

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

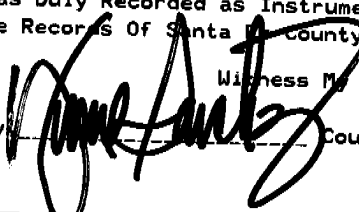
November 25, 2003

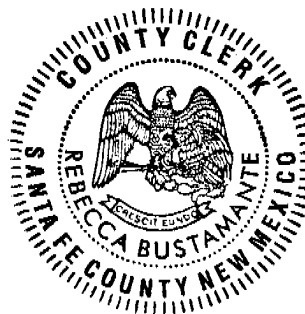
Jack Sullivan, Chairman
Paul Campos, Vice Chairman
Paul D. Duran
Michael D. Anaya
Harry B. Montoya

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 79

I Hereby Certify That This Instrument Was Filed for
Record On The 28TH Day Of January, A.D., 2004 at 12:44
And Was Duly Recorded as Instrument # 1311591
Of The Records Of Santa Fe County


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



ADJOURNMENT


Chairman Sullivan declared this meeting adjourned at approximately 6:10 p.m.

Approved by:

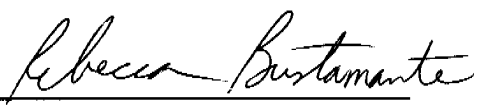


Board of County Commissioners
~~Paul Campos~~, Chairman
Paul Campos

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
November 25, 2003 10:00 a.m.

Amended Agenda

I. Call to Order

II. Roll Call

III. Pledge of Allegiance

IV. Approval of Agenda

A. Amendments

B. Tabled or Withdrawn Items

V. Approval of Minutes Sept. 15, 2003 - approved OCT 14 + 28, 2003 = Need changes

VI. Matters of Public Concern - Non-Action Items

A. Presentation by Citizens Regarding Cowboy Lane - John Brodwater

VII. Matters from the Commission X.C.I. Resolution no action

Withdrawn A. An Update on the Negotiations for the Purchase of the Right of Way of the Santa Fe Southern

VIII. Committee Appointments/Reappointments/Resignations

A. Road Advisory Committee Reappointments

B. Resignation of Members from the Santa Fe County DWI Planning Council

C. Appointment of New Members to the Santa Fe County DWI Planning Council

IX. Consent Calendar

ok A. Resolution No. 2003¹⁶¹ - A Resolution Authorizing Legal Holidays and Closing of County Offices for Calendar Year 2004 (Administrative Services Department)

ok B. Resolution No. 2003¹⁶² A Resolution Requesting an Increase to the Housing Capital Improvement Fund (301)/Housing CFP 2001 to Budget Prior Fiscal Year 2003 Grant Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)

ok C. Resolution No. 2003¹⁶³ A Resolution Amending the Reimbursement Rate to all Hospital Providers from the Santa Fe County Indigent Fund (Community & Health Development Department)

ok D. Resolution No. 2003¹⁶⁴ A Resolution Requesting an Increase to the State Special Appropriations' Fund (318)/Mobile Health Van to Budget a Grant Awarded through the NM Department of Finance and Administration for

Expenditure in Fiscal Year 2004 (Community & Health Development Department)

o✓E. Resolution No. 2003¹⁶⁵ - A Resolution Requesting Authorization to Surplus a Microfilm Duplicator for Donation to Another Government Agency or Non-Profit Organization in Accordance with State Statutes (Finance Department)

to moved
to X.B.2

←F. Resolution No. 2003 - A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department)

o✓G. Resolution No. 2003¹⁶⁶ A Resolution Requesting an Increase to the Fire Tax ¼% Fund (222) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Fire Department)

o✓H. Resolution No. 2003¹⁶⁷ A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Emergency Preparedness Program to Budget a Grant Awarded through the NM Department of Public Safety for Expenditure in Fiscal Year 2004 (Fire Department)

o✓I. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-23 for a Network Application Server for the Santa Fe County Information and Technology Division (Project & Facilities Management Department/Information Technology Division)

o✓J. Resolution No. 2003¹⁶⁸ A Resolution Requesting a Transfer from the Environmental Revenue Reserve Fund (404) to the General Fund (101)/Solid Waste Program for Capital Expenditures in Fiscal Year 2004 (Public Works Department)

o✓K. Request Authorization to Enter into a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM) for South Meadows Road Project (Public Works Department)

Withdrawn ✗

Request for Approval and Execution of the 2003 Severance Tax Agreements for Various Road Projects from the New Mexico Department of Transportation (NMDOT) (Public Works Department)

o✓M. Request for Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements to County Road 8 (Dinkle Road) from the New Mexico Department of Transportation (NMDOT) (Public Works Department)

o✓N. Request Authorization to Accept and Award a Multiple Price Agreement to the Lowest Responsive Bidders for IFB #24-05 Indefinite Quantity Uniforms for the Santa Fe County Public Works Department (Public Works Department)

o✓O. Resolution No. 2003¹⁶⁹ A Resolution Requesting an Increase to the General Fund (101)/Region III Program Income to Budget Prior Fiscal Year 2003 Cash Balance and Court Settlement Restitutions for Expenditure in Fiscal Year 2004 (Sheriff's Office)

X. Staff and Elected Officials' Items

A. Community Health Development Department

o✓1. Resolution No. 2003¹⁷⁰ A Resolution Changing the Name of the Santa Fe County Indigent Fund to the Santa Fe County Healthcare Assistance Program

o✓2. Approval of MOU with the State of New Mexico Regarding the Visionary Collaborative to Provide a Healthy Community Environment

B. Fire Department

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #24-15 for the Citizens Corps Plan for the Santa Fe County Fire Department

Replaced with IX-F. Resolution #171
withdrawn
Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #24-16 for the All Hazard Emergency Response Plan for the Santa Fe County Fire Department

C. Public Works Department

1. Resolution No. 2003 – A Resolution Requesting Approval Accepting Cowboy Lane for County Maintenance

D. Utilities Department

1. City of Santa Fe Position on Transfer of Water Rights to Buckman Well Field and Request for Direction on Future Water Service Agreements
2. City of Santa Fe Proposal for a Water Service Agreement with Santa Fe County

E. Matters from the County Manager

1. Discussion of Holiday Schedule
2. Discussion of and Request for Direction Regarding Annual Leave Buy-Back Policy
3. Update Concerning Adult and Juvenile Jail Facilities

F. Matters from the County Attorney

1. Executive Session

- Went into executive twice.*
- a. Limited Personnel Issues
 - b. Pending or Threatened Litigation
 - c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations
 - d. Acquisition or Disposal of Real Property
 - e. Discussion of the Purchase, Acquisition or Disposal of Water Rights

XII. ADJOURNMENT

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

November 25, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:40 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos
Commissioner Paul Duran
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

IV. Approval of the Agenda

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN SULLIVAN: We have an agenda in front of us. Mr. Gonzalez, would you take us through that please?

GERALD GONZALEZ (County Manager): Yes, Mr. Chair. Under item IX. Consent Calendar, the individual item L, there's a request to withdraw that. And then, under Staff and Elected Officials' items, item X. B. 2, Fire Department, the authorization to award a professional services agreement, there's also a request to withdraw that item. And then under the same section, Matters from the County Manager, the addition of two items, discussion of and request for direction regarding annual leave by-back policy, and item number 3, update concerning adult and juvenile jail facilities. Those are the only changes that I have, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, and also I understand that the intent is to have the executive session during lunch, at about noon. Is that correct?

MR. GONZALEZ: That's correct. And I did skip over one other thing. There's

an addition of a presentation under Matters of Public Concern, non-action item, presentation by citizens regarding Cowboy Lane. My apologies. That's under Section VI, Matters of Public Concern.

CHAIRMAN SULLIVAN: Okay, and Cowboy Lane is also somewhere on the agenda.

COMMISSIONER MONTOYA: Mr. Chair, it's item C.1, and I was going to request that maybe we take action on that while those residents are here, after the presentation. If we could move that up on the agenda.

CHAIRMAN SULLIVAN: Okay, so there's a request that we move that up prior to Matters from the Commission is what you're thinking.'

COMMISSIONER MONTOYA: Yes, sir.

CHAIRMAN SULLIVAN: How does the Commission feel about that?

COMMISSIONER CAMPOS: That's fine.

CHAIRMAN SULLIVAN: Sounded like you wanted to say something else?

COMMISSIONER CAMPOS: Yes. Executive session -- I'd like to be somewhere else at noon. [inaudible]

CHAIRMAN SULLIVAN: It was Commissioner Duran's request.

COMMISSIONER DURAN: I just figured we were all here, might as well stay here. We could have lunch here.

COMMISSIONER CAMPOS: I'd like to take a break.

COMMISSIONER DURAN: Okay, I'll let you.

CHAIRMAN SULLIVAN: I think Laura polled the staff and I believe she's already ordered lunch in. Perhaps we could do this, if you have some things you need to attend to. Could we do lunch and part of executive session and then take a break and then finish it. Would that work?

COMMISSIONER CAMPOS: I need about an hour break.

CHAIRMAN SULLIVAN: You need about an hour then.

COMMISSIONER CAMPOS: Forty-five minutes.

CHAIRMAN SULLIVAN: Okay, so let's try and do lunch and do what items we can on exec. If we don't finish them we'll take a break and then come back in. But all of that will start at 12:00.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd also like to remove from the Consent Calendar, item IX. F and move it to item X. B. 2, which will be the new 2, since the old 2 has been tabled.

CHAIRMAN SULLIVAN: Okay, that's F. Or we could just discuss it when we get to Consent Calendar, either one.

COMMISSIONER MONTOYA: Well, the only thing being I think we'll discuss it and we shouldn't be discussing Consent Calendar items.

COMMISSIONER CAMPOS: I think that's been the practice.

COMMISSIONER DURAN: We could change it.

CHAIRMAN SULLIVAN: That's no problem. Okay, move it to item IX. F. We would like to have heard in X. B. 2, since X. B. 2 is not there anymore. It's been withdrawn anyway. Anyone have any problems with that? No? Okay.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I was trying to get the Trust for Public Land to make a presentation to us in item VII. A. They weren't able to make it so I'd like to request that we table that, perhaps to --

CHAIRMAN SULLIVAN: On the Santa Fe Southern?

COMMISSIONER DURAN: Yes.

CHAIRMAN SULLIVAN: Purchase of right-of-way. So you want to table --

COMMISSIONER CAMPOS: Withdraw it?

COMMISSIONER DURAN: Well, I could table it to next meeting. I'll withdraw it.

CHAIRMAN SULLIVAN: It's Matters from the Commission. You can put it on any time you want.

COMMISSIONER DURAN: Okay, I'll withdraw it.

CHAIRMAN SULLIVAN: Discretionary item. Okay, so they're not here for that today. We'll hear that whenever they're available. All right, any other items for amendments to the agenda?

COMMISSIONER MONTOYA: Mr. Chair, move for approval as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Further discussion?

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

CHAIRMAN SULLIVAN: Okay, we cut through the agenda. That was a task. Now we have some minutes to work with.

V. Approval of Minutes: September 15, 2003 (Special Meeting)

CHAIRMAN SULLIVAN: What's the pleasure of the Commission with regard to those minutes?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Moved by Commissioner Montoya, seconded by Commissioner Campos. Discussion?

The motion to approve the September 15th minutes as published passed by unanimous [5-0] voice vote.

October 14, 2003

CHAIRMAN SULLIVAN: I have some typographic changes on those minutes. Does anyone else have any?

COMMISSIONER MONTOYA: Mr. Chair, I do as well.

CHAIRMAN SULLIVAN: And Commissioner Montoya has some changes or corrections. Anyone else?

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: Question from Commissioner Campos.

COMMISSIONER CAMPOS: How important is it to change typographical errors unless they change the substance of the communication?

CHAIRMAN SULLIVAN: Well, I think it is because sometimes there are words that either aren't spelled right or a word is dropped and in one or two cases on mine, and I'll be glad to go through them if you like, I had a question which I circled for the recorder to check that I don't think the individual shown speaking was the individual speaking. That it was run-on from the other individual. So I've marked that for the recorder to check to see who on the tape was speaking because some comments were attributed to I think the wrong Commissioners.

COMMISSIONER CAMPOS: So the changes are more than typographic.

CHAIRMAN SULLIVAN: Well, I would call it -- I'm not changing what was said, I'm changing who said it.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: But again, I'd be glad to go through and point where those are or let you look through these. If there were anything substantive in terms of policy, like one time there was an incorrect vote tally, which I brought up to the Commission and that was checked. It's entirely up to you all. I'd be glad to go through them. I have 16 of them. We have two sets of amendments. What are the wishes with regard to the minutes for October 14th?

COMMISSIONER MONTOYA: Move for approval as amended.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, motion by Commissioner Montoya, second by Commissioner Anaya.

The motion to approve the October 14th minutes as amended passed by unanimous [5-0] voice vote.

October 28, 2003

CHAIRMAN SULLIVAN: Do any Commissioners have changes or corrections to those minutes. I have three that I identified.

COMMISSIONER MONTOYA: Mr. Chair, I have a couple as well.

CHAIRMAN SULLIVAN: All right. Anyone else? What are the wishes of the Commission with regard to those minutes?

COMMISSIONER ANAYA: Move to approve.

CHAIRMAN SULLIVAN: Motion by Commissioner Anaya. Would anyone like to second that motion?

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Duran. Moved by Commissioner Anaya. Is there discussion? Other than this discussion to my left over here.

The motion to approve the October 28th minutes as amended passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Three sets of minutes. We would like to try to even those out rather than in one chunk. Who's in charge here? That's an awful lot of minutes to read in one time, about 250 pages.

VI. Matters of Public Concern - Non-action items

A. A presentation by citizens regarding Cowboy Lane

CHAIRMAN SULLIVAN: Let me just state that just simply because they are identified on the agenda, it doesn't preclude anyone else from coming forward and speaking about any issue that they would like to. It need not be identified on our agenda. Good morning. I would also mention that we can't take action on items of public concern but with regard to this first item we have moved it up on the agenda to be the next item after we finish Matters of Public Concern. Yes sir. Would you like to go ahead.

JOHN BROADWATER: Good morning. I'd like to thank the Commission for hearing us, and good morning to you all and Mr. Chair. I'd also like to thank Jennifer Jaramillo for expediting our matter. She returned all our phone calls, did a great job. And I'd like to thank Public Works for their efforts. I start on page one --

CHAIRMAN SULLIVAN: Would you like to identify yourself, sir.

MR. BROADWATER: Oh, I'm sorry. My name is John Broadwater. I live on - I'm a resident of Cowboy Lane. I'm speaking for the Cowboy Lane residents. The first page of the documents that I gave you is a letter that we submitted to the Board and actually it went to Public Works. The only thing there I would like to refer you to is in the middle of the paragraph there. Our needs are safety needs and it starts there. It's a 60-foot arroyo which

needs to be crossed in order to get to the residents of Cowboy Lane. When the arroyo is running, it is very dangerous and impossible to cross and the school children cannot get to their homes or to school, whether the arroyo is running or dry sometimes, because after it runs, it erodes out and we have to work on it ourselves. And the La Puebla fire officials inform us they cannot get emergency vehicles to our homes. So we don't have any ambulance protection or anything like that.

This morning we have five homes represented here with us and we had more but we were moved up on the agenda some people couldn't attend because they had to go to work in the morning. And we have one of our children here, Alisa, that crosses the arroyo all the time. Anyway, that's the important part is that for the safety of residents, we need some help. Then I don't know if Public Works supplied you with the letter that they returned to us, but they rejected us and they recommend that we use a road called Cielo Rojo. And I don't know if they furnished you with that letter. I have one copy of it here that I could give to you if you need it. But anyway, they rejected us. I can read some of it.

It says, "The residents of Cowboy Lane are requesting for the Board of County Commissioners to accept Cowboy Lane for maintenance in a letter dated March 10th. As per Resolution 1998-119, a resolution adopting a policy for acceptance of non-County roads for maintenance, Public Works and staff has completed an evaluation of Cowboy Lane." And then it says, "The Public Works Department will not recommend the acceptance of Cowboy Lane." And their assessment was \$250,000 because they have to build a bridge and it's 1900 feet of work.

What we're requesting today is that we maybe drop that you adopt Cowboy Lane and we have another option. I would also like to refer you to page 2 of the document I gave you. This is a letter from the Fire Chief of the La Puebla Fire District, in which he states, "In adverse weather conditions the arroyos at Cowboy Lane and Cielo Rojo are running and not crossable." And he says that he inspected in good weather in his automobile and found it difficult to traverse the roads just in his automobile and it was in good weather and dry conditions. It is pretty rough. But he also says here Cielo Rojo is not a good option to reach the residents from Boneyard Road.

If you look on the map on the next page, Cowboy Lane there I believe is highlighted in red. It runs across the arroyo down to US 84/285. And on the corner, that corner of Law Road and Cowboy Lane is La Puebla Fire Department. Which is only -- my house is the farthest up Cowboy Lane. It's a quarter of a mile. But if they had to go down the US 284 to the north, take Boneyard Road back, then come across this Boneyard Road to this other road and then catch Cielo Rojo and back to our homes, that's over two miles. And those roads in there are not in good shape. As a matter of fact, if you look at -- I have a photo there labeled 2-A. That is a picture of Cielo Rojo, and it goes down and crosses an arroyo also. If you see picture 2-A there it's not in very good shape, and you can't even really tell it's a road except for those ruts and those ruts are actually in pretty good shape. Usually there's two ruts that run all the way down. And when it's raining, the arroyo down there is also flooded so we can't get out of there anyway.

The Public Works recommended that we resubmit for Cielo Rojo but we think we have an option that's shorter and cheaper and better for everybody concerned. It would provide us with better protection. I'd like to refer you to document page 4. There you'll find Cowboy Lane is highlighted in red and then this property that belongs to Ms. Sanchez along the arroyo goes between Cowboy Lane and State Road 68, 285, all those numbers. But it goes to the State Highway. You all find the document there? It's an assessment map from the County.

She is willing, I've spoken to her, she's willing to give us 30 feet along there. I don't know how much you would need for a legal right-of-way but she's willing to give us 30 feet of right-of-way there if you would give her a zoning for commercial. I noticed on this map over here she's already eligible for commercial zoning. So that would be her request. And actually that section of the arroyo is very wide and the arroyo actually could be moved in a little bit and reinforced. Now, I have other pictures. I believe picture 3 is a picture of the arroyo with an automobile in it, if you all have that. On the right there you see a big cottonwood tree. That is the Sanchez property that runs along the arroyo and in the far distance in that photo, you can see the bridge that goes underneath the highway. It's like -- it has eight or nine concrete sections in it.

