TORRES: I don't know if it's going to make it more difficult to meet the affordable housing requirement. Any time you have an increase in capital costs you need more capital to do that. There are strategies you can utilize to keep those costs down, such as clustering and looking at hooking into existing infrastructure and partnering like that.

COMMISSIONER ANAYA: But in those areas where they don't have existing infrastructure, then they're going to have to put in the water and the wastewater systems, correct?

MS. TORRES: Yes. Depending on how small they want to go. If they want to have a 13-acre lot, they're not required to do that until they create 25 lots. So once you get more lots showing the costs of these improvements, it's a little more economical.

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

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think this is a good breakdown of the issues that were brought up in the last meeting. On affordable housing, when they look at affordable housing they look at what the buyer can afford. So I think that's why the staff did the analysis based on the homeowner's cost. So the buyer can - where the buyer has wells to deal with, the buyer has more maintenance costs than they do if they have a small community system. So I don't think it will create any fewer or any more eligible affordable housing people. And it will put more up front development costs in some certain cases that we see here, particularly on the smaller sized lots, one to 2.5 acres, but it's going to be a benefit, I think, to the buyer because they're not going to have to assume those maintenance costs. And that's what that staff costs graph shows that once you got past about ten units the difference in costs were pretty negligible. So I think it works pretty well on that.

And in terms of competing with other systems, I think it's just as Karen has said, Commissioner Vigil, if you're far enough away, you may then need to create your own public water system. But we want to encourage that. We don't want the continued drilling of private wells to go on and on and on. If you're close enough, it may be economical enough to connect into that community water system, and that will provide some support to that community water system in terms of additional users on their system and additional revenues. So I think it encourages them if anything, and particularly we're really only dealing with this gap between the 15 and the 24 lot groups. It will encourage people to tie into existing systems, which is what we want. We want to strengthen those systems. If they're miles and miles away, we want - if they're small lots and they're at a certain size, those should be public water systems. And what this ordinance does is it fairly well tracks

with what ED, the Environment Department categorizes as public water systems.

So that seems to be a pretty good compromise to me, and an incentive to know that if you're going to small lots, you need to provide these basic services. If you're going to larger lots, 12.5 to 40 and more, unless you're drilling a really big subdivision you don't have to provide these extra water and sewer improvements. Thank you.

CHAIR VIGIL: Any further questions for Karen? This is a public hearing, so I will open it up for public comment. Anyone from the audience wishing to address the Commission on this item. Please come forward. State your name and address.

ORALYNN GUERRERORTIZ: Hi. I'm Orallynn Guerrerortiz. I live at 700 Juniper Drive here in Santa Fe. I actually thought that this proposed ordinance was going to be studied in a study session. I thought there was some discussion of that in the past, and I haven't actually examined it as closely as I'd like to. I know there are inconsistencies. I had a discussion maybe ten minutes long and found at least two inconsistencies in this and actually found that the staff doesn't really understand all portions of the impacts on this. I haven't been here for a number of years but I think the state law hasn't changed. I understood modifications to the County subdivision requirements required input from the state agencies. I know that we were required in the past to send the ordinance, and send them by certified letter, so that we got evidence that we actually sent it to the state agencies. So I think that that question should also be addressed.

I think that Commissioner Montoya asked a question that wasn't correctly answered. He was asked whether or not this law paralleled state law. It's not correct to say that a public water system is required by state law that's identical to what's in this. It's far from it. The Safe Drinking Water Act, which is administered by the Environment Department, does require, if you have 15 or more connections, or 25 or more people to be served, that the water be tested for its quality issues. There are no requirements for having permitted water rights. There are no requirements associated with fire protection. So that's a disconnect. The definition for a public water supply under state law, and the definitions that are provided in this Code are not the same.

And I think the state law is appropriate as far as protecting public water quality, and it applies regardless of what these County laws are, because those are federal laws and they are in place. If you have 15 or more connections then you are a public water supply and you are regulated by the Environment Department. Also, under state law you can have a septic tank if you have - and I'm not sure of the number. I think it's changed. I've been told it's been changed. But it's something about one acre or less. You can have a septic tank. Regardless of how many lots. So the state law does not require sewer systems to be associated with developments of five or more lots.

I'm concerned with a lot of different things. This will impact the cost of not the affordable homes; that's controlled. It will affect the market rate homes. So the middle guy, people like me and most people in this room are getting squeezed out of our community more and more as the cost of those lots are going up. What I'm also seeing is that permitted water rights costs in our community are skyrocketing. And that's affecting

our community associations, our small water companies, and I honestly believe that the direction should be the government should by the water rights and charge us impact fees for connection, rather than having five developers going after those same water rights and those costs are going up. And they're going up dramatically, very quickly.

There are no provisions in this Code as written to protect family transfers or any of our traditional community values, and that really disturbs me. I think what you're advocating in here, is if you have a family who has acequia water rights, they're going to transfer them to domestic wells and stop farming. That's a reaction - that's what I would imagine families will have to do because if they're doing five or more lots, God forbid they have five or more children and maybe that's not as common anymore but it does happen, there's no provisions in here to protect what I thought this Commission and our County really did a great effort at protecting for many years and that's the traditional family values.

I don't believe that there's any science basis at all for setting the requirements for sewer systems at five or more lots. There is - the state, when they set their standard to one acre, there's a detailed study. It's like this thick. Where they came up with it. What provisions had to be met to use a one-acre lot for a septic tank. We've come up with numbers out of the air as far as I'm concerned. It's not based on any science, and those have real costs associated with them. As written, as presented today, which I haven't read the whole thing but I can tell you this much, you have to have a community liquid system if you have, say, one-acre lots, or two-acre lots. You have to have a community liquid system if you have five homes going in. You have to have a discharge permit, as written, currently, you have to have a discharge permit. I'm one of the few engineers in town that will do those and I won't do them for less than \$25,000. And if it's a bigger project I'm going to charge more.

So you've actually - there are costs buried in here that I haven't seen in the evaluation also. I think that's the bottom line. I don't know that I have any more issues that I'd like to bring up but I really think that there are concerns in here that haven't been looked at very carefully. It's really appropriate for a study session and I hope you'll consider doing that, or just killing the ordinance. Thank you very much.

CHAIR VIGIL: Thanks, Ms. Guerrerortiz. Next speaker please. Please state your name and address for the record.

ALONZO GALLEGOS: My name is Alonzo Gallegos. I live in the village of La Bajada west of here. My concerns tonight are obvious. I feel it's going to be very detrimental to the affordable housing issue as well as water rights, etc. The previous speaker mentioned almost everything. She touched base on almost everything. My family has been in the ranching business for hundreds of years here in the county. I feel I'm being penalized right now with this ordinance. I'm not going to be allowed to drill wells to develop my property in the future. Septics, they're going to be out of existence with this ordinance. I don't see the need for this.

I'm getting confused. We've been here two or three times, coming before us. I

don't see the reason – if it's been tabled before. The committees haven't gotten together to be informed. The Office of the State Engineer has made requirements or drilling wells to a quarter acre-foot per household. She says she didn't get feedback from the Office of the State Engineer. The Environment Department also has its rules and regs for septic. I think that needs to be done also. Thank you.