So we would actually be delivered out on the highway directly by land. We would not have to cross the arroyo. So we would like to look at this option. It's only 800 feet. In picture 4, that's taken from the highway, from the bridge, and that shows on the left, in the shadows there, it's kind of hard to see, but on the left in the shadows there, you can see there's already 200 feet of concrete reinforcement. So we would need approximately 600 feet of some kind of reinforcement. Maybe build cages, wire cages to hold rock or go ahead and continue that concrete reinforcement the way it is there. I think probably the state did that when they put the bridge and the highway to keep the arroyo from eroding there. But further down on Ms. Sanchez' property the arroyo has eroded. So actually it would be to her benefit that we would do that.

Now, on picture 1, I have a photo of the County yard which is right there. You could hit the County yard from Ms. Sanchez' property with a stone, where the fire department is. That's a mountain of dirt there. The County removed three mountains like that, thousands of cubic yards of dirt from the arroyo, which that was like three years ago, four years ago when they established the yard. And since then our arroyo has eroded three extra feet. That makes it more difficult for us because then we have to continue to steal dirt from some place to try to fill that one spot where we cross.

Now, picture number 2 is a photo of an automobile up against that pile of dirt and you can see that there's a sign there that says "County property" and the shadow of the sign is equally probably to the spare tire on the automobile. That's the erosion that's happened in the last three or four years. And this is because when the County took all those yards of dirt down below as the water ran, we got more severe erosion because of that, which is nothing we can do about it, but you do have some of those mountains of dirt left, you could put it back up a little higher there on Ms. Sanchez' property.

Then the other -- it's really a win-win situation for the residents because we would

never have to cross the arroyo. The arroyo could be closed off right there. You could put large piles of dirt on both sides or close it with a barricade and the County could actually take over that right-of-way between the arroyo and the highway that's already adjoining their property, which I believe is 30 feet. So the County could gain that property. I don't know if you could legally gain it but you could have it for your use for the Fire Department and the Fire Department already has training there where they have two railroad cars there that they go in, set fires and practice their training. So that could be expanded.

My real reason to be here today is to ask you to consider a resolution appointing maybe Public Works or a special appointee to talk to Ms. Sanchez, get an agreement with her and get an assessment of what the project would cost. Public Works would have to do an assessment first I guess. And also probably the State Highway would have to be involved because they'll be putting a road out there. And the other thing about it is there's a traffic light at La Puebla. And when we're trying to get out in the morning at 7:30 and when we go to work earlier, there's a lot of traffic coming into Santa Fe. Sometimes you have to wait five, six, seven minutes and I've seen -- I've never been in a close call but I've seen people get frustrated and try to dodge between cars. It's dangerous. If we move the road down past the light at least we'd have a light to stop traffic. And also the light's a cumbrance because now it stops traffic and then the traffic backs up and then you still can't get across because traffic is slowing down right in front of you and it kind of gets jammed up. So it's a dangerous situation getting out of Cowboy Lane just on the State Highway and I think this other option would lend itself to being a safer route because of the traffic light that stops the traffic.

So I couldn't hear you when you were discussing whether you were going to move the resolution that's on the last page of the agenda up to now when Mr. Montoya requested that you move it up. I couldn't hear whether you decided to do that or not. But I would respectfully request that the Board make some kind of a vote on a resolution to research that property and to research the options there. And we would give up adoption of Cowboy Lane. We maintain Cowboy Lane anyway so all you would have to adopt would be the 800 feet of road, which would be cheaper.

The Cielo Rojo option that the Department of Public Works recommended, it's got to be 1500 feet. I've never measured it. But it goes down into an arroyo and it has to cost more money than the 800 feet, even though there is some reinforcement that needs to be done on the arroyo, and some dirt fill. But the County yard is right there. They wouldn't even have to load the front-end loader or put it in trucks hardly. They could almost just carry it over in the front-end loader.

COMMISSIONER CAMPOS: Mr. Chair, could we hear from Mr. Lujan, our Public Works Director. I think we've got a lot of information here, pictures and illustrations. I'd like to hear what staff's position is.

CHAIRMAN SULLIVAN: Well, I think what we want to do, Commissioner is, we want to complete Matters of Public Concern. We moved this up for discussion after Matters of Public Concern. So as soon as we finish your presentation and any other that are here this morning, it is on the agenda so we did move it up as a part of our amended agenda. So rather

than getting into the staff issues and discussion.

COMMISSIONER CAMPOS: Since it's been moved up why not consolidate it?

CHAIRMAN SULLIVAN: Well, because we're still under item VI. which is Matters of Public Concern. Usually at this meeting we don't have too many other items so let me ask, are there any other individuals in the audience who would like to bring matters forward to the Commission this morning. Yes, sir. Would you come up please. We'll be back to you in just a minute.

PETER HERRERA: Good morning, Mr. Commissioner, Board of County Commissioners, County Manager. My name is Peter Herrera. I am a career firefighter for Santa Fe County Fire Department. A couple of weeks ago, one of our assistant chiefs, Assistant Chief Kevin Henson, who is the chief of EMS was placed on administrative leave for reasons unknown to any of us as field staff. A short time later being November 10th a meeting was held by the command staff in which a vote of no-confidence was returned on Assistant Chief Henson as well as Captain Mike White.

It was later stated by attendees of this meeting that the vote of no-confidence was a result of the support by Assistant Chief Henson as well as Captain Mike White, their support for the FLSA litigation that has been filed against Santa Fe County and Santa Fe County Fire Chief Stan Holden. We would like to express that this vote of no-confidence which was posted in the stations later that evening for public view is not the view of the field staff. We'd like to make that known. The career staff feels strongly that this is not our view. It is a view of the command staff who attended this meeting. We've drafted a letter in support for Assistant Chief Henson as well as Captain Mike White and we'd like to distribute that letter to each Commissioner as well as the County Manager and Santa Fe County Fire Chief Stan Holden at this time if we may.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: That would be fine. Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. The vote of no-confidence, who rendered that vote?

MR. HERRERA: The vote was rendered by the command staff of the Fire Department. And that was Assistant Chief Jeff Saunders, Captain Bill McSweeney, Captain Buster Patty, Lieutenant Steven Johnson, Lt. Kimberly Holland, Lt. Rick Shelton and Lt. Rob LaPrise And Assistant Chief Hank Blackwell as well.

COMMISSIONER CAMPOS: They are voted no-confidence.

MR. HERRERA: They all voted no-confidence against these two individuals.
Yes.

COMMISSIONER CAMPOS: And you're saying that there is a split between upper management and some of the people who are working at the Fire Department. Volunteers.

MR. HERRERA: That is correct. Career staff. This has not gone out to the volunteers at all at this point.

COMMISSIONER CAMPOS: This is paid staff.

MR. HERRERA: Paid staff.

COMMISSIONER CAMPOS: Okay. Thank you.

MR. HERRERA: You're welcome.

CHAIRMAN SULLIVAN: And did you want to identify the others that are with you today?

MR. HERRERA: We do. This is firefighter/paramedic Keith Grinnell, firefighter intermediate Jason Noble, firefighter intermediate Tom Jimenez and myself.

CHAIRMAN SULLIVAN: And you're Peter Herrera.

MR. HERRERA: I am. We'd like to pass out the letter at this time if we may.

CHAIRMAN SULLIVAN: Sure. Go right ahead. I believe this matter is currently in personnel hearing stage so it would not be appropriate for the Commission to comment on it at this point but we certainly welcome your input on it and thank you for taking the time to present it to us.

MR. HERRERA: Board of Commissioners, Chairperson, thank you for your time.

CHAIRMAN SULLIVAN: Thank you. Thank you for your time. Do we have anyone else in the audience who would like to bring a matter to the Commission? If not, we'll go on to what was item X. C. 1.

X. C. Public Works Department

1. Resolution No. 2003-____. A Resolution Requesting Approval Accepting Cowboy Lane for County Maintenance

CHAIRMAN SULLIVAN: Mr. Broadwater is still in the audience. We'll start with staff and perhaps you can give us your research on this, Mr. Lujan.

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, as you heard earlier from John Broadwater, they had petitioned Public Works to see about the County taking over for road maintenance. We did do an evaluation and came up with an estimate of approximately \$300,000 to build a crossing and approximately \$50,000 of road work. The major expense was going to be the structure. We did recommend, we did write a letter to them saying we would not recommend the County taking it because of the crossing and the expense to that crossing and the liabilities to the County if we were to take that in. And being that we do have a bridge downstream, we had recommended possibly using this other roadway, which is probably in no better condition as the gentleman stated, but it's an alternative in cases of emergency to cross.

The County built that bridge, approximately 1997 at a cost of a million dollars on the same arroyo. So that was our recommendation and we did let them know in the letter that we would like to see if there was an alternative. We did speak to some of the residents that there may be a possibility of accessing 84/285 directly from Cowboy Lane and that's what we wanted them to pursue and get the easement. Usually that's the way it works when it's not a County

road, that residents will pursue getting the right-of-way from whomever it would be. And also on this road, there's going to be some work on 84/285 corridor in that area in conjunction with this intersection, Commissioner Montoya and myself have looked at it and some concerns that people have had in that area. So we are recommending that they would look at that and see if we can get an alternative for this roadway to come out in that vicinity. So that's the direction Public Works is taking.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya. I'm a little confused, James. I don't know that area. Do we have the paperwork on that?

MR. LUJAN: No, I don't. I'm familiar with the area.

COMMISSIONER ANAYA: Referring to the red line on page 3 --

MR. LUJAN: The red line? Okay. Yes.

COMMISSIONER ANAYA: What they wanted to do is adopt Cowboy Lane, the one in the red marker.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: But the alternative route that you were suggesting was Cielo Rojo Road.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: Okay, how were you going to get to that road?

MR. LUJAN: There's currently an access from Cowboy Lane to Cielo Rojo Road.

COMMISSIONER ANAYA: Okay, because I don't have it here.

MR. LUJAN: It's on there. It's an access. Again, it's not a very good access, but this subdivision, I have no idea how it was created, but they don't have any roads in there basically is what it was. And then beyond Cielo Rojo, I believe the road starts --

MR. BROADWATER: You have to take a right and then a left --

MR. LUJAN: Through a subdivision.

COMMISSIONER ANAYA: So what you want to go back, what you want is the residents to go back and see if they can acquire this piece of property that's right before the bridge, if I'm traveling towards Española, I think.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: From the left, right before the bridge and go across. Now, what my recommendation would probably be, I don't know how much property she has but if you take a left, can you tie it directly into Cielo Rojo Road?

MR. LUJAN: No. We would totally eliminate going through Cielo Rojo Road. We would go directly from Cowboy Lane to 84/285.

COMMISSIONER ANAYA: But I'm saying this intersection right here. My recommendation would be to go from here. So you understand what I'm --

MR. LUJAN: Yes. I understand exactly.

COMMISSIONER ANAYA: So we're going to go back to the citizens, let them do some homework?

MR. LUJAN: Yes. What I would recommend is because it's not currently a County road and the anti-donation, unless I'm directed otherwise by the Commission to go out and seek this right-of-way, I would recommend that the residents try to pursue this easement then we could work with it that way. We still have to do another evaluation, see how much rip-rap we would take for that arroyo, work with the State Highway Department for an access control, but I believe that's all viable. I just need the direction from you what you want me to do.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, John, could I ask you regarding the easement, are you talking about easement along the arroyo in terms of the Sanchez property or would it be possible to get easement on the south side of that property?

MR. BROADWATER: No, right along the arroyo. And you would need to build a protective guardrail so nobody would go into the arroyo. You would need reinforcement and a guardrail and it's 800 feet. And like I said, there's already 200 feet of reinforcement there that wouldn't need to be messed with. So we're talking really about 600 feet. And they would have to bring in some fill dirt. Picture 3, I believe has a picture of a cottonwood tree. We would like to go north of the cottonwood tree. Between the cottonwood tree and the arroyo so as not to lose the cottonwood. It's a beautiful old cottonwood tree. It would be nice to save it. And there's about 15 feet right now between the cottonwood tree and the arroyo. And the arroyo belongs really to nobody. So we could push the road out into the arroyo but that would be more costly because you'd have to [inaudible]

Well, anyway, her property line terminates at the edge of the arroyo. So that would be right there in red where I have it highlighted that it would be right along the arroyo.

COMMISSIONER MONTOYA: Okay. And then just regarding the property use, that she wanted to get it for commercial. She is in the commercial node now that was just recently approved in terms of the Arroyo Seco corridor.

MR. BROADWATER: I don't have any authority, just speaking to her to tell her what the BCC will do. That's why I'm coming to you guys to give somebody authority to offer her that. The problem with her is she's very old and she's giving the property to her daughter. So she has to talk to her daughter about it and her daughter is coming for Thanksgiving and they're supposed to call me and talk to me. So she seemed agreeable and I think probably the daughter will be because it would be to their benefit, actually, for this to happen. They need a road to access their property anyway from 285. So that would help them. And if they had a commercial zoning it would make their property more valuable and the daughter probably will sell that property, it would be my guess, but I don't know.

COMMISSIONER MONTOYA: Yes. But you can let her know that it is possible for her to zone it.

MR. BROADWATER: Yes, I didn't know that until I looked at this map here and saw that was already in the zoning thing, and there was something else there. I lost it. But anyway, I think that 800 feet would be a lot cheaper than the Cielo Road and I didn't measure

Cielo Road but it's got to be at least 1500. It's probably 800 feet down to the arroyo and another 800 feet up on the other side.

COMMISSIONER MONTOYA: And then James, regarding the new frontage roads that are going to be placed on there, I think if we're going to put an access off of 84/285 on this we would need to certainly work closely with the Department of Transportation in terms of what they're proposing.

MR. LUJAN: Mr. Chair, Commissioner Montoya, just speaking to Robert about that very issue but the plan is for that corridor is to have it limited access with frontage roads. So this might work to the advantage of the residents also on the south side of that arroyo, or east side. So I think we ought to look at the whole plan because it is going to be access control with frontage roads to 84/285. So we would definitely work closely with them in the plan anyway, wherever our roads come out.

COMMISSIONER MONTOYA: And then I guess the other thing that I would like to do is put this in terms of a priority for funding from our gross receipts tax and take a look at what the cost is going to be to do that, running the road along the arroyo there as Mr. Broadwater has indicated. And then the planning, so whatever we need to do. If we supercede what the Highway Department, the Department of Transportation is going to do, what they come in and do afterwards doesn't rip up everything that we've invested in that. That would be my concern that it would be minimal in terms of any sort of disruption that would go into what we are going to construct potentially.

MR. LUJAN: Mr. Chair, Commissioner Montoya, that is definitely what would have to take place. And from looking at the right-of-way, I believe they're probably going to need some right-of-way to fit in frontage roads. So they may be acquiring part of that right-of-way themselves and then we could look at tying in a road to that, or if the people can get an easement, I would secure the easement up front now and then we can work with the Highway Department, or the Department of Transportation.

COMMISSIONER MONTOYA: And then this last question's for John. Then the 800 feet, John, that you're talking about is off of 84/285 to Cowboy Lane, that you would ask that the County assume that responsibility?

MR. BROADWATER: Adopt that. Adopt that for maintenance and very well build it. Build it and maintain it. And then the rest of Cowboy Lane, we can take care of it. We've taken care of it for years. This man right here has hundreds of tractor hours in on that road. We all have tractors. You have to have. You have to have four-wheel drive and there's times that we can't even get out in four-wheel drive. So the kids can't go to school and we can't go to work. I missed only two days of work this year. Last year it wasn't too bad. The year before that it was like five maybe. But anyway, somebody's going to die there eventually. That's what's going to happen. Then I don't know what will happen. Or somebody's house will be on fire and the Fire Department won't be able to get to them or something like that.

COMMISSIONER MONTOYA: Right. It is a safety issue. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Any more questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Broadwater, when was this subdivision approved? Is this an approved subdivision?

MR. BROADWATER: I don't know, but people have been there -- how long have you been there? J.V.'s been there 18 years and other people have bought in over time. Diane's been there seven, eight years. There's others that have been there a little longer.

COMMISSIONER CAMPOS: How many homes do we have out there?

MR. BROADWATER: Oh there must be -- right on Cowboy Lane -- well, the assessment map shows all the lots and there's a home on every lot. Ten, then there's a couple after Cowboy Lane. There's ten homes there on Cowboy Lane and then as you turn the corner there's a couple more up across another arroyo that goes between J.V.'s property and my property. That's not on this map. There's, I would say 50, 70 people, residents. And there's 18 children that we have counted that have to cross that arroyo everyday to catch the school bus. The school bus picks them up at the Fire Department. And sometimes when it's raining and they come home and the arroyo's running, they can't get home. So parents have to try to go down through Cielo, or cut across Ms. Sanchez' property or something to try to get their kids.

COMMISSIONER CAMPOS: Okay. Mr. Lujan, Mr. Broadwater talked about a 30-foot right-of-way. Is this acceptable for County standards?

MR. LUJAN: Mr. Chair, Commissioner Campos, I believe the minimum we'd like to have is 38 feet.

COMMISSIONER CAMPOS: Thirty-eight?

MR. LUJAN: Yes.

COMMISSIONER CAMPOS: Now, as far as road plan, does the County have a road plan that mentions this particular road as a priority?

MR. LUJAN: Mr. Chair, Commissioner Campos, no.

COMMISSIONER CAMPOS: We don't have a road plan?

MR. LUJAN: Not for that area. That's a private road.

COMMISSIONER CAMPOS: It's a private road.

MR. LUJAN: It's a private road. We just started evaluating now that the request has come to us this last year.

COMMISSIONER CAMPOS: So our priorities, our road plan only relates to existing County roads.

MR. LUJAN: That is correct. And in the metropolitan area of Santa Fe they do have some roads, through the MPO, they have some roads that they've identified that are not County roads. But that's on the plan, working with the City of Santa Fe.

COMMISSIONER CAMPOS: And all the money to improve would come out of general funds, right? If we decided to do a right-of-way, purchase a right-of-way and improve it and do a crossing, where does this money come from?

MR. LUJAN: As Commissioner Montoya suggested, recommended maybe through the GRT and I believe that is general fund also so that's the only funding we would have, unless we went for legislative appropriations. That's a possibility that the residents could seek legislative appropriations.

COMMISSIONER CAMPOS: That's something a lot of residents have done up in the north county.

MR. LUJAN: They've done it all over the county.

COMMISSIONER CAMPOS: All over the county. Wouldn't it be wise to start the process. I don't know. We have a 30-day session coming up. I'm not sure if that's the right time to do it.

MR. LUJAN: Mr. Chair, Commissioner Campos, that's always an option if the people want to seek it.

COMMISSIONER CAMPOS: Mr. Broadwater, is that something you're considering, going to the legislature to get your money?

MR. BROADWATER: No, we hadn't considered to get something started. We've been at this for a year and a half and Harry's been to some of our meetings. We thank him for that.

COMMISSIONER CAMPOS: It would be, I think, a good idea to approach your state reps and state senators and say, Look, we've got a problem. We need some money for a crossing. What can you do for us at the next 30-day session, which is in January.

MR. BROADWATER: We would probably pursue that. We don't have to purchase the right-of-way from Ms. Sanchez.

COMMISSIONER CAMPOS: Well, still the improvements could be expensive if we do a crossing.

MR. BROADWATER: I would think it would require \$50,000 to \$60,000.

MR. LUJAN: Mr. Chair, Commissioner Campos, the way they're proposing it with this easement would not require a crossing anymore.

COMMISSIONER CAMPOS: No crossing.

MR. LUJAN: No crossing. It would access directly to 84/285. We would be, I guess on the south side of the river, the arroyo. We'd be on the south side so we would no longer need a crossing.

COMMISSIONER CAMPOS: So Mr. Lujan, does that make sense, that particular route, along the arroyo without a crossing?

MR. LUJAN: That's one of the recommendations we made, that they seek this. And they're the ones that brought it up to us that they could possibly get an easement through somebody's property, to access 284 directly. Which would still cost them money but it's a lot less than the \$500,000.

CHAIRMAN SULLIVAN: James and Mr. Broadwater, one technical thing that I think would be important in looking at this. I think that the owners should still investigate that alternative that Commissioner Montoya brought up about along the southern edge of the property. Because going along arroyos as you've indicated, arroyos move. And placing a 38-foot road along an arroyo, that road may disappear in the next storm. And the cost of those gavions and those revetments that you mentioned, a portion of which are there now, would drive the cost of that alternative up considerably and I feel confident it would be over \$100,000.

So a lower cost alternative might be that southern routing, and then of course also we

need to look at what the Highway Department plans might be in terms of a frontage road along there because that would shorten the 800-foot length for one thing. It might include some acquisition of right-of-way which would make the Sanchezes a little more whole in terms of --

MR. BROADWATER: I believe the County would have to condemn that property to get it that way, because I don't believe that Ms. Sanchez would agree to that. Because first it would be longer. It would take more of her land. Right now the option of being near the arroyo is that that land down there is pretty useless to her because it washed out by the arroyo and stuff. But the place has been reinforced where the bridge is built, has been there -- I don't know, that bridge has been there 30, 40 years and it's not eroding. Further down the arroyo where it's not reinforced, that last 600 feet has eroded some and it's hilly, undulating property and it's really of no value to her except as a road. But if you would go on the other side of her property --

CHAIRMAN SULLIVAN: I understand what you're saying. What I'm trying to convey is that if you're going to the legislature or if we were in the future to make a cooperative venture to try to build something, those gavions cost about \$200, \$250 a cubic yard to build. So if you have 200 feet of it built and you need 600 feet more along the arroyo, you're going to bump the cost of that particular alignment way, way up, from another alignment. So what I'm saying is, and I don't think the County would be interested in condemning this property, but if there was some way you could discuss it further with the property owner, my guess, and I haven't been on the site to look at it so I can't say. But if that alternative doesn't involve crossing these minor arroyos that you talked about there, and it doesn't involve building those gavions and those protective structures along the arroyo, that alternative is going to be considerably less expensive, which makes it more palatable for a legislator to use some of his or her discretionary funds.

So I'm just suggesting. I understand that you say use that alignment along the arroyo because that's the bad land. Well, it's not cheap to fool Mother Nature. That bad land has to be built up and protected and drained and paved and signed. So it might be in your best interest to keep it as inexpensive as you can.

MR. BROADWATER: There's already quite a bit of dirt there, Mr. Commissioner, that could be used, that's piled up there along the arroyo on her property. But they would have to tote some of that dirt that they took out of the arroyo back over and put it back in.

CHAIRMAN SULLIVAN: It's just a suggestion. I've found that the more economical the projects are, the easier they are to get funded.

MR. BROADWATER: I just don't believe that she would go for that. It would really destroy her property to put a 38-foot right-of-way on the back of it. That's the best part of her property.

CHAIRMAN SULLIVAN: Okay, other comments from the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: She has approximately 6.2 acres, John? Is that

correct?

MR. BROADWATER: 6.2, yes. I don't know what it says here.

COMMISSIONER MONTOYA: Is she willing to sell?

MR. BROADWATER: I don't know. It's valued by the County right now, in the Assessor's Office at \$102,000. That's what she's paying taxes on. I know the residents don't have any money to buy it and I don't know if the daughter will eventually get the property. The mother is talking about giving it to her now pretty soon. So I really have not spoken to the daughter. But if it was my property, I wouldn't give that back part up because that would have traffic and stuff running right down -- she's already going to have traffic and stuff going on the arroyo side if we do that, and if you put it on the back of that property then it would be behind her. She has the arroyo in front of her and already there's an old building there that does mechanic work and stuff. A lot of junk cars and everything. She could build a fence and shield herself from the road if it was along the arroyo. In the back, I suppose she could build a fence also. But I don't think she would go for that. She's barely talking to me now on the front. Because it is to her advantage to get that fixed and stop eroding her property. The arroyo comes up in there and takes dirt from her and the arroyo is very wide there. So something would be need to be done to reinforce that arroyo anyway.

COMMISSIONER MONTOYA: Mr. Chair, James, what would you estimate that it would cost for 800 feet of road, or let's say 1000 feet if we were to actually go on the backside?

MR. LUJAN: Mr. Chair, Commissioner Montoya, on this side I would have to evaluate. I don't know the soil's condition. We need to protect that arroyo.

COMMISSIONER MONTOYA: I guess what I'm getting at, as Commissioner Sullivan has suggested, if we have to do 600 feet of that embankment, it may be cheaper to buy the land. Open space.

MR. LUJAN: Mr. Chair, Commissioner Montoya, what I was going to suggest is that we look -- well, that's a possibility, but that we look at what the Highway Department is going to do. If they're going to need to acquire any of that right-of-way, they would be building their project for frontage roads and see, I think we need to evaluate it and see where we're going to land up with it. If they're going to build a frontage road, the Department of Transportation might be acquiring a good portion of that property to reinforce that arroyo anyway and we'd have to look at it. From this standpoint, I'd just need to do an evaluation of it. A mile of road, we're building, normal conditions, for about \$150,000, somewhere in there, in-house. That's in-house.

COMMISSIONER MONTOYA: \$150,000?

MR. LUJAN: About \$150,000 per mile. That's under ideal conditions without arroyos or anything. This one has a big arroyo. What the Department of Transportation did on this on, they're concrete slope blankets. It's not wire-enclosed rip-rap, it's actually concrete slope blankets. So it's been protected and it's held up. I can't remember when they built that road. I travel it every day.

COMMISSIONER MONTOYA: The seventies.

MR. LUJAN: But nonetheless, it has held up but it's also a concrete structure versus wire-enclosed rip-rap.

CHAIRMAN SULLIVAN: Other questions, comments? Okay, what's the direction we would like to give to the staff on this issue?

COMMISSIONER MONTOYA: Mr. Chair, I would like to suggest that we continue the discussion as John suggested with Ms. Sanchez, and even potentially look into how much she would actually be willing to sell that property for. If we could enter that into the equation. And then along with the Department of Transportation, find out their plans for that corridor. How much will actually be eaten up in terms of the Sanchez property.

MR. BROADWATER: The other argument she might have is if you look at the back of the property [inaudible] So if you put the road on the arroyo side and they come and take some of that right-of-way, it's already right-of-way [inaudible] She knows she going to have to lose a little property. That existing road could run into the frontage road. That would be great.

CHAIRMAN SULLIVAN: We need to move on. It looks like we need a little more information as you've indicated James, from the Highway Department's planning, and from a cost standpoint, continue to work with the residents to see what the alternatives might be and what the cost of the alternatives might be and how that frontage road would work because we do have an issue with that intersection with La Puebla. So they wouldn't want another intersection right there. It would have to come out on a frontage road. So it looks like we need a little more research.

John, we need to get moving on. We've been almost an hour on this and we've got a long agenda. Is there any other input that the Commission feels is appropriate for the staff?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I agree with Commissioner Montoya on his advice.

CHAIRMAN SULLIVAN: That direction appears adequate to you, Commissioner Campos?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN SULLIVAN: All right. James and John, thanks for bringing that item forward. I think we'll ask the staff to continue to work with you to evaluate these alternative and in the meantime that may help you go to the legislature and we'll come back and address this when we've got some harder information.

MR. BROADWATER: I'd just like to say that if you buy the property, you still have to build the road. [inaudible]

COMMISSIONER MONTOYA: It may be cheaper to do that and to run the road on the back end than to build up that concrete. So those are the alternatives that I'd like to explore.

MR. LUJAN: So the action on the resolution is what?

CHAIRMAN SULLIVAN: There's no motion on the resolution and so there's

no action on that but I think there's direction to continue to work with the residents and try to put some numbers to these alternatives and get some better information on what the Highway Department plans are going to be as well.

MR. LUJAN: We'll do that.

CHAIRMAN SULLIVAN: Thank you, Mr. Broadwater. The presentation regarding the purchase of right-of-way of the Santa Fe Southern has been withdrawn. We'll take other Matters from the Commission starting with Commissioner Campos.

VII. Matters from the Commission

COMMISSIONER CAMPOS: None for me today.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I'd just like to, in light of kind of the discussion we just had, my understanding is the governor for this next session is going to be looking at all the capital outlay projects that apparently have not been done, completed, taking a look at the status of those funds and possibly wiping them all out. That's my understanding. I heard that just yesterday from one of the legislators. If we have outstanding projects on roads and other capital projects. There's \$150,000 that's sitting there. He's looking at just consuming it and putting back in I guess the general fund. So I don't know where we are in terms of the status of a lot of our capital projects but we probably need to monitor this. It would include, I think, appropriations like for the Eldorado Senior Center, I think that was one that was appropriated. So those kinds of things are going to be looked at. So just FYI. That's all I have.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran. Thank you, Commissioner Montoya.

COMMISSIONER DURAN: I have a couple things. I was reading in the paper the other day that Española was considering moving their inmates, or negotiate with Santa Fe County about having us house their inmates. We talked a little bit about the jail at the last meeting, and I was wondering if the Commission would be willing to direct staff to open up some discussion with Española and perhaps other communities that have the same problems or needs. Or we might be able to get them to buy into our facility and turn it into a regional jail. And the reason for doing that would be to lighten our load financially, and lighten the financial drain on the general fund to maintain the facility. And my idea would be that if we could get them to buy into the jail on a percentage basis that we could generate some revenue by having them buy in. And then, rather than having them sign contracts with us for inmate care, which they could terminate, or it expires at the end of the term, they would buy into the facility and it would be, the payment on the bonds would be shared amongst all those entities that have an ownership in the project.

So I was wondering if that made any sense, number one, and if it does, do you think that it would be worthwhile to have staff discuss that with Española or would one of the Commissioners like to open up some discussion with them to see and test the waters with them.

I guess the important thing is to find out before we did anything was to find out whether or not the bonds would allow us to do that, the conditions of that bond. To allow us to turn into a regional facility. Do you know if that could happen, Gerald?

MR. GONZALEZ: I'm assuming we would have to deal with creating some kind of a governing authority, because I'm sure that other entities wouldn't buy in without having some say in how the operations were run. I don't know whether that would have an impact on the restrictions in the bond. We can explore that. Be glad to do that and get back to the Commission about that.

COMMISSIONER DURAN: That way the region is sharing in that expense. It might be a solution to their problems too.

MR. GONZALEZ: We have done some exploration with the surrounding local governments about doing a regional kind of facility, but we haven't approached it from a standpoint of doing sort of shared authority and a buy-in and that we'd be happy to do.

COMMISSIONER DURAN: It would be similar to what we're doing with our solid waste facility. We share that with the City.

COMMISSIONER CAMPOS: Yes, but not to anyone other than that. We're not looking for any new partners.

COMMISSIONER DURAN: Right. And the other thing is, I had some discussion with Gerald a week or so about how to better improve the communication with the Commission on some of these issues that we discuss up here and I think -- what did we come up with, Gerald, that if I wanted an update on a particular issue I would call you and then you would respond to an inquiry through a global voice mail?

MR. GONZALEZ: What we discussed and what I've explored with IT is creating -- and I see that Agnes is here too, creating sort of voice mail boxes, so that rather than having to call each individual Commissioner to discuss an item, we could drop it into each Commissioner's voice mailbox and have them dial in. But I'll let Agnes kind of elaborate on the concept.

AGNES LOPEZ (IT Director): Mr. Chair, Commissioner Duran, actually, it's a group mailbox where the County Manager could record the recording and each of you -- you could access that group mailbox through a password. The County Manager would then keep a week's worth or two weeks' worth and delete as they go so if you're out of town, you could go back and look into it as you need to.

COMMISSIONER DURAN: So one of the ideas would be if I had a question I would either e-mail it to Gerald or call him and leave him a message. And then he would respond to all of us. So if you had an issue that you were checking into, he would respond to your inquiry, to all of us at the same time. So I'm just trying to find ways to better deal with this communication problem because there's just a lot of stuff going on out there and it's hard to find out what's going on. What staff is working on, the position the County is taking on certain issues and things like that.

COMMISSIONER MONTOYA: Mr. Chair, on that point, so we would have to dial in?

MS. LOPEZ: Mr. Chair, Commissioner Montoya, yes. You would dial in and enter a specific security code so that only the five of you could access it. And there would be either five or ten messages that you could forward through to listen to the messages.

MR. GONZALEZ: It would be basically an elaboration and more immediate response than what you get in the County Manager notes that you're presently getting.

COMMISSIONER DURAN: And I'm open for other suggestions. You and I talked about how to deal with the communication a little bit better.

COMMISSIONER MONTOYA: I guess just a concern that I have with that is that what if, occasionally I'm on travel. How do I go access that? Via an 800 number? How would that occur if there is something that is an emergency and then I read it in the --

MS. LOPEZ: Mr. Chair, Commissioner Montoya, you could access it through the 1-800 number and ask to be transferred and we'll develop instructions for you to do that. But you can do that from wherever you're at without incurring long distance charges.

COMMISSIONER DURAN: You can call them on your cell phone.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER DURAN: Part of what prompted me to find a way of doing this is that -- better communication, is that I read in the paper that the City had made an offer to the County to mediate our water problems and that they had had discussions with the County Manager. And I frankly think that we should have been notified of that discussion rather than read about it in the paper. Anyway, I like that idea. I'd like to pursue that. If I happen to be the only one that uses it I guess that's the way it goes. I just really think that I want to find a way for the Manager to communicate more efficiently with us. And I appreciate you working on that. Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. It sounds like it's worth a try to see how it might work, anyway we can improve that communication. On that City mediation thing, I happened to be in the proposal from Councilor Carol Robertson Lopez. I happened to be in the County offices when Gerald got a call from the City Manager about that, so he did discuss it with me and he made an attempt to get to all the Commissioners and pass that along. But this would memorialize it and we could access it any time you wanted and get perhaps a little more in-depth information. So it's worth a try. Commissioner Anaya, items for the Commission.

COMMISSIONER ANAYA: Mr. Chair, thank you. I do agree with you too, Commissioner. We'll try that one out. I had three items, three individuals who just started at Santa Fe County and they're here with us and I'd like to introduce to you the two new Public Works. And that's Edmund Romero. Edmund Romero is the Public Works -- he works for Public Works, Senior Engineering Tech soils lab. Thank you and welcome. And Arsenio D. Trujillo. He's with the Public Works Department in the road construction labor. Thank you for being here and welcome aboard and I hope you guys stay a long time. The third person, I'm going to hand over to Susan Lucero to introduce.

SUSAN LUCERO (Finance Director): Mr. Chair, members of the Commission and Commissioner Anaya, I'd like to introduce, on behalf of Santa Fe County our newest

Deputy Finance Director, Joseph Gutierrez. He comes to us with over 30 years of state government experience, primarily with the New Mexico Economic Development and Tourism Department. So he came back for some more punishment and wants to work for Santa Fe County. And we welcome him to our team.

COMMISSIONER ANAYA: Thank you, Susan. I'd just like to welcome all the new employees.

COMMISSIONER DURAN: Welcome.

COMMISSIONER ANAYA: That's it for me, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner Anaya. A couple of items I'd like to bring forward. At our October 28th meeting to go a little further on some of the road issues that we've already talked about today, I believe that Ms. Lucero made some recommendations that if we wanted to seriously consider road improvement work, we should do it through a GO bond. About two years ago I worked with the Public Works Department to try to get and to get a road comprehensive master plan completed to identify the roads in all the districts, put a condition rating on them and move that forward to a prioritization based on safety and traffic capacity to start a more aggressive road program than we've had in the past.

We can plan for that but we also need to fund that in some way. So I would like, and I believe that that was something in the 12 to 16 million dollar range of improvements over some period of time. And as I said, the recommendation was that that was a better option for a GO bond, rather than using the limited amount of revenue from our gross receipts tax that we've allocated for roads and other. So I guess just personally I'd like to encourage the staff to continue exploring that and to give us perhaps in the Finance Department and the Manager's office what those options would be and how a GO bond would be received by the voters and what the areas of the County it could improve. And of course, how appropriate would it be? What would the timing be, particularly given the fact that the first issue we need to get resolved is the jail cost issue. So we need to do first things first. I think we need to look a little further ahead and decide, are we going to continue to piecemeal these roads at \$125,000 a year for gravel improvements? Or are we going to undertake some kind of a comprehensive plan that would require voter backing? So I'd like to see some further numbers and thoughts on that from the staff, following up on the discussion we had at the last meeting.

There were a couple of things from the last meeting. Gerald, I had brought up an issue about the City consultant, comments about the City consultant recommending to the City that the City work on water projects unilaterally, rather than working together on a regional basis. That that was a consultant recommendation and you were going to check into that. Have we learned anything more on that?

MR. GONZALEZ: Mr. Chair, I did inquire and I haven't been able -- I'll let Gary --

CHAIRMAN SULLIVAN: Maybe Mr. Roybal can help me with that one.

GARY ROYBAL (Utilities Director): Good morning, Mr. Chair, Commissioners. I did have a discussion with Carolyn Sigstedt who did write that letter to the editor and she did not remember quite where she received that information. What she did say is

that she had read an article in the paper that went to that issue but she couldn't remember what article and we've been trying to locate that article ourselves but have been unsuccessful to get to that issue. But she did say the genesis of her letter was from an article written in a paper about that.

CHAIRMAN SULLIVAN: Okay. Maybe we could just, in your bi-monthly meeting with the City Manager, maybe you could bring that issue up, Gerald, and see if that's the case, because we really need to know if that's being recommended as City policy, who's recommending it and if the City is in agreement with that policy. We feel that regional effort is more productive and regional sharing of costs. But if they're hiring consultants that are recommending otherwise we'd like to know about that.