CHAIR VIGIL: Thank you, Mr. Gallegos. Good evening.

KURT YOUNG: Hi. My name is Kurt Young, Santa Fe, New Mexico. Honorable chairman, Commissioners, the reason I'm here tonight is in opposition of this proposed ordinance, mainly because I believe that it cuts out folks who don't own a lot of land and don't own a little land; they're somewhere in between. Most of us have ten to twenty acres and want to do something with it in the future. I think that having to go through some of these processes are cost prohibitive for a lot of us, not to mention the affordable housing issues that come out of it. It makes providing affordable housing much more difficult.

It seems as though putting in some of these systems could go up well over a half million dollars and for someone who doesn't have the means to afford it it may be cost prohibitive for them or their family to do so. That's why I'm here to speak in opposition of it.

CHAIR VIGIL: Thank you, Mr. Young. Is there anyone else who would like to address the Commission on this? Seeing, hearing none, I'll close the public hearing. Any further discussion from the Commission? Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to hear a response from staff, both Ms. Torres and our attorney and whoever wants to comment on the testimony presented in public hearing.

MS. TORRES: Madam Chair, Commissioner Campos, well, I tried to jot down all the things that were said, so I may not have gotten them all, so I apologize. The first item that came up was certified notification to changes in a subdivision. I just wanted to point out that the changes that are proposed are actually in the zoning portion of the Land Use Code. This is not impacting the subdivision portion. This takes that table and puts it into zoning, which I don't believe has that same requirement for notification, because it's not under the Subdivision Act, to my knowledge. But I will probably defer to the County Attorney for clarification on that.

CHAIR VIGIL: Is that correct, Mr. Ross?

MR. ROSS: Madam Chair, that's correct.

MS. TORRES: And state agencies, because this is a zoning issue, this is all in the County's court. I can probably bully them into giving me something in writing if I really pushed them, but they probably aren't going to willingly look at something that's not under their jurisdiction. They might issue a letter of support, perhaps. I don't know. I didn't push them very hard, but I certainly have the tenacity to do that, to see what kind of comments I can get from them. But again this is zoning; this is County zoning. So again, it's pretty much our jurisdiction, our regulations, that this falls under. Though a lot of

times we do mimic the state regs. Generally, County regs are more restrictive than what the state requires because we have a higher standard that we'd like to see in building.

I did talk to Oralynn earlier. We were discussing discharge permits for wastewater systems. Those are required when you discharge more than 2,000 gallons per day. And we estimated that - actually Doug estimated that to be about eight homes. And how we did the cost analysis is we presumed the developer would have small systems that would be able to accommodate eight homes in order to not seek one of those discharge permits. But I might have to defer to Doug as far as the requirements of that because truly is not my expertise, although I can make a few comments on that.

The water rights issue - that's an issue that we're going to have to deal with very soon. The way that this basin is managed, it's just like the basin in Albuquerque, where in that area you have a lot of agricultural area. You have a river that is connected to the groundwater table and actually contributing to it. You have a lot of water rights that are there. Transfers are quite easy to do. They're not highly protested. They're done fairly easily.

Here it's not quite the same instance, at least in the area that have shown the most growth recently. We do have irrigation rights of course up in Santa Cruz and Pojoaque. Those are above Otawi gauge. They would not be transferred down to this area to be utilized for new growth. So we have some limited in-basin commercial rights that are very rapidly going away. So the alternative to that is to look at - to try to keep the aquifer and the senior water rights protected whole, to look at offsetting impacts to reverse end stream. Which is basically how they've been managing it in this area. Because, again, there is not a huge amount of water rights that are available.

Coming up with strategies in the future on how we deal with this, I think is important. Getting administrative guidelines from the State Engineer on how we handle transfers, how we do it, how we have the transfers happen in a timely fashion - because as a result what's happening is prolific domestic wells, which may or may not be the best way to have a water supply. Domestic wells don't have any water rights or no offsets. They don't look at depletions on springs or La Cienega or anything. It's just allowed to occur. And the state does defer to the County as far as restricting that or looking at that issue. But if we can again persuade them to get out some regs that can meet our goals, I think that would be helpful to get a strategy on where we get the water rights from and how we can manage this area.

There were also come comments involving the costs that are involved for smaller developers. This issue has come up with our growth management strategy, where we have always said if you're small, you don't have to pay for the improvements. And as a result of that I think there's been development that's occurred that hasn't been maybe in the best way with the improvements that were forward-thinking, looking at the community as a whole. It only looked at this person creating five additional lots. It didn't look at - okay, how many lots are around it? That is necessary to do that. And though this ordinance may not solve that issue at all, I think it does move in that right direction, to start looking at,

okay, what infrastructure is around here? What can I do? What is required? I think those are all the comments that I wrote down.

CHAIR VIGIL: Question for you. How does this – to me it just looks like a band-aid to a regional problem. How does this impact a regional resource comprehensive plan?

MS. TORRES: Well, when you're looking at a regional water system, basically how it occurs is by smaller water systems. Basically you have where the growth is happening and you have these smaller systems, which in turn get integrated into larger systems as the population grows. It doesn't start out as a large system and then hope that people build there. It starts out small.

CHAIR VIGIL: But if we create a bunch of community water systems they become autonomous in their own right and own ability to function independently of any regional water system. Why would they have an incentive to become a part of a regional water system?

MS. TORRES: A lot of times, and we'll face this right now in our growth areas, we have autonomous bodies that have their own water system they like their autonomy and really do not want to be part of a larger water system or regional authority. It's been widely held by water managers that that is in the best interest for water supply, to regionalize, to have shared costs and all of those things. How that can be accomplished, there are a couple of methods that the County has. Some of them are voluntary where we would purchase the water system and some are more contentious where you have to actually condemn a system in order to get them into the regional water. That's happening now down in Bernalillo through their water authority. They had systems that did not want to play, so they had to go through a condemnation.

CHAIR VIGIL: It doesn't make sense to me that we would require them to put in a community water system and then force them to become a part of a regional system. There's an unfairness there. Any other –

COMMISSIONER SULLIVAN: Madam Chair, I don't think this does this, what you just said.

COMMISSIONER CAMPOS: I still have the floor.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I have questions. Mr. Ross, I asked for comments from any other members of staff.

MR. ROSS: Madam Chair, Commissioner Campos, I don't think I have anything to add, aside from what I said earlier, which is you don't need to send an ordinance like this that pertain exclusively to zoning to other review agencies we normally send them out to. Is there anything else that you'd like clarification on?

COMMISSIONER CAMPOS: You don't have any other legal issues?

MR. ROSS: No, I don't believe so.

COMMISSIONER CAMPOS: Based on what was testified to.

MR. ROSS: I took some notes. People were concerned about the cost and

the effect on their own situation and the technical things, I think Ms. Torres has handled pretty well. So I don't have any legal concerns.

COMMISSIONER CAMPOS: Mr. Abeyta, do you have any policy comments as to why this is a good thing? Because as I understand it, staff is strongly supportive. They think this is in the public interest and I'd like you to address that aspect of this proposal.

MR. ABEYTA: Madam Chair, Commissioner Campos, what this does is basically, in reality, it takes away the nine lots from a developer. Or it doesn't take it away but it says - because right now you can do up to 24 without requiring water rights. That's what this boils down to. This lowers that number to 15, from 24 to 15. So you're looking at a difference of nine lots. As far as, there was a comment that was made about 10 to 20, the guy who owns ten to 20 acres, well, this wouldn't apply to them. Because with 20 acres you would fall within the 14-lot requirement. So you could still cut your 20 acres into 2.5 and this wouldn't apply. I think the number was up to like 35 acres or something like that before. So you'd have to own more than 35 acres for this new ordinance to apply to you.

And like I said, it boils down to nine lots, really. That's what's going to be decided here. Because right now, you can do up to 24 and the requirement after 24 lots kicks in. We're lowering it now to 15. And so that's really what the decision is. As far as housing, we have the affordable housing ordinance, so from staff's perspective we're covering it either way, or we're covering that aspect. Because you've got to do affordable housing either way. So I think it boils down to do you want to lower the requirement and thus, really, you'll see 15-lot subdivisions instead of 24-lot subdivisions. That's the effect I think it will have on development.

COMMISSIONER CAMPOS: Are you saying it's going to be less than 15?

MR. ABEYTA: Right. You'll see 14-lot subdivisions, where right now you're seeing 24-lot subdivisions.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair. I'll reserve comment for later.

CHAIR VIGIL: Do you want to address anything, Commissioner Sullivan? Is it accurate to say that staff fully, strongly supports this? That wasn't my impression, Roman. Is there conflicting staff statements that you've gotten on this?

MR. ABEYTA: I don't know that there is. What happens is staff gets put in a tough situation when the Commission allows it to get to this point. When you've got title and general summary then it sends a mixed message to staff. So then staff proceeds with the ordinance. We look at the pros and cons and we try to come up with something that will work for the Commission. And this case was particularly - it was really tough on staff because it was first ten lots. So we looked at that, and we thought, okay, well, maybe that is too stringent because the state requirement. So staff tried to compromise and we thought that 15 was a compromise.

But like I said, it's hard for staff to determine, do we take a strong position or not

because the Commission unanimously granted title and general summary. So then that sent us the direction or the signal that this is something that we think there's support for on the Commission to do, so how do we make it work. And then the comments we received in between this time was maybe ten was too stringent so we looked at that. We thought maybe ten was and so we came up with 15.

So I guess what I'm asking is we need to do a better job, both staff and the Commission when we public title and general summary on these ordinances because like I said, when it gets this far it kind of sends a mixed message to staff that maybe there is support for an ordinance like this.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, that concerns me, because I had a discussion with you and I thought you had told me very clearly that staff strongly supported this. Now I'm hearing that maybe not.

MR. ABEYTA: I think staff does support it, because we don't take into consideration the cost to the developers. Those are policy decisions. Staff is going to support any time we require water rights for development because we believe that water rights are a good thing to require. So is you want to know if staff supports this; staff does. But again, our analysis doesn't take into account the impact to developers, the impact to - we try to do some of the costs. We looked at affordable housing but there's an ordinance that addresses that so that really doesn't - we think that's being addressed, but we think it's a good idea to require water rights.

COMMISSIONER CAMPOS: And the last comment is, we have a situation where Commissioner Sullivan really strongly moved this ahead and he got this published. In a situation when there is a Commissioner, any Commissioner pushing something, I'd like to have full input from staff. Even if one Commissioner is for it, once again, I want to know what you really think. I don't you telling me that you think x, y or z because you think there's a consensus. I really need to get straight information from staff as to what you think. You're the experts as far as I'm concerned. I rely on you. I just don't - I feel uncomfortable when staff is holding back because one Commissioner or two Commissioners are pushing for something. They're holding back and they're not fully advising the other Commissioners when they ask questions. Maybe we have to ask better questions or more direct questions. But I really want to hear the straight story from staff, regardless of whether there's one or two or three Commissioners on one side.

MR. ABEYTA: The staff supports the ordinance.

COMMISSIONER CAMPOS: Okay. That's clear, right?

MR. ABEYTA: We support it, and like I said, what our analysis doesn't include is policy decisions such like costs to the community. We just look, is water rights a good idea or not? We think it is. So staff does support this. And as you said earlier, that's the difficult part of being staff because it's not that easy to give a straight answer to a Commission on some things. So like I said it would be helpful to staff if at the time of title and general summary we get a good feeling for what we want to do as a County with

ordinances. Because we are trying to provide you more information at title and general summary so we don't go all the way down this road and then -

COMMISSIONER CAMPOS: We've done this numerous times where we start off, spend a lot of staff time. It turns out that there is no support on the Commission six months later after we've worked hours and hours on something. It concerns me. I really want - I think it's a good idea. I think this ordinance that's being proposed is a good idea for the community. I think it moves us forward in the right direction. I think it protects the community. It gets us away from the stand-alone wells that we've - this is the Wild West. The stand-alone wells that the developers are now using to make profit are really the old Wild West. You could get a permit. There were very people. There was no big issue on the water demands; there was plenty of water.

Now we're in a different situation and developers are using free water to make profit. I think that's one question. The system also protects the user in the quality of the water. It makes sense more than stand-alone. Stand-alone is very vulnerable in the West. We're getting into a situation where water is going to be a rare commodity to regulate it, to make sure the quality is there, to make sure the water is there. To sustain a home, which is our largest investment. And if we don't do it through systems, if we insist on the Wild West and go along with stand-alone wells, we're going down the wrong road. I think we really have to think seriously about this issue. I think there's maybe two Commissioners that are not in favor of this and they never have expressed any support for this, and I'd like to have a public policy discussion. Why not? If it really helps the public.

The developers want free water. They make more profit. They can sell more homes. But this is water that belongs to all of us. There's less of it. How do we regulate it? Do we just back-off and continue what's gone on for 40 or 50 years which is wrong? How many of those wells do we have out there? How much do they suck it up? How is it impacting our ability to really manage a water resource? I think the people who are not in favor are not addressing the public policy issues. They're backing off for some other reason. I'd like to have that public policy discussion.

CHAIR VIGIL: I think I agree with Commissioner Campos and I frankly agree with the fact that a study session and that's what I proposed the last time. I think we did take action by tabling this and we went by the rules of a tabling motion and it came back to us 30 days after. I'm still of the opinion that this requires more study. I do believe there's got to be more policy. And I agree with some of the underlying sort of assumptions in Commissioner Campos' statements. I think it's unfair to place staff in a position where they have to compromise their positions to try to please an agenda that's being pushed forward. As our County Manager said we did take action on title and general summary. I can see how that would provide an incentive for staff to move forward.