MR. GONZALEZ: I'll be glad to explore that. I did talk to a couple of City Councilors and they didn't know where the comment had come from either.

CHAIRMAN SULLIVAN: Well, just wanted to track it down. It may have just been a misunderstanding by someone who wrote a letter. But we don't get a lot of communication from the City so we'd like to know what their thoughts are.

I had also asked for a copy of the property protest regulations. I think all of the Commissioners are beginning to get a number of letters from the Ortiz Sanctuary property, which I believe is in Commissioner Anaya's district concerning that property protest and I was curious about what those regulations are and I still would like to get a copy of those and provide the Commission with a copy of those also.

Another item is that we want to congratulate our Housing Authority. They received an award for their Section 8 management assessment program, which is called SMAP and went down to Albuquerque a week or two ago to have that award presented to them and it was an evaluation which consisted of 15 indicators, including criteria such as selection from waiting lists and utility allowances and the division received a score of 98 out of 100 points. This recognition was presented to them by the United States Department of Housing and Urban Development and we just want to express our congratulations to the Housing Authority and to the employees for their continued efforts and we'd like to see lots more of those awards. Is Robert still around? There he is in the back. Wave your hand, Robert. Congratulations and keep up the good work. We'd give you a plaque but I think they already gave it to you.

And then the last thing that I wanted to ask about, we had a complaint come in as we have in the past regarding the hours of operation of the Eldorado transfer station, particularly on the weekend, I think closing at about 3:30. Can James, can you or someone tell me what the circumstances are out there and how does that transfer station compare on its hours to other stations?

MR. LUJAN: Mr. Chair, members of the Commission, approximately about a year and a half ago we changed the hours because the Jacona transfer station, we are on Pueblo land and they needed access to that transfer station by 7:00 in the morning. And we had had an accident at that transfer station where somebody fell into the bin when nobody was there, no attendant. So we went countywide and we moved the hours up from 7:00 to 3:30. At Eldorado transfer station we need to pull that trailer out before quitting time in case of a fire or anything.

It's inside a building. So that's one of the other reasons I found out why we pull it out a little bit earlier. We have to hook it up to the tractor and pull it out. So those are the reasons we moved the hours up, to accommodate, and I just don't have enough manpower to keep them open later than that.

CHAIRMAN SULLIVAN: You were mentioning the Jacona transfer station.

MR. LUJAN: The Jacona transfer station, we started with that one. That's where the problem started is Pojoaque had to get in the by 7:00. And that was one of the stipulations because we're on their property.

CHAIRMAN SULLIVAN: So all the transfer stations are 7:00 to 3:30?

MR. LUJAN: 7:00 to 3:30, yes, sir. On the days that they're operating.

CHAIRMAN SULLIVAN: No one's being discriminated against. And then tell me about the days of operation.

MR. LUJAN: I'm sorry, I don't have all of those. There's so many. I can't think of all the closed days.

CHAIRMAN SULLIVAN: But Jacona is open daily, isn't it?

MR. LUJAN: Jacona is open seven days a week.

CHAIRMAN SULLIVAN: Seven days a week. And the Eldorado one is --
MR. LUJAN: I believe we close two days a week but I don't have those --

CHAIRMAN SULLIVAN: But in terms of the hours of operation, I think this individual's complaint was the hours of operation on a weekend.

MR. LUJAN: Correct.

CHAIRMAN SULLIVAN: Was not convenient for bringing materials in by 2:30.

MR. LUJAN: That is correct.,

CHAIRMAN SULLIVAN: But these are the hours that are applicable to all transfer stations.

MR. LUJAN: Yes. The days that they are open.

CHAIRMAN SULLIVAN: Okay. Thank you, Mr. Lujan. Appreciate that. That's all I had. Commissioner Duran has the last word.

COMMISSIONER DURAN: I wouldn't say it's the last word. I was wondering if the Commission would consider asking staff to check into a homeland security facility that's going to be built here. I met with Senator Griego yesterday and I think that the legislature is probably going to find money to build a homeland security facility and I think a good place for that would be out at our business park. That might get that thing off the ground. I spoke to the - in this meeting I was talking to the Land Commissioner and he thinks that that would be a good idea too and he's looking at our agreement to see how he might be able to restructure the lease with us to allow the state to build that homeland security building.

So I was wondering, Stan, if you could find out -- I forget her name but it's -- General Denko, who used to be with the Santa Fe Police Department is involved in that, and then there's someone else from the federal level that's involved in this homeland security building. Do you know much about it?

CHAIRMAN SULLIVAN: Chief Holden.

STAN HOLDEN (Fire Chief): Thank you, Mr. Chair, members of the Commission, Commissioner Duran, I do know about it. Senator Griego, Senator Rodriguez, Representative King, Commissioner Anaya and I and I believe Tony Anaya may be meeting here shortly to discuss that exact issue of bringing that facility to Santa Fe County. But it's all very preliminary right now and in very preliminary discussions. So I don't have a lot of facts for you, unfortunately at this point.

COMMISSIONER DURAN: Do you know who the federal contact is on that?

CHIEF HOLDEN: Ms. Benavides did give me that information but I don't recall it off the top of my head. I do know that Chief Denko, as I still refer to him, Secretary Denko, is intimately involved in that as well.

COMMISSIONER DURAN: Are they aware of our business park and how it might be located? The location would be ideal, because we have our regional center out there.

CHIEF HOLDEN: We have not spoken specifically about the business park. We have spoken specifically about bringing it to Santa Fe County.

COMMISSIONER DURAN: Okay. Well, let's talk to them about bringing them specifically to that site unless we have another idea.

CHIEF HOLDEN: I certainly would be more than willing to share that information with them, that the business park would be available to them.

CHAIRMAN SULLIVAN: One time, Stan, we talked about using the existing prison facility as a rehabilitation -- Has that been dropped by the state?

CHIEF HOLDEN: Mr. Chair, the interest in utilizing the old state prison, where the riot occurred back in the eighties was to utilize those vacant buildings for the purpose of building a public safety training facility, which would be used in concert with the homeland security issue that Commissioner Duran has brought forward. We have run into roadblocks with the Corrections Department and General Services Department of the state regarding the use of that facility for that purpose. So I'm not sure how willing the state would be to re-evaluate the use of that facility again for homeland security building.

CHAIRMAN SULLIVAN: Just what we need, a vacant prison, right? So that's a dead issue then, so this may be an alternative to look at the business park as well.

CHIEF HOLDEN: Could be.

COMMISSIONER DURAN: I'm going to be working with the Land Commissioner and Senator Griego also, so I'll keep you all update on what progress I make as well as whatever efforts you're pursuing.

IX. Consent Calendar

- A. Resolution No. 2003-161. A Resolution Authorizing Legal Holidays and Closing of County Offices for Calendar Year 2004 (Administrative Services Department)**
- B. Resolution No. 2003-162. A Resolution Requesting an Increase to the Housing Capital Improvement Fund (301)/Housing CFP 2001 to Budget Prior Fiscal Year 2003 Grant Balance for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- C. Resolution No. 2003-163. A Resolution Amending the Reimbursement Rate to all Hospital Providers from the Santa Fe County Indigent Fund (Community & Health Development Department)**
- D. Resolution No. 2003-164. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318)/Mobile Health Van to Budget a Grant Awarded through the NM Department of Finance and Administration for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- E. Resolution No. 2003-165. A Resolution Requesting Authorization to Surplus a Microfilm Duplicator for Donation to Another Government Agency or Non-Profit Organization in Accordance with State Statutes (Finance Department)**
- F. Resolution No. 2003-___. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department) MOVED TO X. B. 2.**
- G. Resolution No. 2003-166. A Resolution Requesting an Increase to the Fire Tax ¼% Fund (222) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Fire Department)**
- H. Resolution No. 2003-167. A Resolution Requesting an Increase to the EMS - Healthcare Fund (232)/Emergency Preparedness Program to Budget a Grant Awarded through the NM Department of Public Safety for Expenditure in Fiscal Year 2004 (Fire Department)**
- I. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-23 for a Network Application Server for the Santa Fe County Information and Technology Division (Project & Facilities Management Department/Information Technology Division)**
- J. Resolution No. 2003-168. A Resolution Requesting a Transfer from the Environmental Revenue Reserve Fund (404) to the General Fund (101)/Solid Waste Program for Capital Expenditures in Fiscal Year 2004 (Public Works Department)**
- K. Request Authorization to Enter into a Memorandum of Understanding**

- (MOU) with the Bureau of Land Management (BLM) for South Meadows Road Project (Public Works Department)
- L. Request for Approval and Execution of the 2003 Severance Tax Agreements for Various Road Projects from the New Mexico Department of Transportation (NMDOT) (Public Works Department) WITHDRAWN
 - M. Request for Approval of Amendment #1 to the Severance Tax Agreement for Road Improvements to County Road 8 (Dinkle Road) from the New Mexico Department of Transportation (NMDOT) (Public Works Department)
 - N. Request Authorization to Accept and Award a Multiple Price Agreement to the Lowest Responsive Bidders for IFB #24-05 Indefinite Quantity Uniforms for the Santa Fe County Public Works Department (Public Works Department)
 - O. Resolution No. 2003-169. A Resolution Requesting an Increase to the General Fund (101)/Region III Program Income to Budget Prior Fiscal Year 2003 Cash Balance and Court Settlement Restitutions for Expenditure in Fiscal Year 2004 (Sheriff's Office)

CHAIRMAN SULLIVAN: Okay. Thank you. I think that covers Matters from the Commission. If it's all right with the Commission, we need to break for lunch now, but if there aren't any problems, I'd like to get the Consent Calendar approved, which would mean jumping forward to item IX. One item was moved from the Consent Calendar and that was item L and we'll discuss that later. So the Consent Calendar consists of items A through O, excluding item L.

COMMISSIONER MONTOYA: And F.

CHAIRMAN SULLIVAN: Oh, and F was withdrawn. You're right.

COMMISSIONER DURAN: Move for approval of the Consent Calendar.

CHAIRMAN SULLIVAN: Wait a minute. I mixed this up. Item F was moved and item L was withdrawn. That's what happened. F was moved to X. B. 2 and L was withdrawn. So it would be the Consent Calendar items A through O, excluding F and L. Commissioner Duran.

COMMISSIONER DURAN: Move for approval as amended.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay, there's a motion and a second. Any discussion?

The motion to approve the Consent Calendar, item A to O, excluding items F and L, passed by unanimous [5-0] voice vote.

MR. GONZALEZ: Mr. Chair, I don't know how long you anticipate for the

committee appointments, but if that's something we could do quickly, we do have some folks that have been waiting on that item.

CHAIRMAN SULLIVAN: Okay. Let's try for committee appointments if it's all right with the Commission.

COMMISSIONER ANAYA: It's fine with me.

VIII. Committee Appointments/Reappointments/Resignations

A. Road Advisory Committee Reappointments

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, Area 1 of the Road Advisory Committee encompasses the Arroyo Seco, Chimayo and La Puebla areas. Mr. Eduardo Vigil has represented this area for the last three years. The appointment of Mr. Vigil expires next month and he has volunteered to serve on the Road Advisory Committee for an additional term.

Area 11 encompasses the Eldorado Subdivision. Mr. Allen Larsen has represented this area for the last six years. The appointment of Mr. Larsen expires next month also and he has volunteered to serve on the committee for an additional term. I did request resumes from the two. I did not receive one from Eduardo Vigil, but I did receive one from Allen Larsen. He is a retired physicist from LANL where he performed crystallography research. He has been a member of the Road Advisory Committee since 1998. He has been a member of the road committee of the Eldorado Community Improvement Association since 1991 and involved in Boy Scouts since 1964, for you, Commissioner.

CHAIRMAN SULLIVAN: Is that in the packet, Robert?

MR. MARTINEZ: No, it's not. We just received it the last couple of days. Public Works is recommending the reappointments of Mr. Eduardo Vigil to Area 1 and Mr. Allen Larsen to Area 11 of the Road Advisory Committee.

CHAIRMAN SULLIVAN: Questions for Robert?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I sat on the Road Advisory for probably a little less than a year, I believe. And I've worked with Mr. Eduardo Vigil and I worked with Allen Larsen and they're very dedicated. They show up to the meetings. They drive the roads. So I'd like to recommend approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion?

COMMISSIONER MONTOYA: Let's get Mr. Vigil with the Arroyo Seco folks.

CHAIRMAN SULLIVAN: And Mr. Larsen too. Mr. Larsen is very detailed, let me tell you. His reports are timely and there's not a stone unturned.

MR. MARTINEZ: Commissioner Montoya, we do need an alternate for that

area. Too bad we didn't solicit one of them to be on the committee.

CHAIRMAN SULLIVAN: While they were here. You should have grabbed them in. Okay, we have a motion and a second to reappoint Mr. Eduardo Vigil and Mr. Allen Larsen to the Road Advisory Committee for areas 1 and 11, respectively.

The motion to reappoint Mr. Eduardo Vigil and Mr. Allen Larsen to the Road Advisory Committee for areas 1 and 11 passed by unanimous [5-0] voice vote.

MR. MARTINEZ: Thank you.

CHAIRMAN SULLIVAN: Thank you, Robert.

VIII. B. Resignation of Members from the Santa Fe County DWI Planning Council

FRANK MAGOURILOS: Good afternoon, Mr. Chair, Commissioners. My name for the record is Frank Magourilos and I'm the prevention specialist for the Santa Fe County DWI program. Mr. David Silva, a member of our planning council, because of his work schedule, is incompatible with the duties of being a planning council member, has given us a letter of resignation. And the DWI program staff recommends acceptance of the resignation.

COMMISSIONER MONTROYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I just want to thank Mr. Silva for all the time he dedicated to the DWI Council and hope that if he would like to come back, we'd like to have him back.

MR. MAGOURILOS: Mr. Chair, Commissioner Anaya, a letter will be written and stated so.

COMMISSIONER ANAYA: Thank you.

The motion to accept Mr. Silva's resignation passed by unanimous [5-0] voice vote.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: It seems to me that this item should go under Consent Calendar. It's pretty straightforward, accepting a resignation when he can't do the job. It just makes it a lot easier. Just a suggestion.

CHAIRMAN SULLIVAN: Thank you, Commissioner Campos.

VIII. C. Appointment of New Members to the Santa Fe County DWI Planning Council

MR. MAGOURILOS: Mr. Chair, Commissioners, the DWI Planning Council unanimously approved the application of Mr. Eduardo Garcia of RAP and also Shelley Mann-Love from the Santa Fe Public Schools, and also the Santa Fe County DWI program staff recommends the appointments.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN SULLIVAN: Okay, we have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second. There are two that you're recommending, correct?

MR. MAGOURILOS: That's correct.

CHAIRMAN SULLIVAN: And their resumes or their questionnaires are in the packet.

MR. MAGOURILOS: Yes.

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

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Frank, is Marcelina Martinez still a member?

MR. MAGOURILOS: Mr. Chair, Commissioner Montoya, yes, she is a member and as a matter of fact she did attend our last meeting last month.

COMMISSIONER MONTOYA: Okay. Because she wasn't on the list.

MR. MAGOURILOS: Perhaps it's a typo. But she's still a member of the planning council and she's attending the meetings regularly.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Other discussion.

The motion to appoint Eduardo Garcia and Shelley Mann-Love to the DWI Planning Council passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: All right. That takes us through items VIII and items IX. Now we'll break and I'm not privy to how much executive session items we have so I can't give the public a time that we'll get back but we're going to shoot for about 2:00 if that sounds safe.

STEVE ROSS (County Attorney): Mr. Chair, since we're going to have discussion during lunch we need a motion to go in at this point.

CHAIRMAN SULLIVAN: We did want to get as far as we could on the executive session so that's a good idea. So let's have a motion to go into executive session.

X. F. Matters from the County Attorney

1. Executive Session

- a. Limited Personnel Issues**
- b. Pending or Threatened Litigation**
- c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations**
- d. Acquisition or Disposal of Real Property**
- e. Discussion of the Purchase, Acquisition or Disposal of Water Rights**

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 5,7 and 8) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 12:15 to 3:10.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The motion passed by unanimous voice vote. [Commissioner Montoya was not present for this action.]

X. Staff and Elected Officials' Items

A. Community Health Development Department

- 2. Resolution No. 2003-170. A Resolution Changing the Name of the Santa Fe County Indigent Fund to the Santa Fe County Healthcare Assistance Program**

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: I need to ask for your permission to leave. I'm going to visit my mother in Houston, Texas and I need to catch a plane.

COMMISSIONER CAMPOS: Motion denied.

COMMISSIONER DURAN: So I wish you all a happy Thanksgiving and I'll see you soon.

CHAIRMAN SULLIVAN: Likewise to you. Thank you for your participation. Good luck and happy Thanksgiving. Excuse us, Rebecca, while we get reorganized here.

COMMISSIONER CAMPOS: Mr. Chair, can we just move to approve it right

away.

CHAIRMAN SULLIVAN: You can do that if you'd like.

COMMISSIONER CAMPOS: I would. I'd like to make the motion to approve Resolution 2003-170 relating to changing the name of the Santa Fe Indigent Fund to the Santa Fe County Assistance Program.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And there's a second by Commissioner Anaya. I understand that the reason for that is that it better describes the healthcare services that we provide throughout the County. Is that correct, Rebecca?

REBECCA BEARDSLEY (Indigent Fund Director): That's correct, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. We have a motion and a second.

The motion to approve Resolution 2003-170 passed by unanimous [3-0] voice vote.
[Commissioners Duran and Montoya were not present for this action.]

X. A. 2. Approval of MOU with the State of New Mexico Regarding the Visionary Collaborative to Provide a Healthy Community Environment

CHAIRMAN SULLIVAN: Our protector of the community is here.

LINDA DUTCHER (CHDD Staff): Mr. Chair, Commissioners, I see Commissioner Montoya just entering now. Can we wait for a moment for him to be here because he's aware of this issue as well.

CHAIRMAN SULLIVAN: We've been railroading things past while he's out. I have to ask the question, where did the cake come from? Somehow a cake appeared.

[Commissioner Montoya rejoins the proceedings.]

MS. DUTCHER: Mr. Chair, Commissioners, you have in your packet a memo from David Sims. He could not be here today so you get me instead, regarding an approval of an MOU with the state of New Mexico for the, it's currently called the Visionary Collaborative to Provide a Healthy Community Environment. This is sort of the latest incarnation of some ongoing work that has been in relation to the \$1.5 million allocated by Governor Richardson to address the substance abuse problems in the northern part of Santa Fe County and up in Rio Arriba. The MOU would allow us to participate and the last meeting yesterday, which I attended and also Commissioner Montoya and Betty Cardenas and various other members of the CARE Connection, they have made almost final recommendations which would include \$200,000 for bricks and mortar to help establish the CARE Connection.