But I think from my perspective, when I took action, I had hoped to be able to get more information to know that this was an appropriate thing to do, because I do want to address the issue of the straws in our community, but I think we can do it in a more comprehensive way. I think we need to regionalize more and I think if we're starting to do

this, it's like we're coming at it from the wrong end of the funnel. We're just creating more problems. I'm still of the opinion that if we're wanting to address this from a public policy perspective, there are more issues than what we have authority. I question whether or not we can create community water systems through our zoning laws. I need more answers with regard to this.

I don't like moving forward without having the state's input on it, whether or not we have the authority or are required to do it. I think it's really important that the State Environment Department and the State Engineer's Office be a part of this process. I think there are experts there, as you have the expertise too, but I think we need another input session. It feels too minimal in terms of the information that I have. And it's been pushed so hard that I'm very uncomfortable with it that I can't move forward with it. I am happy to have policy discussions, I'm happy to bring in the Office of State Engineer. I'm happy to bring in other members of the community for their input. I'm not happy with the kind of information I have so far.

I'm sorry, Commissioner Sullivan. I'd like to support this but I can't.
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I think this is the time, if you're going to support protection of our aquifer, this is the ordinance that does it, and it does it, as the County Manager said through the requirement - a minimal requirement, the purchase of water rights. In terms of saying I prefer a regional solution, well, a regional solution is the sum of many small parts and this will get those many small parts to be more reliable and quality water systems, and those parts will eventually become, over the years, a regional water system.

Now in terms of insinuations that somehow I had some ability to browbeat the staff into this ordinance, let me remind you that without any input on my part the staff did those very extensive cost analyses as to the different types of alternatives that water - ways that water can be supplied to a community. And those graphs, which Ms. Torres didn't go into tonight but which she discussed at the last meeting, quite simply show that cut-off line being around ten lots, so that seemed to be a good number to work with where the impact to the user is no different but the impact to the aquifer is substantial.

My role in this - I had no role in the staff reports, any of them, and other than discussing the progress on the charts which staff did with assistance from outside economic experts, I simply brought it forward. And I'm not ashamed that I brought it forward, quite frankly. I'm not ashamed at all. I think at some point in time the County's got to realize, and we are realizing, and we need to act on the fact that water is a limited commodity. We have to protect it. And this is a start. This is no major change but it's an effort in the right direction.

I'm proud of what's come forward here. I think it's good. We need it. We need it as a part of our Code rewrite. We can study it. We can have work sessions. We can have opinions on water and you can have as many opinions on water as you do on politics and religion, but at some point in time, we as the decision makers have to say, okay, this is a

good compromise. This is a good direction to go, and as we move forward we can fine-tune it. We may have to ease up a little; we may have to make it more stringent, and that may come out as well. But I'm proud of the product here and I think it's a good product and I would encourage the Commission to move forward to approve it tonight and I think you'll find you've made the right decision.

CHAIR VIGIL: Any further discussion. How does the Commission wish to proceed?

COMMISSIONER SULLIVAN: Madam Chair, since I seem to have been on the spot here somehow – somehow I'm wearing the mean hat or something tonight, I'll certainly move for approval of Ordinance 2007-13 as presented by staff.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I would like to second that but I don't see that there's three votes. Is there a third vote here anywhere? Raise your hand. I don't see a third vote. I would say –

COMMISSIONER SULLIVAN: Second it and we'll vote.

COMMISSIONER CAMPOS: I don't want it to go down. I want to have more time to convince at least one more member of this Commission that this is the right thing to do. So do you want to go down tonight? Just in flames, or would you prefer that we have further discussion? It's your choice.

COMMISSIONER SULLIVAN: Well, Madam Chair, I never want to go down in flames.

COMMISSIONER CAMPOS: Well, that's what's going to happen if I second it. We have an opportunity to have further discussion. The chair has said that she will in good faith consider further discussion. I think the other members of the Board are willing to listen. I think you have a good idea. I made propose it differently but I think it's a good idea. It's a step in the right direction and I support it.

COMMISSIONER MONTOYA: Madam Chair, I think it would also be important, based on some of the comments that we received that people are involved during that process of whatever it is that you do toward that end, so that we're not at the last minute getting feedback that they haven't been involved and they didn't know what's going on. They've just seen it preliminarily before the meeting started. So I think it would be important that some of the people that came up here, if they willing to volunteer and work with you on this that it would ease my concerns. So I move to table, Madam Chair.

COMMISSIONER CAMPOS: I second.

CHAIR VIGIL: Motion and second to table. And do you have a certain date for rehearing this?

COMMISSIONER MONTOYA: It's for the next public hearing, right?

CHAIR VIGIL: Would that be sufficient time?

COMMISSIONER MONTOYA: Is that sufficient time? No? Two months?

MS. TORRES: Because we have to turn our staff report in two weeks prior

to BCC it really only gives us two weeks. So it doesn't really give us a month. I'm happy to have a study session. I've always advocated a study session. I basically look for direction from you to say do a study session, and I'm happy to. This ordinance, although it's only 3 pages, it really is detailed. It's very intricate. There's a lot of issues involved in it and a lot of implications that just a quick staff report can't really get into.

COMMISSIONER MONTOYA: Three months?

CHAIR VIGIL: Three months?

COMMISSIONER MONTOYA: Three months, Madam Chair.

CHAIR VIGIL: Is that okay with the seconder?

COMMISSIONER CAMPOS: That's fine with me, but just a comment to Commissioner Montoya. You know, the people that are coming up opposed to this are going to be opposed to it in three months or in ten years, because it's just a question of money for them. So you're not going to get any changes from the people who were protesting. They're going to find any argument to slow it down or to convince somebody it should be defeated. Money's involved. When money's involved you're not going to change their mind.

CHAIR VIGIL: There's a motion to table and a second. I disagree with you, Commissioner Campos. I think the more you engage the public, the more likely you are to get a better outcome.

COMMISSIONER CAMPOS: We're not engaging the public, we're engaging people in development who have a very big interest in making money.

CHAIR VIGIL: I'm interested in engaging any interested party and I'd like the Office of the State Engineer and the Environment Department to be a part of this, and I'd definitely like analysis from them. And I would also like us to conduct a special session for this. Are we okay with that?

COMMISSIONER CAMPOS: I just don't want to slow down the growth management movement and the Code rewrite. Every time - what I'm hearing from you, Madam Chair, is that you want everybody in the world involved including the State Engineer, Environment Department, who have nothing to do with this. This is going to turn into hearing after meaningless hearing.

CHAIR VIGIL: I disagree. They do discharge permits, don't they?

MS. TORRES: They definitely have an expertise, again, as I stated earlier, they don't have jurisdiction over this issue. So to get them to actually make valuable input on the subject might be difficult. But I'm certainly happy to try and see what input I can get from them. And also from the State Engineer. I do think having a public session could maybe answer some questions and perhaps get some buy-in of concerned people. I think it does lend itself to a more robust product at the end because you can consider other issues, but that's my personal opinion.

MR. ABEYTA: Madam Chair, I was speaking with the County Attorney and we're looking at bringing in the Code rewrite early spring, like February or March, and we're on the water section now. And I would rather just address it during that process

instead of trying to schedule a study session and then working on this. We have oil and gas. We have a lot of other priorities that this is going to slow down. This will slow down the Code rewrite to have a study session. So I'd rather just, as we do the Code rewrite, highlight this section for the Commission. We're going to have to have a special study session with the Code rewrite anyway and this could be one of the things that we discuss.

Really, what it's going to boil down to is the water rights, because all the other provisions of the ordinance I think are good and I think we could get agreement from the public on all the others. So I'd rather have that discussion during the Code rewrite because of the number of projects we have. I don't want to spend any more time on this now if we're going to be in the same place in a few months anyways with the Code rewrite.

COMMISSIONER MONTOYA: Based on our Manager's recommendation I withdraw my motion.

CHAIR VIGIL: Is the second withdrawn?

COMMISSIONER CAMPOS: To do what?

COMMISSIONER MONTOYA: Based on his recommendation.

COMMISSIONER CAMPOS: I agree. We have to have a focus. We've got to move forward with this growth management plan and the Code rewrite. I would withdraw my second.

MR. ABEYTA: Madam Chair, I am going to build this discussion into the Code rewrite.

COMMISSIONER SULLIVAN: Why don't we just, Madam Chair, then so we have something, some direction to staff, why don't we just table it to be included with the Code rewrite discussions. That's a time certain.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, with all due respect, any Commissioner has the right to bring things forward to the Commission for us to discuss things and I respect Commissioner Sullivan for bringing this forward. But after hearing the conversations, I'm not for this at all. I think that this hurts the people that do those developments between five and 25. If we get rid of those people then you're only going to have those developers that come in here and they're going to be from out of state. They're going to come in here and they're going to do the 100-lot, 200-lot subdivisions, 300-lot subdivisions, and we don't have these small ones that keep our families and friends going. I think this is an important thing. If we change this then we lose them. Good bye to those developers. And here come the big guys, the ones with the money and the ones that can buy those water rights. Because these guys, we're throwing them out. They're not going to be able to afford it.

So I do not agree with what Commissioner Sullivan has brought forward. He's proud of it; that's good. But to me, this is going to hurt us. This is going to hurt our economy. It's going to hurt the people that we work with - electricians, plumbers. So I don't think that we should waste any more time on this, waste staff's time on this. I know that there's mixed feelings in this. I don't think this should have ever got to publish title

and general summary. I think this Commission should have stood up right away and said no, instead of pushing that through. And maybe in other things we need to say, like what Commissioner Campos said, if we don't like it, stand up and say no.

And it's not your fault, staff. It's our fault, Commissioners. I think it is our fault. We shouldn't have let this go past title and general summary. But I think this is a bad thing and I'm going to vote against this and I move to table for indefinite.

COMMISSIONER SULLIVAN: Madam Chair, I think I had a motion to table until the inclusion as a part of the Code rewrite, which is estimated to be three months.

CHAIR VIGIL: You're right, Commissioner Sullivan. I did hear that motion. Is anyone going to second that motion? Not hearing a second, I heard another motion to table indefinitely. Is that going to be seconded.

COMMISSIONER CAMPOS: Madam Chair, it serves no purpose to table something indefinitely. I think if we just not vote on it it dies and then we have the discussion down the road, when the Code is rewritten.

CHAIR VIGIL: I don't hear a second, so no action will be taken on this item. Roman, would you like further direction or are you okay with the discussions you heard?

MR. ABEYTA: We're okay with the discussion, Madam Chair.

XIII. A. 2. Resolution No. 2007-182. A Resolution Adopting Ordinance No. 2007-13, An Ordinance Adopting an Amended Santa Fe County Hydrologic Zone map to Replace Figure 1 of the Water Appendix to the Santa Fe County Land Development Code (SECOND PUBLIC HEARING) [Exhibit 3: Text of Resolution; Exhibit 4: Text of Ordinance]

STEPHEN WUST (Water Resources Director): Thank you, Madam Chair. I discovered this morning that the ordinance and resolution were not in your packets so that was just handed out to you my Shelley. The ordinance is exactly the same as was given at the first hearing so there's been no changes. I've also placed a copy of that ordinance on the back table. The resolution is a new item that was recommended by Legal, that a concomitant resolution be adopted, basically outlining some of the reasoning behind it. That's what you have in front of you. I've also placed a copy of that on the back table. Fortunately, the maps were in your packet, as was the report. Copies the map were also put on the back table for this evening. What you see - let me go to the maps first so you can differentiate those. What you see are two maps, one of which shows the changes. That's the one that's got the - if you look to the north, that's the most obvious. The basin is in two pieces and then you see a red dashed line connecting them. That's the suggested change. So the other map is the product that would be part of the ordinance, because the

ordinance is adopting the new map and that's the second one you see. That's what the map would look like if the Commission adopted it. And I'll go through what the changes are in just a moment. But I want to make sure you know what all these pieces are.

Again, the ordinance is what it was in the first hearing. All it says is we're adopting the attached revised hydro-zone map. The resolution is in essence a resolution style of what you see in the staff report. The staff report is an expanded version of what was given to you in the first hearing. It was expanded based on a question that came from Commissioner Campos asking for clarification on how we came up with these changes. So the main difference is that - it's always been true, I just didn't explain it well in the first hearing. That staff took - and this actually started a couple of years ago. There were some new scientific studies of the basin by the US Geological Survey that the County actually helped fund, and then several newer hydrologic reports that were done in conjunction with some development applications.

County staff have looked at those in using the data and interpretations from those various reports. We went through and did a geologic interpretation ourselves and came to the conclusion that the extent of various pieces of the Basin and Basin Fringe and Homestead Zone on the current hydro-zone map should be modified based on the data. And addressing Commissioner Campos' concern on the last item, that is how the staff looked for a recommendation, basically from a scientific approach. The new data and our interpretation and analysis of that data and those studies suggested to us that the hydro-zones, as defined by the County, were different from as currently put in our hydrologic appendix to the Code and therefore should be modified to more accurately reflect what we believe is scientifically shown to be there.

So that's what you're seeing in front of you, a resolution that basically gives a lot of whereases that again, mimics the staff report that says, whereas the staff analyzed these things, etc. Therefore we'd like to adopt the ordinance. The ordinance says the new, amended map will be the one that's part of the hydrology appendix to the Code, and that will be the one in your packet that's all solid now. The biggest changes there are the two pieces of basin that are originally part of the northern part of the county, are now connected. That's demonstrated by staff's interpretation of the data and reports that suggest the saturated thickness of the Santa Fe group, which is how we define the Basin Zone, is thicker in that area than as would be defined as Basin Fringe.

So we've made more Basin up there. If you look to the south, a little south of Eldorado. That had the opposite suggestion and that is there was little to no saturated thickness of Santa Fe group, which meant there was more Homestead Zone down to the south and less Basin Fringe Zone. Those are the only two areas that really were modified through this particular map.

Again, all these items are in the back and the ordinance is unchanged from the previous one. And if there are any modifications to the resolution we can easily make those changes before we submit the final for signature. With that, I'll stand for any questions.