Now, these meetings do not have the final say but they do put together the recommendations that will go to the governor and by agreeing to the MOU we will be able to

access whatever funds do become available.

CHAIRMAN SULLIVAN: Could you explain just what this Visionary Collaborative to Provide a Health Community Environment is? Is it a state organization? Is it a private entity or is it just a conglomeration of like-minded individuals and organizations?

MS. DUTCHER: That's a pretty good word. I understand that when Governor Richardson decided to allocate the \$1.5 million, he wanted the Department of Health, Secretary Montoya, to take charge of convening people from organizations, community members, providers, all sorts of folks in the north who were concerned about the substance abuse problems, to work in a series of meetings which have been taking place just about every week all afternoon on Mondays for seven, eight or ten times now. I haven't been able to attend every one of them, and to end up with recommendations for what needs to be done and how it needs to be done and how these monies should be distributed.

So as part of that, he's asked that there be MOUs of agreement and once these recommendations have been made to the governor, from the meeting yesterday, people hope to keep meeting as sort of an ongoing information sharing and coordination group, in a quasi-formal way. Commissioner Montoya has attended a number of these meetings and perhaps is even better to explain it than I.

CHAIRMAN SULLIVAN: So by being a part of this group, they've already expressed their interest to the tune of recommending some \$200,000-some towards the bricks and mortar of the CARE Connection, you indicated.

MS. DUTCHER: Towards the CARE Connection, yes. And in addition to that, some of the other sort of sub-committees there have made recommendations for \$42,500 that would help fill in some of the gaps in our Home for Good project. The one dealing with the prisoners in the jail.

CHAIRMAN SULLIVAN: The gap being the services outside the prison.

MS. DUTCHER: Exactly. Exactly. So we're starting to pull together some other resources there. So that's about where it's at. There's one more meeting next Monday which will finalize the recommendations and the one other addition, there was a big change yesterday. They previously -- the governor had requested that all these funds be expended and the work under them done by the end of June of this year. And now he's said 12 months instead of six. So that gives us a lot more leeway.

CHAIRMAN SULLIVAN: Thank you, Linda. Commissioner Montoya, would you like to add to that information?

COMMISSIONER MONTOYA: Mr. Chair, I just think that this MOU will give I think the significance that we place on this collaborative in terms of our participation in it. And there's been a lot of work that's been put in over the last 60 days and staff, David Sims, Linda, Betty Cardenas, and then a number of people from the CARE Connection have been participating in this and I think that on the County's behalf, it certainly gives them our commitment in terms of working with this collaborative, now and in the future.

With that, I would move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Montoya, seconded by Commissioner Anaya. Is there further discussion?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question. \$200,000 for the CARE Connection?

COMMISSIONER MONTOYA: Yes. Bricks and mortar.

COMMISSIONER CAMPOS: Bricks and mortar.

COMMISSIONER MONTOYA: Bricks and mortar, yes.

COMMISSIONER CAMPOS: But if you look at the activities, it doesn't seem to indicate that they're bricks and mortar.

COMMISSIONER MONTOYA: Actually, what this is, Commissioner, is this is the preliminary vision and mission statement with some of these activities to be facilitated and you're right. There's nothing mentioned here about bricks and mortar. But the subcommittees, one of the subcommittees, is actually called the Bricks and Mortar Committee, and then the other committees, Community Involvement, Community -- what was the other one? Problem solving, Legal Problem Solving and Individual Involvement. So those are the five committees and Linda, were you in the one yesterday with the Bricks and Mortar?

MS. DUTCHER: I was in the Bricks and Mortar one, yes.

COMMISSIONER MONTOYA: Okay. And that's where it was determined that we would get -- and then actually some negotiations that Robert Anaya was involved in also, that we would get \$200,000 for that piece.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER MONTOYA: You're welcome.

CHAIRMAN SULLIVAN: Other questions for Linda or staff? If not, we have a motion and a second for approval of this MOU.

The motion to approve the MOU with the state passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

COMMISSIONER MONTOYA: Thank you, Linda.

CHAIRMAN SULLIVAN: By the way, this cake says Chocolate Confusion cake. So if anything goes wrong up here you'll know what that's related to.

X. B. Fire Department

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #24-15 for the Citizens Corps Plan for the Santa Fe County Fire Department

JAMES LEACH: Mr. Chair and Commissioners, James Leach from Santa Fe Emergency Management with the County Fire Department. This is a grant from the State of New Mexico. There are no matching funds required from the County. The purpose of the contract is to write a citizen corps plan in conjunction with the local Emergency Planning Committee and to schedule and to carry out CERT training, which is Community Emergency Response Training. It's a train the trainer program where we train people in different communities to teach their community how to prepare for disasters. It's a nationwide program that is being funded now through homeland security from FEMA and I understand they're going to continue funding it next year so there may possibly be another RFP before you then.

We did send out six proposals or six packets and they were all sent to emergency management type companies and consultants. Only one returned it. New Mexico Emergency Management, LLC. I don't know what paperwork you might have on them but they are, the members of that group of that company, Frank Shober, who is a retired two-star general, the adjutant general from the National Guard in California, was heavily involved with the state office of emergency management there on these kind of issues, and his associate, Ms. Lynn Murphy who actually worked for the California Department of Emergency Management.

The total on the request is \$26,500 and again, all of that is covered under the grant. There is no match required from the County.

CHAIRMAN SULLIVAN: Questions for Mr. Leach?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Leach, so these would be volunteers in Santa Fe County that would serve Santa Fe County? And you would train them to respond to disasters?

MR. LEACH: Mr. Chair, Commissioner Anaya, the training would consist of - the CERT training is to train everybody in your neighborhood. Basically, what it does is you find out what all your neighbors do. If somebody's an electrician they might be able to help with electrical stuff. If they're a nurse, they might be able to help with medical. During a disaster, unless you're in the very epicenter of the disaster it may be 48 to 72 hours before emergency services can get to you for the routine kind of stuff. This training is designed to train neighborhood people to then turn around and train the rest of their neighborhood to prepare in case there is a disaster to help each other.

COMMISSIONER ANAYA: So then the \$26,500 would be to set this up.

MR. LEACH: Yes, it would be to set it up and actually do the training.

COMMISSIONER ANAYA: And do the training?

MR. LEACH: Yes, sir.

COMMISSIONER ANAYA: Okay. Thank you.

MR. LEACH: And both of the people in this company have been to the CERT training that trains the trainers.

COMMISSIONER ANAYA: And they would go around to each community or each fire district?

MR. LEACH: Mr. Chair, Commissioner Anaya, they would probably combine some of them, like Glorieta and Eldorado, areas like that together. Different neighborhoods in the City of Santa Fe together. They are required to do 12 trainings which they are prepared to do.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: That answered my question.

CHAIRMAN SULLIVAN: All right. Anyone else? What's the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya. Further discussion?

The motion to authorize the PSA for emergency response training passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

IX. F. Resolution No. 2003-171. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department)

CHAIRMAN SULLIVAN: Mr. Holden, and I believe Commissioner Montoya.

CHIEF HOLDEN: Mr. Chair, I stand for questions. I'm not sure what the issue is.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Holden, regarding the various fire districts, which ones will be benefiting from this increase?

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, only those fire districts that actually participated in an activity secondary to the MOU agreement with the state of New Mexico. So, for instance, if they had a fire in the Glorieta Fire District that was on state land, then the state reimburses the County for our equipment use and for volunteer time on that fire. So these are specific to fires that happen in specific fire districts and that's how the compensation takes place. It's not an open reimbursement type of situation. A fire actually has

to occur within a fire district and it has to be on state land in order for them to receive this reimbursement.

COMMISSIONER MONTOYA: So, we're not talking about fire departments then. We're talking about fire districts.

CHIEF HOLDEN: That's correct, Commissioner Montoya.

COMMISSIONER MONTOYA: And then in terms of the -- and I'm learning and trying to figure this whole situation out. So the forest fire reimbursement is what you just described and then for the supplies and contractual services those go for the year and personal protection and equipment.

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, that's correct. What you see listed as other contractual services are actually reimbursements to the volunteers themselves for their time. And the other is listed as field supplies for each district then go to buy new wildland gear. New boots, new tools, new hand tools. Could be to replace hose that was damaged during actually fighting the fire, and also is reimbursement for the wear and tear on the County's fire equipment for suppressing a fire on state property.

COMMISSIONER MONTOYA: Okay, and then my last question, Mr. Chair. What defines the fire district? Are there boundaries and how many are within Santa Fe County?

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, it's an excellent question. There are actually 15 fire districts. Those boundaries are determined by the County Commission. By statute, the County Commission must declare what those boundaries are.

COMMISSIONER MONTOYA: Okay. So they're throughout the county.

CHIEF HOLDEN: Throughout the county. There are some exceptions for national forest land and others that are not inclusive of any fire district but the majority of the county is included either in a fire district or a municipal fire department boundary.

COMMISSIONER MONTOYA: Okay. I lied. I have another question. So then would this potentially cover some of the cost that happened up around Nambe Pueblo? Would that particular fire -- I forgot the name of that fire already.

CHIEF HOLDEN: On tribal land it's a different scenario. Some of it was on county, on state land that was not inclusive in tribal boundary areas. And that's what we would get reimbursed for.

COMMISSIONER MONTOYA: Okay. So we would get reimbursed for it.

CHIEF HOLDEN: Some of it, yes.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Other questions or comments on the proposed Resolution 2003-171.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, moved by Commissioner Montoya, seconded by Commissioner Anaya. Further discussion?

The motion to approve Resolution 2003-171 passed by unanimous [4-0] voice vote.

[Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: That takes care of our Fire Department items.

X. D. Utilities Department

1. City of Santa Fe Position on Transfer of Water Rights to Buckman Well Field and Request for Direction on Future Water Service Agreements

MR. ROYBAL: Thank you, Mr. Chair, Commissioners. Before you is an informational item and an item requesting direction from the Board on how to proceed on future water service agreements. In the past, two water service agreements have been brought before the Commission for approval. One was a Rancho Viejo water service agreement and the other was the Komus land development water service agreement. In both of those agreements, the Commission directed that water rights be transferred in conjunction with those water service agreements, be transferred to the Buckman wellfield or a point of diversion as designated by the County.

Before you in your packet is a letter from the City of Santa Fe to the State Engineer's Office stating, and it's the last sentence on the first page, and it says, "The attached exhibit letter dated February 7, 2002 from Jim Romero, City of Santa Fe, City Manager, to Estevan Lopez, Santa Fe County Manager pertain to and only to OSE fire #02-810-NT 20516, et al. Since that transfer application is now completed, the authority of that letter is no longer in effect and has no bearing on other transfer applications that have been or may be filed."

Essentially, I interpret that letter to say that we no longer have authority or access to the Buckman wellfield to transfer water rights. I've been approached by two other applicants or potential applicants for water service from the water utility company to move water rights into the Utility Department for service. One of them is located off of the intersection of I-25 and 599, which is adjacent to the Community College District. And the rights that are to be transferred from that applicant are what I would consider Santa Fe River basin rights. They come from the Santa Fe Basin.

The other applicant is in the northwest sector which doesn't pose much of a problem because I think in that area we could actually drill some production wells and be able to provide that service to them. And basically, I guess what I'm looking for today is the direction from the Commission as to where to move these Santa Fe Basin rights from a potential applicant. Komus also has Santa Fe Basin rights and has submitted a letter to the City of Santa Fe requesting to move their water rights to the Buckman wellfield and as of yet, I'm not sure whether the City has responded to that application or not.

That kind of puts us, the Utility Department, in a bind when they come forward under our line extension policy for service as to how do we deal with these individuals and where do we put these water rights. We do have only one point of diversion at this point and that's at the Valle Vista Subdivision where we have several wells that are permitted and are used for

production to serve the Valle Vista area. There have been proposals that at least one of the applicants, or both of the applicants that are before us today or have submitted requests for service have indicated that they're willing to drill wells and transfer the water rights into those wells in return for service. They would contribute the wells to the County and then turn it over for our operation and delivery of water.

But that would mean that these water rights don't get transferred into the Buckman wellfield. And at this point, the Buckman diversion project is not permitted yet, so I don't believe that we could transfer any water rights to the Buckman diversion project at this time because it hasn't been permitted. So there's really no approved or official point of diversion at the river at this point in time. So with that, I stand for questions.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: What is the City's rationale in saying we cannot transfer County water to the City Buckman wells? I assume you've had numerous conversations with City staff and policy makers.

MR. ROYBAL: Mr. Chair, Commissioner Campos, I've had discussions with City staff, not the policy makers on this issue. But I think the letter is pretty straightforward, that the City's interpretation of that letter authorizing transfer to the Buckman wells was only for those Socorro rights that we had purchased in 1990 and that were essentially transferred earlier this year and I think it was a transfer of 11 acre-feet. And based on what I read of this letter that was the basis of that authorization for that transferal.

COMMISSIONER CAMPOS: For that one letter.

MR. ROYBAL: For that one transfer only.

COMMISSIONER CAMPOS: But now they're saying we can't transfer anything, any County water there? And the question is, what is the City's rationale for not permitting the County to transfer water to those diversion points?

MR. ROYBAL: Mr. Chair, Commissioner Campos, there is a -- and I'm not the legal expert on this, but I think it goes a lot to do with the way their permit is permitted for the Buckman wellfield. And fortunately, we have Mr. Kyle Harwood from the City legal department who could explain that rationale if you wish.

COMMISSIONER CAMPOS: That's based on the permit itself, not on capacity or other issues like that. Or water availability.

MR. ROYBAL: Mr. Chair, my understanding is that it's a combination of both, but mainly on a permit issue basis.

COMMISSIONER CAMPOS: Okay. Mr. Chair, could we have Mr. Harwood answer that question?

CHAIRMAN SULLIVAN: Sure. And also, let me just make an observation. Just looking, and maybe Mr. Harwood will say differently, but in looking at the letter written to Paul Saavedra in July of this year, from Jim Romero, the City Manager, I'm not reading that the City would not agree to that. What the letter says is that the prior approval, as you've indicated, only pertained to that one case, and then it goes on to say that the Office of the State

Engineer requires the City to be named as a co-applicant. So I don't think that it says that we wouldn't agree, it would just say that based on the following points of diversion, which they list in their letter, because those wells they claim belong to them, that they would want to be a co-applicant. Isn't that correct?

MR. ROYBAL: Mr. Chair, you're correct. And my interpretation is we don't have a blanket authorization. I did indicate to the Komus Development Company that they should pursue a filing or a request to the City to try and move those water rights in there. There is no official procedure or process at this point to move that forward.

CHAIRMAN SULLIVAN: Okay. So it doesn't permit -- the City of Santa Fe hasn't said no to anyone requesting a well -- a co-application from the City, they've simply said they want to be a co-applicant on a case by case basis.

MR. ROYBAL: Mr. Chair, they haven't said no but they haven't said yes either.

CHAIRMAN SULLIVAN: Right. But this letter, the only documents that we have, this document doesn't say no.

MR. ROYBAL: That's correct.

CHAIRMAN SULLIVAN: And then also, they're talking about the Buckman wellfield, meaning, their, the City's wells, I assume, in the Buckman area. Now, would this preclude someone from drilling another well in the general Buckman area?

MR. ROYBAL: Mr. Chair, no, and we're going to pursue that. We're pursuing that process, on another basis. Yes.

CHAIRMAN SULLIVAN: So either the County or a developer could make application to drill a well somewhere in the Buckman Basin and the State Engineer would evaluate that based on any negative impacts it might have to the existing wells.

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

CHAIRMAN SULLIVAN: Okay. So we haven't precluded anyone from appropriating additional water from that area. We've just added, by the City's letter, a requirement that if you want to use the City's well as a point of diversion, the City wants to be a co-applicant.

MR. ROYBAL: Mr. Chair, that's correct. And my concern with this is that there's no process in place. There's no type of procedure that we would follow.

CHAIRMAN SULLIVAN: Right. And maybe Mr. Harwood can explain that process to us or whatever else he would like to explain.

KYLE HARWOOD: Good afternoon, sir. Oh, boy, in that short conversation that you all had there were a number of issues that were raised. I don't know if there's a particular order you'd like be to address them in.

CHAIRMAN SULLIVAN: I believe Commissioner Campos had a question.

COMMISSIONER CAMPOS: Well, the question was about the position, the rationale of the City was taking as far as allowing County water to be transferred to points of diversion within the City Buckman fields.

MR. HARWOOD: Yes, sir. The history, as I understand of the 11 acre-foot

transfer that went through in January and the letters that were used to support that transfer is a letter that I believe is in your packet that talks about the City's intention and desire to cooperate on transfers. What none of those documents speak to are things such as how sharing the shortages would be handled, which of course has been an acute situation regionally. It was a major issue in the Las Campanas litigation where the City and County worked together on that matter, and without the City as a co-applicant, that in fact was confirmed by the State Engineer's Office as being inconsistent with their own policies on accepting transfer applications. So I would like to emphasize the point that Commissioner Sullivan made which is the purpose and intent of the letter that went to Paul Saavedra from the City Manager was to clarify the State Engineer's own policy on accepting transfers to a point of diversion owned by someone other than the transferee, in this case the Buckman wellfield under the City's permit.

And in fact the City has and continues to have, and I'll get to the Komus request shortly, an open door policy of entertaining any proposal. But it is, in the case of these kinds of transfers, the devil is in the details. Of particular concern to the Councilors and the Public Utilities Commission of the City was do transfers in to the Buckman well permit, are they transfers in on top of the City's permit of 10,000 acre-feet, thereby requiring hydrologic modeling to show impairment, public welfare and conservation, or in fact are they being moved into the Buckman well permit as Las Campanas rights have been moved for offset purposes only, and therefore do not change the delivery.

As you folks well know, there is a current wholesale agreement in place through the middle of 2005 for 500 acre-feet, the delivery of up to 500 acre-feet and there are provisions in there for sharing of shortages and the rate structure. What's not clear under the three-line letter that stated the City's desire to cooperate was how any of those issues would be addressed under subsequent transfers. So that's the gap we're trying to fill. And of course as you also all well know we've been working really hard for the last six months with Gary and John Utton and Doug Sayre to work on a set of agreements that will step in or as I think as Gary says, dovetail with the current wholesale agreement and among those is reference to an agreement on cooperating on transfers.

What isn't clear so far because we did not draft it in that series of negotiations and have not yet drafted it is what a water right transfer MOU will do to the deliverability expectations of the County and delivery demands on the City. And that's, I think, where the real question remains.