CHAIR VIGIL: Any questions for Dr. Wust? Seeing none, this is a public

hearing. Is there anyone from the public that would like to address the Commission on this item? Please come forward. State your name and address.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So the map that we're adopting is the first one?

CHAIR VIGIL: It's the second one. It's the one that doesn't have the redlines.

DR. WUST: Madam Chair, Commissioner Anaya, it's the one that's got the solid yellow up to the north.

COMMISSIONER ANAYA: Okay. Thank you.

ALONZO GALLEGOS: My name is Alonzo Gallegos. I live in the Village of La Bajada on the west of Santa Fe County. My concern here is right now, myself as well as my neighbors in La Bajada, we're zoned Homestead right now, and I understand it's a hydrological term. We have had hydrologists go out there and locate wells for us and the saturated thickness out there, the farther you get away from the La Bajada fault line, there's plenty of water. I expect more than there is in the La Cienega area. I'd like that to be addressed for my community's sake, why we haven't been included in this hydrologic zone and we're left in the Homestead Zone when in fact there is a lot of saturated thickness out there the farther you get from the fault line.

CHAIR VIGIL: That can easily be addressed. Dr. Wust, would you explain that?

DR. WUST: Madam Chair, the definition of Homestead, Basin, Basin Fringe is geologic and it's based on the saturated thickness of the Santa Fe group, and the Homestead Zone is defined as a mixture of various older geologic units. There may be saturated thickness there but the hydro-zones are not based simply on a saturated thickness. If anything it's based on the geology and the saturated thickness of that geology. And I will also add that the hydro-zones are used as an in essence, first cut, if somebody wants to figure out some lot sizes. But the Code always allows somebody can go in there and do a hydrologic test and report and show that they have more water availability no matter what the zone is and actually get some different lot sizes based on water availability.

But the Homestead Zone is based on the geologic units and the saturated thickness or presence or absence of Santa Fe groups, specifically, and that's why it's defined this way on the map.

CHAIR VIGIL: If I'm to understand Mr. Gallego's concern, he's concerned over the fact that there are perhaps neighbors, family, friends, who want to go out there and dig wells and his concern is that if he remains in the Homestead Zone that won't be a benefit as being in the hydrologic zone, but in fact there's no difference once a resident decides to seek wells.

DR. WUST: Madam Chair, yes. The difference would be if somebody just wants to go out and say I don't want to do any water availability. What kind of lot sizes

can I get? And if you're in the Homestead Zone those lot sizes would be larger than if you're in the Basin or the Basin Fringe. But we as staff don't want to move the lines based on where we want to put them; we want to do it based on the geologic understanding. But again, you're correct that anyone can go out and drill a well and do a hydro report and say we actually have more water than the zone map suggests and we would like to propose smaller lot sizes or something. That's why we have our reviews of hydrologic reports. Anyone has that opportunity.

CHAIR VIGIL: Do you understand that, Mr. Gallegos?

MR. GALLEGOS: Yes, though the fact still remains – he's concentrating, you call it the Santa Fe group – am I correct? What do you consider the group on the western edge of Santa Fe County where La Bajada lies?

CHAIR VIGIL: It sounds like you might need an individual session with our Water Resource Director.

DR. WUST: Madam Chair, I'll quickly address one of the things right away. It's always been defined in the hydrology appendix to the Code, which was written in '86 and adopted as part of the Code, that's how you define the Basin and Basin Fringe and the Homestead and the Mountain Zones, based on the various geologies. So it is defined as part of the Santa Fe group. If you want to get into what units or where, we've got to get a geologic map and look over it in detail, because it gets very mixed when you get outside the Basin and Basin Fringe area. You get a lot of different units, a lot of structures. So it would require a lot more kind of detailed poring over maps.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I guess the concern that Alonzo has and so do I is that if they're in the Homestead, then they have to prove water, and in order to prove water they've got to get a hydro test and that costs money, if you're going to break it down to smaller lots. What about a reconnaissance test? Looking at other wells? Can we also do that?

DR. WUST: Madam Chair, Commissioner Anaya, that's allowed under some circumstances. It depends on the number of lots and if there are wells nearby and things like that. That's always been allowed and yes, it is available, again, if you meet certain conditions. That's correct.

COMMISSIONER ANAYA: So his question was, they've got a lot of water there, but they're not shown on the map as being Basin or Basin Fringe.

DR. WUST: Madam Chair, Commissioner Anaya, you can see they're currently in the Homestead Zone. They always have been according to the map. The modifications to the map are where some data show that there was some differences from the current map. In that area it didn't look like there were any changes. So all we're doing is changing where it looked some changes. They've always been in the Homestead; they've always had these conditions.

COMMISSIONER ANAYA: But you said you got this map from where again? Where'd you get the map?

DR. WUST: Commissioner Anaya, this map was developed by staff. We modified it based on data and reports we got from the US Geological Survey and from some of the larger hydrologic reports in a couple of areas, more current ones. But this is a staff report.

COMMISSIONER ANAYA: You can get records from the State Engineer's Office on the wells that are drilled where Mr. Gallegos lives. Can't you use that and develop a map with the wells that are already producing?

DR. WUST: Commissioner Anaya, there's a couple of things. One is there's a zillion wells. That's a lot of detailed work. We could. This was based on some major changes that were seen, but the bottom line is if you define as is currently defined under the Code and the hydrology appendix to the Code, Basin, Basin Fringe is defined a certain way. Homestead is defined a certain way. Where La Bajada is is defined as Homestead under the hydrology appendix to the Code. Any of our analysis will change that unless we want to change how we define various hydro-zones. We can look at - plan to come up with a new way to define the hydro-zones, but as they are currently defined it's Homestead. It still will be Homestead.

We have looked at some of the things out there, not for this study, but in the past with various submittals and it's Homestead. That's what it is as defined under the Code. So the changes we made, we're changing the Basin and Basin Fringe and Homestead lines, boundaries, based on how we currently define it. So that's how staff's looked at it.

CHAIR VIGIL: Go ahead, Mr. Gallegos.

MR. GALLEGOS: I don't think I made myself clear and I'm not getting the answer that I want. What I've done is I've hired a hydrologist, a very noted, accredited one, Mr. Howley, I don't know if you've heard of him, John Howley. What I mentioned when I first spoke was that as you get - what he mentioned - as you get farther away from the La Bajada fault line and this is the zoning you're talking about, we're out of what you guys would call the zoning of the Galisteo formation. The cuttings of the wells, when they cut through wells in La Bajada it doesn't show that we're in the Galisteo formation where you're considering the Homestead Zone. Am I correct? That's not correct? Then I need to meet with him like you suggest.

CHAIR VIGIL: Yes. I think if you do meet with him you'll have a better understanding. This is really just cleanup language the way I view it and it's cleanup language based on definitions of the geology of the locations.

MR. GALLEGOS: Right.

CHAIR VIGIL: Not on anything else.

MR. GALLEGOS: What we were on in La Bajada is something included some kind of study of the geology and the hydrology in La Bajada itself. We are part of the county. We pay taxes and that's where I'm coming from. So I would like to meet with you if I could. Thanks.

CHAIR VIGIL: Okay. Anything further? Anything you'd like to add, Dr. Wust?

DR. WUST: Oh, Madam Chair, I just saw one thing. I believe at the first public hearing there was no public comment? Just from memory's sake, and I believe this second public hearing you can vote on it. I can be corrected if I'm wrong.

CHAIR VIGIL: That's my understanding.

DR. WUST: That's all I have, Madam Chair.

COMMISSIONER CAMPOS: Question for Legal. Mr. Ross, I guess we move to adopt the resolution first, and then the ordinance?

MR. ROSS: Madam Chair, Commissioner Campos, no. You would adopt the resolution which adopts the ordinance.

COMMISSIONER CAMPOS: Okay. So all we have to do is adopt the resolution and that -

MR. ROSS: That adopts the ordinance. It's just one vote.

COMMISSIONER CAMPOS: I'd move for the adoption of the resolution calling for an ordinance adopting an amended Santa Fe County hydrological zone map as presented by staff.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So, Dr. Wust, you will get with Mr. Gallegos and sit down and explain to him exactly what his questions were?

DR. WUST: Certainly.

COMMISSIONER ANAYA: Thank you.

The motion passed by unanimous [3-0] roll call vote with Commissioners Anaya, Campos and Vigil all voting in the affirmative.

- XIII. A. 4. BCC Case # Liq 07-5400 Café Aldea Liquor License Transfer - Café Aldea, Inc., applicant, Ferdinand Carasco, Agent, Requests Approval of a Restaurant Liquor License to Sell Beer and Wine with Meals at an Existing Restaurant. The Property is Located at 60 Avenida Aldea in the Aldea de Santa Fe Subdivision, Within Section 20, Township 17 North, Range 9 East / Commission District 2**

JAN DANIELS (Review Specialist): Thank you, Madam Chair. On September 23, 2003, an election was voted on and was passed regarding the opportunity for restaurants in the unincorporated area of Santa Fe County to serve beer and wine with meals. In 1996, the Extraterritorial Zoning Authority granted commercial zoning and

master plan approval to the Aldea de Santa Fe Subdivision, Frijoles Village. The approved zoning allows restaurants to serve wine and beer with meals.

The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 6.0-6b-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for a restaurant liquor license should be granted.

Recommendation: The request is in accordance with the notice requirements and staff recommends approval of a liquor license to allow the sale of beer and wine with meals at Café Aldea in the Aldea de Santa Fe Subdivision.

CHAIR VIGIL: Any questions for Ms. Daniels?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Ms. Daniels, how many liquor licenses are out there in this area?

MS. DANIELS: I can't answer that, Madam Chair, Commissioner Montoya. I can't answer that at the time, but we're right on the verge of being able to. I'm working with the County Clerk and Finance and we're going to be able to map everywhere in the county that has liquor licenses. We're just getting all the information together and it will take a while but once it's completed we'll be glad to send you and all the Commissioners a copy of it.

COMMISSIONER MONTOYA: Just send it to me; don't send it to the other ones.

MS. DANIELS: Of course.

COMMISSIONER MONTOYA: So we don't really know right now.

MS. DANIELS: Not right now we don't.

MS. COBAU: Madam Chair, Commissioner Montoya, there aren't any other establishments that serve alcohol in Aldea at this time.

CHAIR VIGIL: Was that your question, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes. Thank you.

CHAIR VIGIL: I think Shelley's correct. Pleasure of the Commission?

COMMISSIONER CAMPOS: Public hearing.

CHAIR VIGIL: There is a public hearing. Is there anyone out there who would like to address us? Seeing, hearing none, I'll close the public hearing.

COMMISSIONER CAMPOS: Move to approve.

CHAIR VIGIL: Motion to approve. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Does this liquor license have any prospect of being next to a school zone?

MS. DANIELS: Madam Chair, Commissioners, no it doesn't.

CHAIR VIGIL: Okay. Any further discussion?

The motion to approve passed by 3-1 voice vote with Commissioner Montoya casting the nay vote. [Commissioner Sullivan was not present for this action.]

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to say for the record that one of the issues that we continuously fight and just my principle and moral obligation to vote no on these issues where here in New Mexico it's a huge problem. Nothing against the applicant but if we're going to do something about it then it begins with the dispensing of liquor licenses.

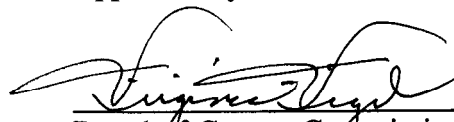
COMMISSIONER CAMPOS: Are you talking about prohibition, Commissioner?

COMMISSIONER MONTOYA: Yes, I'm against prohibition.

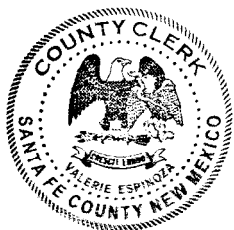
XIV. ADJOURNMENT

Chair Vigil declared this meeting adjourned at 8:05 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

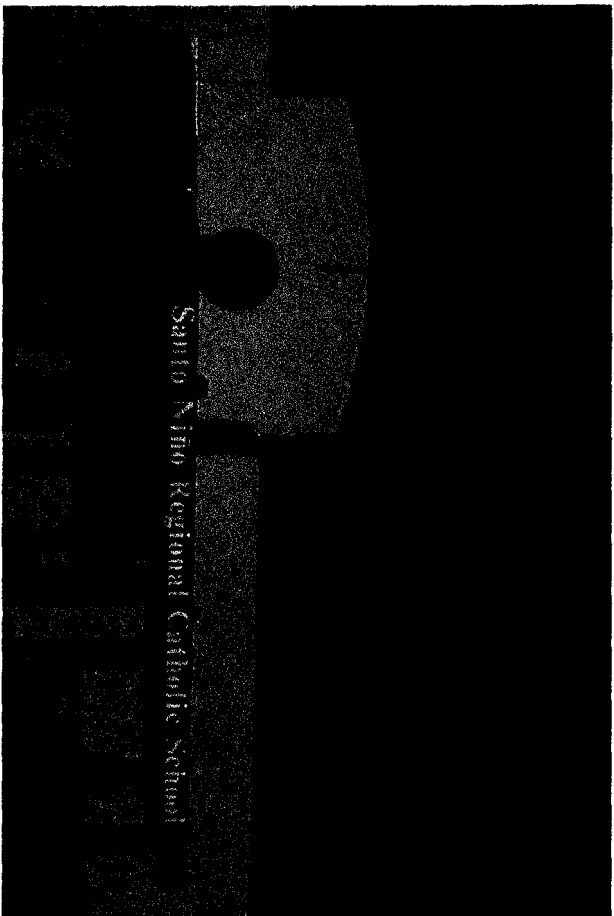


CHRONICLES

RANGE WARS RAGE ON

For more information: www.sierraclubtv.org
Running Time: 28:30 ©2006 Sierra Club

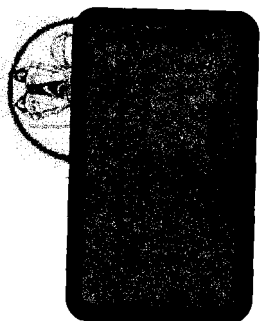
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Santa Fe County, New Mexico
Education Facility Revenue Bonds
(Archdiocese of Santa Fe Project)
Series 2008