With respect to the Komus request that has come through to my office and there was a several week delay while the attorney representing Mr. Komus provided the water rights file. That application is currently being reviewed in our office. I will say that there have been questions raised in several people's minds about the validity of the water rights themselves. So that is an independent evaluation that we are making, and since there are some questions to be resolved on whether or not the water rights are themselves valid, that in turn will feed into an agreement, a co-applicant agreement, essentially.

So the way that we've discussed this at Sangre de Cristo is that at City-owned points of diversion, water rights transfers that in some way implicate the County, usually holding title

after the transfer in most cases, as I read the water service agreements, and the entity purchasing them, whether it would be Rancho Viejo or other organizations, would all three be co-applicants. And there are quiet a few outstanding issues. For example, if that transfer is protested, protest costs can run up very quickly and there needs to be an understanding and expectation among those three parties who will share protest costs of the hearing.

There's also issues of deliverability and sharing of shortages. There are a number of complicated issues that we've been working with Gary and Doug and John Utton on over the summer and of course we're going to be sad to not work with Gary here in a month. Hopefully, he'll still be available for those conversations. As you know, he'll have plenty of work after the newspaper article the other day.

But those are the sorts of issues that are raised. The discussion of cooperation is still true, but the details have not been worked out. And I think without those details being worked out, it's premature for the City to agree to be an active co-applicant, which it must be under OSE policy, we need to have those threshold issues understood so that we don't actually generate more confusion than we have today, which is substantial already.

CHAIRMAN SULLIVAN: Mr. Harwood, let me just clarify. An applicant who is making an application in the Buckman area would need to address the issue of valid water rights no matter who, where his point of diversion would be. Is that not correct?

MR. HARWOOD: I totally agree, sir. Yes.

CHAIRMAN SULLIVAN: So that's a step that the applicant would need to address regardless, and one that you're concerned about and rightfully so.

MR. HARWOOD: Yes. There's another separate issue and I don't disagree with the Komus application that I should have mentioned early on and that is whether the City or the County has a policy of moving Santa Fe River Basin rights down to the Buckman area and into a system related to the Rio Grande and whether or not that is in fact the wisest point of diversion for such water rights. The Santa Fe River aquifer rights are incredibly unique and valuable because of where they originate from and I think there are some technical issues associated with doing that. It's not impossible, obviously. It's not that one is unable to do but you're talking about moving something from a very limited part of the system where rights are fairly rare and moving them down to an area which can be the receiving point for water rights from the whole Rio Grande system.

So there are multiple issues that are raised like that. And as your other point was made, those are all issues that can be worked out along the way. What we still need, in order I think to be a co-applicant on for example the Komus transfer is a co-applicant agreement. And as Mr. Buller has stated, we're willing to sit down and talk with anyone at any time about how those agreements may work. But they also cannot be prejudged before they've been determined.

CHAIRMAN SULLIVAN: In terms of paying the cost of protests, I guess pretty much anyone who makes a water rights or diversion application can anticipate a protest in this area from someone, some neighbor or some other adjoining property owner. So my feeling is that the cost of a protest, you have to build that into your budgeting and your planning for any project, whether it would be with the City or whether you would do it on your own.

MR. HARWOOD: That seems appropriate as well to me. It also may be entirely possible that an applicant, if this were not discussed and clearly enunciated at the beginning of a process would expect the City's engineering consultants to run models, model runs of the Buckman permit, which we do very regularly and which we capitalize as part of running the utility but we don't do for others. And I could see that an applicant without discussing it and being clear about it up front, there could be a number of expectations both directions. That's really where the necessity again for an agreement ahead of time comes in.

CHAIRMAN SULLIVAN: Sure. I understand the need for good fences make good neighbors. But having that software already in place, could you make those services available to an applicant on a cost basis?

MR. HARWOOD: I don't know. There are some -- I guess the reason I'm hesitating is there are some fairly delicate and proprietary parts to that model, but certainly we would be willing to discuss with any co-applicant how that material would be handled. How that issue would be addressed.

CHAIRMAN SULLIVAN: The reason I bring that up is the problem that I've seen with modeling is different modelers and different databases. We have the Shomaker modeling in the Eldorado areas and we have other modeling in the city of Santa Fe and we have overlaps that some times are hard to resolve. I'm thinking that it would be in the best interests of everyone regionally, and we're looking at one pot of water here. The question is where do we either put down as a County, a County well, into this basin of water, or where do we piggyback on someone else's well if it's capable of producing in this basin of water. Somewhere the water is going to be drawn out of the basin. Where's the best place to do that in terms of its impact on other wells and its impact on other residents?

Some would answer that by saying Nowhere. And that's a perfectly valid answer except that the wells continue to be drilled. They continue to be drilled in Santa Fe County. Small straws as opposed to large straws. Lots of small straws. So if we had a modeling that was overseen by the City with appropriate safeguards in terms of any privacy issues you might have, it seems the City Councilors would have a better level of confidence in the results, as opposed to relying on a developer generated model, a hired gun as it were, that would prove only good things, obviously. So that level of objectivity seems useful. Do you think there's some way that the City can work with applicants on that?

MR. HARWOOD: I don't foresee any technical roadblocks to that. I also need to qualify my comments by saying that some of the issues that you're raising do go into the policy field, which really is not where I'm allowed to go.

CHAIRMAN SULLIVAN: I understand. We've been through that in the RPA. No one is allowed to enunciate policy for the City. We've been through that and I appreciate your restrictions in that regard.

MR. HARWOOD: I didn't mean to not answer the question though. I don't see -- I think that these are all valid technical issues that are not inherently barred by any particular fact or policy, or I should say, law or regulation. These are all -- there is a process for co-applicants to cooperate on transferring water rights that the State Engineer will recognize and

that was part of the reason for the correspondence earlier this year clarifying how such a system might work in Santa Fe County between the City and the County. So certainly all the technical mechanisms are available. I think it's a matter of working out how they would actually operate. And perhaps the biggest issue that I get from folks in City Hall about such transfers is how does this interact with the wholesale agreement, both the current one and the renegotiation of one. And that is not something that I can answer very clearly because while we've been working on a package of agreements that would address wholesale deliveries, transfer cooperation, cooperation on transfers as well as the way the Buckman direct diversion would operate and implicit in that is how the San Juan/Chama contract would be shared, treated and delivered respectively to the City and the County.

Those, it seems to me, make a whole and I don't believe, as Gary pointed out, I don't believe we even have a process. Staff, I don't believe has a process today that we know that we're following on how to reconcile all those issues.

CHAIRMAN SULLIVAN: My understanding, and I understand that the water service agreement really hasn't started the negotiation process yet. It's the next item on the agenda. But my understanding is that how that would, from the County's point of view be handled is that the County's made a request for 600 acre-feet of wheeling that would occur until the San Juan/Chama diversion is in place. And that would be 375 feet starting one time and then moving up. That's simply wheeling, which the City staff has told us they have adequate capacity to do. And so that's not taking water rights or water, that's simply moving water through the City's system until the County system has an alternate mechanism for doing it, i.e., the San Juan/Chama.

So I understand from the City's letter that at this point in time, the City hasn't agreed to that 600 acre-feet of wheeling. But my understanding, in response to your question is that that's how anyone who is on the Buckman well system would get the water to somewhere on the south side of Santa Fe would be through that 600 acre-feet of wheeling, not wholesale water.

MR. HARWOOD: That's my understanding as well. The one piece that's missing in my mind, and I've heard County staff, I hope I get the characterization correct, if it's truly going to be wheeling, if it's truly a transfer into the Buckman system, then that 600 acre-feet arguably should be hydrologically modeled as being on top of the 10,000 and I've heard from County staff I believe on one or two occasions, that they're not interested in running an application like that because of the unlikelihood of the State Engineer actually granting that. If that 600 acre-feet goes in within the 10,000 acre-foot permit that the City has, then it's an obligation of that permit and in a sense, there was no need to move the right there because we have permission to divert 10,000 acre-feet and we just finished a hearing last week that will allow wells 10 through 13 to now divert up to 10,000 acre-feet.

And this is where the technicalities of water law become perhaps the appropriate topic of public meetings, but there is a real -- there are some serious implications for how the water rights are moved. Wheeling, technically to me is the City utility would pump and deliver to the County a County-owned water right. That's from electricity regulation, that concept of wheeling, and how the transfers would occur is not clear and the one scenario that would most

truly reflect wheeling is as far as I can understand is not an application that John Utton recommends filing. That is it would be a water right that would go on top of the 10,000 and would be modeled as such and would have to fight the same impairment battle that we just spent 2 1/2 days fighting last week.

CHAIRMAN SULLIVAN: And does the City need the 10,000 right away?

MR. HARWOOD: The theory behind the permitting of Buckman 10 to13 is drought redundancy, when the reservoirs do not have a supply, in order to provide to City customers and that portion of the County utility that we currently deliver to under our current agreement. So 10 to13 are meant to provide drought redundancy supply to the Santa Fe region under all the current agreements we have to City customers and City customers in the county, and the County utility, all of those.

CHAIRMAN SULLIVAN: And the County is agreeing to drought reductions as well as a part of its agreement or its proposal to the City. And the 600 only applies for the next couple of years until the San Juan/Chama project is on line.

MR. HARWOOD: I understand those to be true as well, yes.

CHAIRMAN SULLIVAN: Okay. I just wanted to clarify those issues. Other questions for Mr. Harwood?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I've got a question for Gary. When it comes to water it gets to be complicated. So what you're asking us is how we can work together as co-applicants, or the City co-applicants when we transfer water rights to the Buckman diversion. Correct?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, no. That's not what I'm asking here. I believe the process that goes by at the City is really their process. What this letter says is they need to be co-applicants. So once an applicant goes to the City and says we want to transfer water rights to your points of diversion it goes through their process. And the County is essentially a third party looking at this process from the outside. The direction I'm looking for is where do we put applicants who come forward with water rights. Santa Fe River Basin water rights. And I think Mr. Harwood touched on this. And I did talk to the State Engineer.

Moving these water rights up into the Buckman area may not be the most efficient use of those water rights simply because of the hydrological connection to the river. The Buckman system is connected directly to the river. These Santa Fe River Basin rights are connected to the La Cienega springs and then they're connected to the river. So it's the hydrological connection. So it may not be the most efficient transfer of these types of water rights.

My proposal or the direction I would look for is how to proceed forward with these applicants who do have Santa Fe River Basin rights who want service from the utility, who are required to get utility service from the utility? Do we move forward and look at groundwater wells to be able to move these water rights in there and provide service to them until we get the diversion project in place?

COMMISSIONER ANAYA: So do we lose water rights if we transfer from this

basin to the Buckman? For example, if we transfer five acre-feet from here to the Buckman, do we lose water?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, my understanding of the way it works -- is that if those -- let's say for instance it takes 100 years for those five acre-feet to reach the river, and those water rights have been produced and used over the last 100 years, then there's a direct hydrological connection and those five acre-feet could be moved to the Buckman area. And because there's that direct connection, the five acre-feet could be taken. However, let's say they've only been used for 20 or 30 years then the effect on the river hasn't been fully utilized so you may only get a third of those water rights. You may only get 1 1/2 or two acre-feet of those water rights.

But after 100 years, once the full effect is realized on the river then those water rights would be perfected to their full extent at that area. So it's a timing effect type of process. And it's the modeling that takes place at the State Engineer's Office that would determine that.

The complexity of this is that these rights, the State Engineer determines the effect on the La Cienega and La Cieneguilla springs, which adds a level of complexity. It's not just a direct hydrological connection anymore. So there's a real possibility that the time line for the effect on the river would probably be extended. So you wouldn't see that full utilization.

COMMISSIONER ANAYA: So, Mr. Chair, I think that what I'm hearing is that it makes sense for us not to transfer the water up to the Buckman. It makes sense to transfer the water -- we're trying to build a County water system and if everything goes to the Buckman then I don't think that would work out. I think we need to move it around in the county to certain locations and certain wells that will help us when some day the County has their water system. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I would agree with that assessment. I think the two alternatives that you've outlined here, Gary, would probably be best in terms of the avenue to take at this point. And really, I don't really have a preference. I think either one, whichever one you would recommend in terms of which would be more cost-effective. That's the way I would look at it. and also in terms of cost effectiveness and the amount of time that it would take to get either one up and running. That's all I can offer to you. Is that helpful?

MR. ROYBAL: Yes.

COMMISSIONER MONTOYA: I think the direction you're headed in, retirement, is the way to go though.

MR. ROYBAL: Commissioner Montoya, I'm looking forward to it.

CHAIRMAN SULLIVAN: I think, Commissioner Montoya, that the complexity we deal with, while that might be a plausible short-term response is that in order for us to feel comfortable as a Commission that we're not causing additional problems in the south Santa Fe area we've started to do a well testing program. And I understand that the State Engineer is doing a monitoring program out near the proposed Public Works site and we don't yet have that information that we need. What we do know is that the La Cienega wells have

gone down and in some cases dry. Where these water rights go. We do know and we've had some compelling testimony that wells along the Route 14 area and the prison area, some have gone dry and are unreliable. Some are good and some are bad. There seems to be pocketed areas there where the hydrology peters out and you hit one or you don't.

So we're getting at the upper edges of the basin as we move out there. And so I imagine the reason that the Buckman water rights are so difficult to obtain is that that's where the water is and that's where the demand is for those rights. I think we need to be able to look everywhere, but I think it's premature until we complete these water studies that the Utilities Division has started for us to give developers a carte blanche and say drill a well anywhere you want and connect it into the County water system. I think anybody's entitled to drill a well. If they wanted to make it available to the County water system I think there would be a couple of conditions that would be necessary for them to consider.

One is that they would need to drill a commercial grade well, and that means with an adequate casing size and depth to be utilized as a County well. And just as a possibility, that might be a 12-inch casing and a 2,000-foot depth, just to throw numbers out.

Number two, they would have to model that well to provide the information that the County would need and ultimately the State Engineer would need because as a part of the water service agreements, we go in as a co-applicant with the developer. So we have to be convinced ahead of time, just like the City is wanting to be convinced here, that this is a viable production facility that won't impair other existing users. And I can tell you in La Cienega people have very strong feelings about that. Their wells have literally gone dry.

So what I'm always concerned about is things that involve "giving direction" where we're talking about unnamed developers, other than Mr. Komus, and generalizations about water rights and basins, and not specific applications. I think that we did do some research on these approvals and we did say the Buckman wellfield, which implies the Buckman wells. I don't think we would have a problem with developers looking at the Buckman area for additional wells. The problem that we have to deal with there is finding a location that's close enough to a supply line so it's not cost-ineffective to connect to an existing supply line.

There are some landowners in that area out near Las Campanas that have said they'd be willing to work on a joint basis with other developers to develop a commercial grade well and turn it over to the County for connection into the County system. That's ultimately what we need for good back-up. If we spend a lot of money or a lot of someone else's money and the liability of drilling a well in an area that's going to go dry, ultimately, when the developer leaves, the County is going to be liable. When that well goes dry and we have people in the Route 14 area who are on the County system that have to be severely cut back or cut off, it's the County that's going to be held responsible, not the developer. The developer will have sold the lots and have been gone.

So I think we need to pursue all alternatives but I don't think it's appropriate as a part of this agenda item to change conditions of a development approval. I think when any of these developers comes back or wants to come back with a change in their master plan, or comes back with a preliminary development plan and they want to propose an alternate method that

proves the water supply -- all we've asked in our development approvals is that that developer show a plan for water supply for the first sustainable phase. If they come back to the Commission and say, We can't do it at the Buckman wellfield but we can do it here, and here are the test results. Here's the modeling. Here's the permit application and here's the comments from the State Engineer's Office, this looks feasible. And the Commission can take a look at that and say, okay, let's do a permit application and see what the State Engineer says.

So I think we need to be careful making blanket decisions about non-specific situations. That's my only concern. But I certainly agree with both Commissioners Montoya and Anaya that we need to look throughout the county. The Buckman wellfield is not the only area that we need to go for water, but it's the one, because the developers are in a hurry, that they probably have the most probability of getting an approval based on the actual water supply. Now it may be a little disturbing to have to go through the City on this, a little cumbersome, but I think that gives us at the County a level of check and balance that makes me feel that we're truly addressing these issues regionally.

That's a long speech but what I'm saying is that we need to be extremely careful in just waving our arms and saying Just drill anywhere and the County will take over your well and hook it into our system. I think that's an invitation for a lot of future liability.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I don't think we're saying that.

CHAIRMAN SULLIVAN: Well, maybe you want to be a little bit clearer then. Maybe I didn't understand your comment.

COMMISSIONER ANAYA: We want Gary to look into these and then come back with us for suggestions. We're not saying just because the developer decides to drill a well we're going to tap in. There might not be no water there. And we sure as heck don't want to affect the small communities that are already existing. And I know there's a lot of people out there or a lot of wells out there that are tapping into the water supply. And maybe it is a good idea that we have our own well and eventually get those people off it. But that's down the line.

CHAIRMAN SULLIVAN: Mr. Roybal.

MR. ROYBAL: Mr. Chair, I think there might be -- I'd just like to clarify something. This request is not to change any of the conditions that have been placed on master plan approvals. This does not go to that. Those are very specific and those are within the Community College District. These are for the Komus property, the Pierson property, which is right adjacent to the Komus property, that's the other applicant which is Suerte del Sur who's in our northwest sector who has no well restrictions like the Community College District. Those are the three applicants I'm dealing with right now who are willing to move forward to drill some wells, move the water rights they have into those wells and produce them. And tie them into the County system.

We certainly would require that these wells be drilled to adequate specifications, that the geo-hydro reports be made and the engineer will do the modeling and will determine if there's any impairment on that. They will have to get that well permitted. They will have to transfer

those water rights. They'll absorb the cost of that. That is the cost they will have to absorb on this. I certainly don't want to proceed forward on this and put the County at risk where if the well ends up being that it may only have a ten-year life I don't think that we would accept that under our water service agreement. But for the developer to move forward or the applicant to move forward on this type of an investment, they have to have some sort of a water service agreement with the County that says if all of this, if the modeling comes out, the well gets permitted, we transfer the water rights in there, do we have a commitment from you to provide us water service.

This goes to bringing forward those water service agreements to the County Commission so that you can either approve them or disapprove them. But that would be part of the requirements, exactly, pretty much in line with what you're discussing as criteria.

CHAIRMAN SULLIVAN: But that was one of the reasons -- and I understand that these applicants wanted to do that, and that was one of the reasons that the Commission said Let's go into this well testing program, so we have an independent analysis. We don't rely on the developers' analysis. We have our own analysis of the impacts on wells at Valle Vista and at -- what's the other one out there by the airport? The Hagerman well. We haven't talked about that for a long time, and others, so that we can assess independently and make our case to the public who will feel, regardless of what the numbers show, that they're going to be impacted by a well drilled out along 599 and Route 14.

So I'm waiting for that and I understand that that's had to be reformulated from a procurement standpoint to get that RFP out. But I think that information is very important. We need to look at that before we make a commitment to any developer. Were there any conditions -- or what were the water conditions on the Komus and the Pierson developments?

MR. ROYBAL: Mr. Chair, I reviewed the Komus and the condition was that they hook up to the County water system. I believe the same was for the Pierson. That's subject to check, but I know on the Pierson, who has a property, they're right adjacent to each other. I think this would work very well with this if they're willing to do this. We'd get more data with this, we'd develop reliability, redundancy on our system. It's just a process to bring something forward to the Commission for your approval or disapproval. If the County Commission does not view that the water service agreement is adequate enough to protect the County, then certainly we could amend it just like any other water service agreement that comes before you.

I guess what I'm looking for is can we proceed forward with this type of water service agreement before the Commission without moving the water rights to the Buckman wellfield and just using that as the place or point of diversion if you will.

CHAIRMAN SULLIVAN: I'm still confused. The developer is coming to you and saying Sign a water service agreement so we can prove we have water. Kind of like an availability statement from the City of Santa Fe. But how can you do that until you have some information based on their proposal or the well that they already have or the well that they would drill? How could you sign a water service agreement. Wouldn't you say Provide us the data that we would consider and make a recommendation to the Commission?

MR. ROYBAL: Mr. Chair, what I would envision the water service agreement

in this type of a situation saying, in order for us to provide you service, you need to go out, you need to drill the well, you need to pump test it, you need to do the geo-hydro report, you need to show that there's a 40, 100-year water availability and it has to be of good quality so that that water can be accepted into the system. Unless you can meet these requirements, the County cannot provide you that water service. The water service agreement is simply a contract for them to move forward to be able to do this and it's our commitment that if they meet the provisions and specifications of that water service agreement, that water service will be provided under terms and conditions.

CHAIRMAN SULLIVAN: And who determines that they've met the conditions?

MR. ROYBAL: Well, our County Hydrologist would review the geo-hydro report.

CHAIRMAN SULLIVAN: So there'd be no more Commission action. It would all be staff. From there on the water policy, you'd be committed to providing water to this based on staff review of that?

MR. ROYBAL: Mr. Chair, yes. If they met all the specifications that were approved by the Board, yes, then the commitment would be that we would provide them that water service.

CHAIRMAN SULLIVAN: See, that's where I have the problem is that I just don't feel at all comfortable jumping in bed with these theories until I see what it is, what they have. Everyone says, Oh, yes. I've got a wonderful well. It's been pumping for years. We've never had a problem. Then when you go out and drill a test well you find that there are impairments or there are contaminants in the water or other issues that you don't know about. I think that you can talk and work with applicants to say here's what the County would need, and if you bring this forward we'll evaluate it. We'll make a recommendation to the Commission and the Commission will evaluate that just the way they evaluate traffic control on a development or the way they evaluate any other issue dealing with a development. I'm very concerned that we would pre-approve by virtue of a water service agreement a development and get ourselves then into a legal situation where we've made a commitment. They've assumed it. They make expenditures that they then come back and sue us for because subsequent information determines that the well is not going to be a good well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I don't have a problem with that, them going through the process and then after they make a determination coming back to us and then going to the next step. That way we have the final say.

CHAIRMAN SULLIVAN: I think we need it. We have too many situations that we have executive sessions about all the time of some staff commitments being made. Perhaps in all good faith but they turn out to be problematical.

COMMISSIONER ANAYA: I sure as heck don't want problematical things out there.

CHAIRMAN SULLIVAN: We had three hours of them this afternoon. I think we've had enough for today.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: What about the possibility, Gary, of us looking at Buckman ourselves in terms of drilling out there?

MR. ROYBAL: Mr. Chair, Suerte del Sur, a subdivision being proposed out there has approached us for water service. We've ventured into a letter of intent to provide water service. Under our line extension policy they're within our service area. They are looking at partnering up with the County if you will to be able to drill at least one production well out there. We're still in discussions of how that's going to take place. So that is certainly the area, I think, and I agree with Commissioner Sullivan. That is the area where I think we need to focus a lot of our energies. But that would only serve that area until the Buckman diversion system comes on line. In the meantime there's no other source of water supply from the utility company to serve some of these other developments that are coming in.

I think this, what Commissioner Sullivan is talking about is what I'm looking for, is that kind of direction. We want to be the final say. And that needs to be put forward in whatever agreement we put forward with these applicants is that we're at risk for this. We will put our analysis up and we will bring our County Hydrologist who will analyze the geo-hydro report. The State Engineer will have his modeling on the permits. He may or may not permit. He may require offset rights. He may not allow it if there's impairment on other wells. So there are checks and balances in this whole process, and before it comes to you, those checks and balances need to be performed and the results provided to you for your decision.

CHAIRMAN SULLIVAN: Gary, how far are the Pierson and Komus developments from the County water lines?

MR. ROYBAL: They're at the intersection of 599 and I-25. We have a 12 or 16" main, maybe about a half a mile away from them. And I know the discussion with them is that they're willing to extend that line to get water service. The problem is is that they can't get water service until the Buckman diversion project comes on line.

CHAIRMAN SULLIVAN: I understand. So suppose they were to partner with this other development? What's the name of it?

MR. ROYBAL: Suerte del Sur.

CHAIRMAN SULLIVAN: Which is in the area where we have a much higher confidence that there's water down under there than we do on 599, only because we don't have the studies to tell us. Suppose we were to partner with that group. That's within our service area, that project, right?

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

CHAIRMAN SULLIVAN: If that well were to be developed at the size necessary to put on to the County system, i.e., a size to pump more than that development needed, then couldn't we transfer water down to the Komus and Pierson developments?

MR. ROYBAL: Not without a wheeling agreement.

CHAIRMAN SULLIVAN: We've got to have a wheeling agreement by 2005, we don't have any water service in the county. So I think we have to assume that there's going to be a water service agreement with the City. If we don't we turn off the lights and go home and that's the end of that until we have other options and other bond issues and then we have issues dealing with applicants who have put a lot of money into that County water system with the expectation of getting some water out of it.

MR. ROYBAL: Mr. Chair, you bring an interesting concept up. I would not say wheeling, but displacement. If we could tie that well into our existing system that serves in the northwest sector, we could offset some of the water that is taken from the City to serve that development and we could actually displace that and put it into this other area.

CHAIRMAN SULLIVAN: There you go.

MR. ROYBAL: So we could do a displacement.

CHAIRMAN SULLIVAN: So we don't have to physically have the drop traveling all the way from the north to the south.

MR. ROYBAL: There's not a lot of displacement capacity but there is some and that is a concept that certainly could be explored in this type of a situation.

CHAIRMAN SULLIVAN: Again, we're looking I think ultimately to get a sustainable County system so we can provide reliable service to county applicants as they come forward in the future. We know they're going to come there. In the short term we're having to rely on the City. In the longer term we have to develop our own sustainable system and I know that's what you've been working on. I think continuing to focus with applicants in that area, in that northwest area where they are close to our system, where we have a better chance of getting wet water, assuming the water rights are valid, which Mr. Harwood brought up, is a quicker way to improve the system, to get us up and running, and to get us beyond total reliability on City production. That's just my personal opinion.

That and three dollars will get you a cup of coffee at Starbucks. Other comments?
Commissioner Campos?

COMMISSIONER CAMPOS: No, sir.

CHAIRMAN SULLIVAN: Commissioner Anaya. I don't know what other direction we can give you. I think you've heard everyone's opinion here, Gary.

MR. ROYBAL: Mr. Chair, and I appreciate it. It does give me some clarity and a better understanding of how to proceed on some of these. I will certainly explore the concept of displacement to see how we could figure that in and I'll also see what the other applicants, Komus and to see how they would like to approach this and when this comes up I'll explain the direction that you've given me that if they do want to go forward with the well then this is the criteria to do it. It has to go before the Commission. You have the final say. Or we could work on a displacement if we ever get this other project going off also. And I will proceed on that basis.

CHAIRMAN SULLIVAN: Okay. Thank you.

MR. ROYBAL: Thank you.

CHAIRMAN SULLIVAN: It's not an easy subject, as Commissioner Anaya

says. Everyone's an expert. Now onto another easy item.

X. D. 2. City of Santa Fe Proposal for a Water Service Agreement with Santa Fe County

MR. ROYBAL: Thank you, Mr. Chair, Commissioners. Before you is an informational item that was developed by the City of Santa Fe through the Public Utilities Committee. The Public Utilities Committee reviewed and evaluated the proposed County wholesale water service agreement that was developed at the request of the Regional Planning Authority, was approved by this Board and was presented to the City. And I think the Regional Planning Authority, although it wasn't presented, was provided to them for informational purposes.

What I have just handed out to you is a sheet basically identifying the changes that the City's proposed water service agreement -- I shouldn't call this the City's because after the RPA, this isn't a fully approved City Council proposed water service agreement. This is actually what the Public Utilities Committee came up with after they had two discussions on this proposed agreement. And I can go through these, I can go through the changes if you'd like or the sheet itself will explain what the changes are.

COMMISSIONER CAMPOS: Quick question.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: This is only from the Public Utilities Committee?

MR. ROYBAL: Mr. Chair, Commissioner Campos, that's correct. So this has not, and Mr. Harwood can correct me if I'm wrong, but this hasn't been a sanctioned or City Council approved proposed water service agreement.

COMMISSIONER CAMPOS: How many Councilors on that? Four?

MR. HARWOOD: Five, I believe and two of the ones that aren't on the committee were in the audience and the final person, I believe, is Councilor Pfeffer. He was also in the audience, I believe, that night. But I wanted to emphasize that this document that Gary's responding to with his one-page memo here is direction from the PUC. There were other Councilors involved with creating that direction and I believe that Gary was invited to the Public Works meeting, the Public Utilities meeting and the full Council all in the coming month. This topic is on the agenda at all three of those meetings.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Harwood, you're saying it's going back to PUC again?

MR. HARWOOD: Yes it is. It's going back to all three of those bodies with, I believe, the primary focus being that the wholesale agreement, along with the transfer MOU as we've been talking about already this afternoon as well as the San Juan/Chama project

allocation which is part of this agreement, as well as how to put our heads together on the joint operating agreement for the Buckman direct diversion are a universe of topics that need to be dealt with at once and I think the RPA had discussed a mediation as a way to resolve all of those issues at one time. But yes, it is on the agenda, I believe primarily to determine the City's requested or recommended process.

COMMISSIONER MONTOYA: Mr. Chair, my understanding at the RPA meeting was that it was going on December 8th, I believe, to Public Works. So now that means it's going to go back to PUC, and then the Public Works -- is that still going to be on December 8th?

MR. HARWOOD: I'm sorry, Commissioner Montoya, I didn't bring all the dates with me but they are all between Thanksgiving and the 15th of December, all three of them. And I believe it was Councilor Wurtzburger that wanted to make sure that Mr. Roybal knew he was invited to come to all three of those if he so desires.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: That's it. The question I had was when City Council itself would look at the proposal made by the County.

CHAIRMAN SULLIVAN: I had a question, Gary. In our 500 acre-feet that's currently in the wheeling agreement with this City, does that include IAIA?

MR. ROYBAL: Mr. Chair, no it doesn't. We don't include IAIA as within our 500 acre-feet wheeling agreement.

CHAIRMAN SULLIVAN: Here's what I did, just so I can understand and we have a representative from the City here so he can correct me if I'm wrong. I went through the two agreements just to try to get from a general standpoint an idea of where the differences are because the staff memo says there are major differences. And here's the areas where I see that they're different. Number one is that in the 500 acre-feet that we've been working with all along, the City now says that includes IAIA amount. That's what I read in the City agreement. Correct me if I'm wrong but -- Let me see where it is in the City's.

MR. HARWOOD: I don't believe that that was the change and it certainly was not the intent.

CHAIRMAN SULLIVAN: Okay. If that wasn't the intent then maybe I just read it wrong.

COMMISSIONER MONTOYA: Actually, Mr. Chair, ours does say, not ours, but what the County reviewed and approved on page 2 does say that we do provide water service including fire protection to IAIA and it's other customers.

CHAIRMAN SULLIVAN: That's right. We do. But if you look at page 3 of the City's agreement, paragraph 2, the second sentence, it says the quantity delivered to the County system shall not include the quantity necessary to supply City customers on the County water system. The City shall supply the County system sufficient water to serve the City's customers including IAIA. And in the first paragraph they say The City agrees to sell the County not to exceed 500 acre-feet. So we have a total of 500 acre-feet and the way I read it,

and maybe it's just drafting and if that's not the City's intent then that takes care of it, is that that 500 acre-feet includes IAIA.

MR. HARWOOD: I think there may in fact be some confusion in the drafting, Commissioner Sullivan. The intent here was that 500 acre-feet will include what we're calling sort of redelivery, which is delivery to City customers on the other side of the County utility and there was never an intent to subtract, nor is it done now that way.

CHAIRMAN SULLIVAN: To IAIA. Okay. That takes care of that. The shortage terminology, how to define shortage, is considerably different. I won't go into that, but there's considerably different wording on how one applies the shortage. I think the County's language looks at it on a global, system-wide basis and the City's language is more -- is different.

In the City agreement, there is no indication that 600 acre-feet will be provided for wheeling. The only commitment is to the 500 acre-feet. I don't see the number 600 anywhere in the agreement. Is that right, Mr. Harwood?

MR. HARWOOD: I could clarify that, Mr. Chair. The concern that I heard at the PUC meeting where I with Gary's assistance discussed the County's proposal was not so much over the 600 acre-feet per se, but the fact that the County's proposal listed 600 acre-feet referenced a different agreement that in fact has not been drafted. It gets back in some respects to the comment I made earlier which is it's not clear whether or not the 600 acre-feet of wheeling is truly a water right transfer to the Buckman permit for offset purposes, whether that's expected to be deliverable. Your comments indicate that it needs to be, which would imply to me that it would be a transfer that would go on top of the 10,000 acre-foot Buckman permit, which I've heard the County's water attorney indicate that he doesn't feel is a good use of time or money.

So once again, it was a reference to a 600 acre-feet in an agreement to be negotiated and without those important details -- they aren't even details. Without those important aspects of that 600 acre-feet of wheeling, it was not seen as something that the City felt was sufficiently developed that it could endorse. So the approach or the direction I got was to take it out of the wholesale agreement and to visit with County staff on whether or not we ought to be generating that agreement in its entirety so we would know exactly what it meant for the County, what exactly it meant for the City and what exactly it meant for your other water service customers.

So that I believe is the primary reason the reference to 600 acre-feet came out is because those important aspects of that transfer MOU have not been developed ever.

CHAIRMAN SULLIVAN: Okay, but it's not in here.

MR. HARWOOD: Right. It was removed.

CHAIRMAN SULLIVAN: It's removed. Okay. so one reason in the newspaper about 1475 acre-feet that the County would "get" from this. So where that 1475 acre-feet comes from is 500 acre-feet currently being contracted for, the 600 wheeling, and the 375 San Juan/Chama. So as of right now in this agreement we're at 1475 minus 600 because that's not in here.

The other issue, and the one that the County Commission debated on for some time was

what to do with the San Juan/Chama water rights. There's different opinions on how much San Juan/Chama water rights the County is entitled to. Half? All? A third? 375 acre-feet? 500 acre-feet? Whatever. But in order to move this and other regional programs forward, we, right from the get-go said we're going to put that issue out of the arena. And this was a major, I think, consideration on our part, a major issue in dealing with the staff. And we're going to just work with that 375 to try to move forward. And that was extremely important.

Then to see that the City added language to the 375 that said we couldn't use the 375 acre-feet without their authorization. That's a slap in the face.

MR. HARWOOD: Gary warned me I might need a flack jacket coming over here today. One of the issues --

CHAIRMAN SULLIVAN: And we couldn't get any return flow credits from it.

MR. HARWOOD: Right.

CHAIRMAN SULLIVAN: One other item.

MR. HARWOOD: The return flow credit has never been much of a topic of conversation at the staff level. So I don't know what I can say to that point. One of the issues that comes up with the jointly owned City/County San Juan/Chama project contract is that in some senses, we are joined at the hip in doing anything with that water. As you may remember, when the BOR came to the City and the County this summer to purchase some water for silvery minnow compliance that too included a County signature because we jointly own the contract. So I need to apologize for the way it may have been transmitted to this body but I think the general intent was to highlight the fact that we own it together and that's the only way we own it is together.

CHAIRMAN SULLIVAN: So the City is in agreement that they jointly own the balance of the San Juan/Chama water rights also so that they have to get our approval for their use?

MR. HARWOOD: As I just mentioned, in order to sell the water for the silvery minnow compliance it did require City and County signature, yes.

CHAIRMAN SULLIVAN: And the City objected to that.

MR. HARWOOD: No, the City objected to the County getting part of the payment for that when the City had in fact paid all the expenses that were being reimbursed.

CHAIRMAN SULLIVAN: I see.

MR. HARWOOD: So it was an issue where the City had paid the full boat for the O & M charges but then the County, for a short time was perceived as wanting to receive part of the money that they hadn't in fact paid in the first place.

CHAIRMAN SULLIVAN: So without the City's authorization, once the San Juan/Chama project is on line, we couldn't use the 375 acre-feet either. That's the way the current agreement reads.

MR. HARWOOD: I'm sorry, Commissioner. I missed that last part.

CHAIRMAN SULLIVAN: I'm just clarifying, without the City's authorization, once the San Juan/Chama project is on line, we couldn't use even the 375 acre-feet that would be the County's.

MR. HARWOOD: I believe the intention of this section is that the Buckman direct diversion operating agreement would go into probably exhaustive detail on how the City/County San Juan/Chama project contract would be used through that facility. The bigger concern, I believe, if I can interpolate some of the Councilors' concerns was exactly how the San Juan/Chama project water would be seen or expected to behave between now and the direct diversion facility. But I know that we've talked with John and Gary and Doug at some length, not in great detail, about how the Buckman direct diversion facility is supposed to work and I don't sense on the technical level any disagreement. I don't know what you and the governing body of the City Council will end up doing with the operating agreement, but once you've been presented with something, but I don't think there was any intent how the mandate how the County used whatever its allocation of the project water, once we get past this agreement and are able to craft the direct diversion agreement, which Gary and I have been telling each other for weeks and months is really essential step to getting funding and permitting and getting construction started on that project, which is of crucial regional water importance.

CHAIRMAN SULLIVAN: Well, we don't disagree with that but I think we felt in agreeing to the 375 that we could do what we wanted with our own water and that doesn't seem to be at least the intent of this agreement but we haven't started negotiating yet.