Bond Issue Request Overview

November 13, 2007



Issue Summary



Issuer: Santa Fe County, New Mexico

Obligor: The Archdiocese of Santa Fe

Issue Description: Education Facility Revenue Bonds (Archdiocese of Santa Fe School Project) Series 2008

Amount: Not to exceed \$12,000,000

Sale Date: On or about December 11, 2007

Type: Fixed rate or variable rate

Security: The 2008 Bonds are obligations the Archdiocese of Santa Fe, New Mexico, a corporation sole, and secured solely by education facility revenues in connections with the proposed project located within the boundaries of the County

Purpose: Finance the Acquisition, construction and equipping of the Santo Nino Regional Elementary School

Dated: On or about February 8, 2008

First Interest Payment: June 1, 2008

First Principal Payment: December 1, 2008

Rating: TBD

Insurance: TBD

Optional Redemption: TBD

Reserve Fund: Equal to one year's annual debt service

Overview of Transaction



- Redevelopment of old St. Francis Elementary School site in downtown Santa Fe is underway.
- Santo Nino Regional Catholic School will replace the St. Francis School. It opened in 2006 and is located on College Ave. near Richards Ave.
- Land for the school site was donated to the Archdiocese by Rancho Viejo.
- Archdiocese seeks County approval to issue tax-exempt bonds on a conduit basis tax to pay for and reimburse expenditures associated with the construction of Santo Nino Regional Catholic School. A portion of the bonds may be required to be issued on a taxable basis.
- Tax exempt bonds for this purpose can be issued under State and Federal law.
- Bonds are expected to be placed with a large commercial bank or investment firm.
- No County revenue or assets are available to bond holders
- Final documents and transaction structure will be presented at the Commission's December meeting.

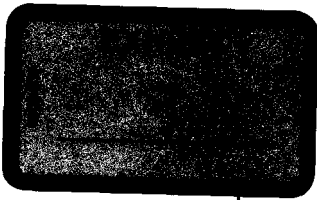
Debt Service Schedule



BOND DEBT SERVICE

Santa Fe County, New Mexico
 Tax Exempt Education Facility Revenue Bonds
 (Archdiocese of Santa Fe Project)
 Series 2008

Period	Principal	Coupon	Interest	Debt Service
6/1/2008		0.000%	\$189,382.90	\$189,382.90
6/1/2009	\$225,000	5.375%	603,343.76	828,343.76
6/1/2010	235,000	5.375%	591,250.00	826,250.00
6/1/2011	250,000	5.375%	578,618.76	828,618.76
6/1/2012	260,000	5.375%	565,181.26	825,181.26
6/1/2013	275,000	5.375%	551,206.26	826,206.26
6/1/2014	290,000	5.375%	536,425.00	826,425.00
6/1/2015	305,000	5.375%	520,837.50	825,837.50
6/1/2016	320,000	5.375%	504,443.76	824,443.76
6/1/2017	340,000	5.375%	487,243.76	827,243.76
6/1/2018	360,000	5.375%	468,968.76	828,968.76
6/1/2019	375,000	5.375%	449,618.76	824,618.76
6/1/2020	395,000	5.375%	429,462.50	824,462.50
6/1/2021	420,000	5.375%	408,231.26	828,231.26
6/1/2022	440,000	5.375%	385,656.26	825,656.26
6/1/2023	465,000	5.375%	362,006.26	827,006.26
6/1/2024	490,000	5.375%	337,012.50	827,012.50
6/1/2025	515,000	5.375%	310,675.00	825,675.00
6/1/2026	545,000	5.375%	282,993.76	827,993.76
6/1/2027	575,000	5.375%	253,700.00	828,700.00
6/1/2028	605,000	5.375%	222,793.76	827,793.76
6/1/2029	635,000	5.375%	190,275.00	825,275.00
6/1/2030	670,000	5.375%	156,143.76	826,143.76
6/1/2031	705,000	5.375%	120,131.26	825,131.26
6/1/2032	745,000	5.375%	82,237.50	827,237.50
6/1/2033	785,000	5.375%	42,193.76	827,193.76
	\$11,225,000		\$9,630,033	\$20,855,033



ERK RECORDED 12/26/2007

SANTA FE COUNTY

RESOLUTION NO. 2007-___

DRAFT

=====

**A RESOLUTION CALLING FOR AN ORDINANCE ADOPTING AN AMENDED
SANTA FE COUNTY HYDROLOGIC ZONE MAP**

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WHEREAS, The Hydrologic Zone Map is used in Land Use applications for determination of lot size within the various hydrologic zones in Santa Fe County; and

WHEREAS, the Santa Fe Group is a significant water bearing zone within the Santa Fe Basin; and

WHEREAS, the thickness and saturated thickness of the Santa Fe Group is what defines the Basin and Basin Fringe hydrologic zones; and

WHEREAS, the United States Geological survey has published a scientific study presenting new data related to the configuration of the units within the Santa Fe Basin, specifically the Santa Fe Group; and

WHEREAS, a number of hydrologic reports accompanying development permit applications have been submitted to Santa Fe County, showing in detail saturated thicknesses; and

WHEREAS, science staff of Santa Fe County have evaluated and interpreted the publications and reports; and

WHEREAS, staff have determined that certain areas currently designated as Basin Fringe should more accurately be designated Basin or Homestead.

NOW THEREFORE, the Board of County Commissioners of Santa Fe County hereby resolves as follows:

The Board of County Commissioners should pass an ordinance adopting an amended Hydrologic Zone Map.

DRAFT

APPROVED, ADOPTED AND PASSED this 13 day of November, 2007.

BOARD OF COUNTY COMMISSIONERS

Virginia Vigil, Chair

Approved as to form:

Stephen C. Ross,
Santa Fe County Attorney

Attest:

Valerie Espinoza,
Santa Fe County Clerk

SFC CLERK RECORDED 12/26/2007

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2007-

**AN ORDINANCE AMENDING THE WATER APPENDIX
TO ORDINANCE NO. 1996-10, THE SANTA FE LAND
DEVELOPMENT CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT THE WATER APPENDIX TO ORDINANCE 1996-
10, THE SANTA FE COUNTY LAND DEVELOPMENT CODE, IS AMENDED
AS FOLLOWS:**

The attached Santa Fe County Hydrologic Zone Map is adopted and replaces
Figure 1 of the Water Appendix to the Santa Fe County Land Development Code.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2007.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

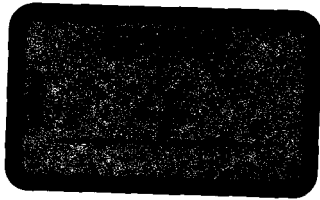
By: _____
Virginia Vigil, Chairperson

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney



CLERK RECORDED 12/26/2007