MR. HARWOOD: And I apologize for any inadvertent intent that was transmitted through some of the drafting. It was a fast and furious PUC meeting as they often are and as your sessions are as well.

CHAIRMAN SULLIVAN: No apologies needed. I think the draft is very clear. I think it's quite clear. And another item, Commissioner Montoya, in that same vein, and I think it's as important -- and I'm not debating these now. I'm just trying to lay out the differences and if I'm wrong like on that IAIA then that's what I want to know at this point, and want the Commission to know. This agreement, we try to avoid going through this every decade which takes five years to do it. So the County's agreement was drafted to last the life of the San Juan/Chama permit, whatever that might be. In perpetuity, or how many ever years it's ultimately done. This agreement only goes for ten years.

Now that seems, boy, I sure would hate to have to go through this every ten years. What do we gain from that? What's the benefit? What's the thinking behind that? Do you know?

MR. HARWOOD: Essentially, going out on a limb to try to explain that, but I believe the thinking behind it is that the 500 acre-foot wholesale delivery amount is a City dedication of pumping or production capacity to the County that was never intended ten years ago when the original wheeling agreement was entered into. So this is a material change to in 2003 agreed to a 500 acre-foot wholesale delivery obligation extending into the future. In fact if you look at the minutes of the Metropolitan Water Board this very concern was raised in those minutes, that that ten-year agreement would become permanent and that's many of the reasons why the agreement was structured the way it was with a termination.

Resolving the San Juan/Chama project allocation and building the Buckman direct diversion project allows both the City and the County to produce that contract water from that

source and deliver it to its respective customers. I believe that the City Council was concerned that the wholesale delivery, that the real crunch time was between now and getting the direct diversion facility built and during that crunch time we would recognize that delivery obligation from 2005 till the direct diversion facility was built at which time the County would then have access to whatever the San Juan/Chama allocation is determined to be between the two governing bodies, as well as any water rights they wanted to purchase and move to that location for delivery to developments that it deemed appropriate. And the commitment of the City pumping capacity or production capacity, whether it's from the reservoirs or from wells, would go away at that time, but that it would not go away in the interim while we are struggling to build what is a very complicated facility and what a lot of people feel should probably be on line today if the world had been different.

From now until the time it is built, we would continue to recognize that delivery to the County, but then when the facility is built that the County secure what water rights it needs to deliver to its customers that it's agreed to serve and will use the County's allocation of the San Juan/Chama project water as part of its source of supply for those developments. So I think that's the thinking behind having the wholesale amount go to zero, at which time the direct diversion facility is functioning, because then that gives everyone with access to the direct diversion facility the ability to divert Rio Grande water and what we haven't discussed is of course drought scenario supplies, which is what does happen when the Rio Grande is dry for any given year and that is a particularly acute issue when you start planning on using a direct diversion facility from the river for your daily, monthly, weekly demands.

So there's a interconnected set of issues there I believe.

CHAIRMAN SULLIVAN: Okay. Thank you. Commissioner Montoya, you had a question or comment?

COMMISSIONER MONTOYA: Comment, Mr. Chair. I think you've certainly revealed a number of salient points and issues that are somewhat different than what we had prepared and I just feel that until this goes through the process that the City needs to go through it may even be more water now. We may be at even more of a --

CHAIRMAN SULLIVAN: Below 500.

COMMISSIONER MONTOYA: Exactly. So until we actually see what they want, just in the interests of time it may be a bit premature to think that we're closer than what we are we may be further than what we are.

CHAIRMAN SULLIVAN: I wasn't implying that we were close. I was agreeing with the staff that there are a number of differences. I would just add two more and one is in rate setting. As I read the County's proposal we would jointly do a rate study and come to an agreement on what the County -- over the period of the agreement, what the rates would be. As I read the City's response, or the Public Utility Committee's response it was the rates will be set by the City. QED. Based on their studies, whatever they determine.

COMMISSIONER CAMPOS: Say that again, Mr. Chair.

CHAIRMAN SULLIVAN: The County agreement, as I read it, states that there will be a rate study done mutually as necessary, on a periodic basis, by the City and County, to

determine rate increases, reasonable rate increases over the period of agreement. The City's agreement says that the City has completed a rate study and the rates will increase and the City will determine the rates in the future. Period.

MR. HARWOOD: There were a number of Councilors that felt that the wholesale agreement, which is what this became in recognition that the transfer MOU and the Buckman direct diversion operating agreement were not fully drafted. That's why those pieces fell out. But what quickly became the direct surrogate to the current wholesale delivery agreement, that there were no other customers, including Las Campanas, Thornburg, the Summit developments, Monte Sereno, all of the developments that are outside the City limits that are served, including the two meters that the Santa Fe County Utility takes water from the City Utility, that all of those were customers like any other, and this was probably the topic upon which I was most surprised and got most feedback, which was nowhere else is a customer involved with selecting a consultant or agreeing or disagreeing with the rate structure, which among other things, has to go through our bond counsel and our bonding financial consultants and which is voted on in a public process. No other customer has that kind of input.

At a technical level, of course we'd added it in at Gary's request and thought nothing more of it, but it was a surprising amount of conversation from the Public Utilities Committee of the City Council that the rate setting was complicated enough and influenced by enough balancing factors that no single customer ought to have access to that process, including the County. And I was directed to make the changes that you see.

CHAIRMAN SULLIVAN: So the County is seen as a customer, not as a regional partner. We're just like Wal-Mart or anybody else.

MR. HARWOOD: I think at the planning, at the intergovernmental staff and policy level there's a lot of incredibly important regional priorities going on including the direct diversion, but for the limited purpose of a wholesale agreement I don't think it's -- well, I'm not going to finish that sentence. The elected officials thought a wholesale agreement was really governing a customer relationship with respect to providing water to an entity to a City owned resource through City-owned pipes to a customer that was going to pay us a wholesale rate with a contract that discussed sharing of shortages and the setting of rates and that was on that portion of the relationship, it was most like a customer and should reflect the typical customer relationship.

I don't think there's any doubt about the need and the desire to coordinate regionally on water resource issues, but for the wholesale agreement between the City and the County I think it was seen as most like a customer relationship.

CHAIRMAN SULLIVAN: And so those wholesale rates to us are the same as they are to any other wholesale customer like Wal-Mart?

MR. HARWOOD: Wal-Mart's not a wholesale customer. I would not consider them a wholesale customer from a utility perspective.

CHAIRMAN SULLIVAN: Who else is a wholesale customer to the City?

MR. HARWOOD: I believe Las Campanas water rates are set because the Las Campanas entity itself takes water as a customer for redelivery to their own customers, much

like your utility receives water. Gary's phrase I think is wholesale for resale customer. We also wholesale some wet water for construction purposes at a couple locations that are used for road wetting and those sorts of things. So that is considered a wholesale.

CHAIRMAN SULLIVAN: My concern is if it's just. We're going to set your rates at whatever we want to set them, then we can be targeted for any arbitrary rates you want. If you want to charge Santa Fe County the same commercial rates that you're charging Wal-Mart or K-Mart or St. Vincent Hospital or anyone else, then I think we have the protection of that process. We can complain just as the others would complain if those rates tripled in a year and it seems like by defining them as wholesale rates we leave ourselves open to blank check writing and that seemed to raise a red flag.

MR. HARWOOD: My experience in going through this, is I don't disagree with what you're saying coming in my right ear and I'm remembering what came in my left ear talking to City Councilors and there may be some misinterpretation going on between the two. I think this may be in part what Councilors Lopez and Wurtzburger and I believe several others have suggested that we explore mediation. Because communicating through the methods we've been using so far has potentially complicated things that weren't an issue. I can see, and I'm sure Gary's got a lot more experience with this than myself can come up with some mechanisms that meet the concern you just expressed and also some of the Councilors' concerns. I don't know what they are but it doesn't seem like -- it seems like there is an overlap between the two. We just haven't found it yet.

CHAIRMAN SULLIVAN: Yes, we need to hammer it out, and Commissioner Montoya is of course the Chair of the RPA and at the RPA we agreed to a mechanism to at least start hammering these issues out, which was two members from the County Commission and two members from the City Council and appropriate staff would get together and to through these issues and if it was felt as a result of that that we needed to bring in a hired gun we could do that but I think what's important is that we do the public's business in public and that water is the public business. I think when two public entities are dealing it's a different relationship than Las Campanas as the City of Santa Fe.

MR. HARWOOD: I agree with all of that last point. I believe Gary will get a lot of questions about the two and two plus staff approach. I guess it was two and two with the Managers as well. Was that right?

CHAIRMAN SULLIVAN: Yes. It was two and two plus the Manager plus the attorney.

MR. HARWOOD: And the Utility Directors as well, right?

CHAIRMAN SULLIVAN: And the Utility Directors. So it was a total of five persons from each entity and that will start the process and it will be an open forum and if we get to the point where there are legal issues that would require going into executive sessions or caucusing then we'll do what's necessary. But insofar as we can, I would hope we could keep these issues out in the public so the public knows exactly what the County's theory of regional service and health and safety is and likewise what the City's concerns are with regard to a finite supply of water.

The last -- and I'll finish. The last issue I had was as a part of this agreement too, and I think everyone should know is that we then have utilized this agreement as our approval mechanism for the Regional Planning Authority regional projects. That half of the quarter percent that goes towards water projects for the City which we've already approved. And as a part of that approval process, we ask in our document for the City to provide us documentation on those projects. And that was deleted from the City's. Is there some problem with giving us documentation on those projects?

MR. HARWOOD: Commissioner, that may be another example of inadvertent signaling through poor draftsmanship. I am under the impression that we have provided the documents. That's probably the reason why it came out.

CHAIRMAN SULLIVAN: So your feeling is that the staff has enough of them but for some reason the staff must not feel that way because they put that into the agreement. So that's something that we'll hammer out.

MR. HARWOOD: We've been going back and forth on 10,000 here and 50,000 here and all of the different studies that we jointly fund and I was under the impression that the documentation had in fact been provided to someone at the utility and it was an unnecessary element in this agreement. But I may be getting yanked off the microphone here by Mr. Roybal.

CHAIRMAN SULLIVAN: I remember the RPA meeting about that and there was a very vague amount of a million dollars for upgrading City waterlines and there was no indication of what City waterlines we would be upgrading or what effect they would have on the system or anything. So we approved that million for upgrading City waterlines and that was the line item. It didn't even say where they were. Has all that been provided to staff?

MR. HARWOOD: Gary has reminded me that it has not been provided so it's entirely my responsibility for taking it out. I am 95 percent sure that one of the contract specialists at Sangre had told me that those materials had been sent over. So that's the reason why it got removed only.

CHAIRMAN SULLIVAN: So there's no intent on the part of the City to not provide us that. It was just your feeling that it had been provided. Okay. Sorry to take your time on this but I just feel a little more comfortable now, at least with what our differences are. Any additional comments from the Commission?

MR. HARWOOD: May I make one additional point?

CHAIRMAN SULLIVAN: Sure. Go right ahead.

MR. HARWOOD: I've been asked by several City Councilors to prepare a blueprint of technical issues that remain between the City and the County and I've just completed that memo and it will be going to the City Councilors tomorrow. It does address some nine major points. It's a longer agenda than we've had in some of our City/County staff meetings, but I wanted you to know that that was going to be the foundation for the three public meetings that are coming up in the near weeks. The Public Works, the Public Utility and the full Council session.

Just as a quick summary it lists the wholesale agreement, the transfer MOU and the

Buckman direct diversion operating agreement as delivery issues. As policy issues it lists conservation ordinance coordination, things like staging and offsetting, EZA approvals or Extraterritorial approvals in general that are dependent on City connections. Those have been coming to the PUC quite regularly recently. It mentions continuing coordination on two major lawsuits, the Las Campanas settlement agreement implementation and of course the Aamodt settlement agreement negotiations and implementation. And I know I'm forgetting something. Those are the three major categories.

CHAIRMAN SULLIVAN: Tell me what the Aamodt settlement has to do with this wheeling agreement. Are we putting more into this? We're trying to keep it simple.

MR. HARWOOD: Well, Commissioner, there was some desire on the part of some of the elected officials at the City Hall to see the full scope of City/County water issues and there are scenarios in the Aamodt suit that I can't speak to today because of the confidentiality agreements that do have implications for future City/County coordination. I think I listed them all perhaps. Wholesale delivery agreement, San Juan/Chama project allocation and contract conversion, water right transfer MOU, Buckman direct diversion, joint operating agreement. Those are all deliver issues. Then there was the Extraterritorial approvals, dependent on City of Santa Fe utility service, conservation ordinance coordination as the two sort of policy issues that have technical ramifications, and then the last two are the Las Campanas and the Aamodt settlement agreement.

Of all of those, you're absolutely right, Aamodt is by far the most complicated and the most far off in the future under any proposal but this was in response to a request for what are all of the City/County water issues? If we're going to do mediation, mightn't we have a list of everything we could try to address at once?

CHAIRMAN SULLIVAN: So the idea of the Councilors is we're not just going to mediate this water service agreement, we're going to mediate everything. The Aamodt suit, the Las Campanas lawsuit, the --

MR. HARWOOD: I would be remiss if I left you with that impression. This is a request for a list. I don't know how this list gets integrated into a scope for a mediation, but I would emphasize that at least all the delivery issues are fairly interconnected and addressing all of them at once would not leave a whole bunch of uncertainty on the delivery part, which I know the County is very concerned about. The last four, particularly the two policy issues and the two settlement agreements do sort of sit in their own two piles to the side of the interconnected delivery issues. So I would not want to imply anything. I simply created the list. I don't know what folks intend to do with it.

CHAIRMAN SULLIVAN: Well, they used to have a principle in the military called the KISS principle and I hope you could recommend to the City Council that we focus on the issues that we're dealing with here. One of the things in the agreement that the County proposed was that we would deal with the issues such as San Juan/Chama delivery as a regional, separate agreement. As regional. I don't think if we're going to try to make this into the super-agreement of all times, we're really not going to get it done by 2005. It's I think not a responsible course to go off onto nine different ideas of what might happen in the future. We

have to have a certain level of mutual partnership and trust and stay focused to simple concepts here.

MR. HARWOOD: I don't disagree at all, Commissioner. I would hate to think that my listing of these interconnections between the City and the County would add confusion to an already complicated -- these last four issues are primarily settled. The City and the County's position in the Aamodt suit have been developed over three years. We know what the Las Campanas settlement is. There's some remaining coordination on it and the other two policy issues were requests to understand where the City and the County clearly coordinate and where there may be differences in their ordinances. But I wouldn't want to -- and the remaining issues are the same ones that the wholesale agreement has been dealing with.

So I don't want to make it any more complicated than it is. I think these last four issues are in fact technically where City and County water policies and actions do intersect but I don't think that there's any proposal to create a bunch more work on those issues. Most of those are fairly settled or they're factual issues mostly just to be observed.

CHAIRMAN SULLIVAN: Okay. I would suggest you look also at the minutes of the Extraterritorial Zoning or the Commission meeting with regard to the project on the senior citizen housing, which seems to have become a rallying point or some type of an area of extreme disagreement. I want to make it very clear that the developer for that project came forward to Santa Fe County and said this is our project and our project is based on receiving City water. And it was not a Commission requirement. That was the way the project was presented. They then went to the City to get approval and the City said who does the County think they are telling us to serve this project with City water. And if you read the minutes, you and of course the Councilors will see that's not the issue at all.

I'm a little unclear as to how a land use issue regarding a senior citizen project in Agua Fria is a part of the water service agreement. But I'm confused about a lot of things so that's par for the course. Okay. Mr. Harwood, we certainly appreciate your providing us this information. It was extremely helpful, as well as Mr. Roybal. Other questions for either from the Commission? If not, you wore us out, Gary. Or I did, one or the other. Not seeing any more items on the Utility agenda, thank goodness, we'll move to items from the County Manager which is discussion of the holiday schedule. Now this ought to be a little easier than the City/County water agreement.

X. E. Matters from the County Manager
1. Discussion of Holiday Schedule

MR. GONZALEZ: I hope so, Mr. Chair. Looking ahead and mindful of the holidays coming up, the Commission meetings for December would ordinarily be scheduled for the 9th and the 30th. The 30th obviously is very close to New Years and also the Christmas break. I know that in the past the Commission has modified its schedule as we go through the holiday season. Also keeping in mind that the Commission had

requested that we do a follow-up study session on GRT and we discussed doing that before we got to the legislative session.

I wanted to see what the thoughts of the Commission were with respect to a meeting schedule for December.

COMMISSIONER CAMPOS: For December in general?

MR. GONZALEZ: That's correct. The 9th doesn't seem to be such a difficult time for the first meeting that we ordinarily would schedule for that but the second meeting, which would -- and the 9th of course would be the land use meeting. But if we add items on there it's going to make for a very long day. The 30th of course would be the repeat of the kind of meeting we had today, but coming between Christmas and New Years doesn't seem practical. So it seems that we need to probably modify the schedule for December.

COMMISSIONER CAMPOS: Mr. Chair, just a comment. I'm not going to be available on the 9th, 10th or 11th. If we could shift that meeting maybe to the 16th.

CHAIRMAN SULLIVAN: If we could bring up on the 9th the Eldorado Senior Center, that would take care of that issue. Thank you, Commissioner.

COMMISSIONER CAMPOS: You've got your three votes. If we could move it to the 16th and have a full day meeting, maybe we could combine -- I'm not sure if that's enough time to combine the two meetings into one.

CHAIRMAN SULLIVAN: The 16th we have an RPA at 4:30.

COMMISSIONER CAMPOS: Do we? That's right.

MR. GONZALEZ: The other possibility would be to pick a day other than Tuesday I suppose, although that's --

COMMISSIONER CAMPOS: Got to coordinate with the -- well, we don't have to. What about Wednesday, the 17th?

CHAIRMAN SULLIVAN: There's nothing wrong with Tuesday the 16th. It's just that we'd have to finish before the RPA meeting.

MR. GONZALEZ: So we could start an early schedule that day.

CHAIRMAN SULLIVAN: We could work that day.

COMMISSIONER MONTOYA: Ten o'clock.

CHAIRMAN SULLIVAN: Start at ten and then blast through until 4:00.

COMMISSIONER CAMPOS: We're going to do two meetings, essentially try to do all our business for the month of December in one meeting.

COMMISSIONER MONTOYA: Is that what we're trying to do?

CHAIRMAN SULLIVAN: What about land use? You don't want to do land use before 5:00, do you?

MR. GONZALEZ: Penny just advised me that we have the fiscal impact folks coming on the 9th and we also have public hearings set for whatever meeting we conduct and those are advertised for 5:00.

COMMISSIONER MONTOYA: On the 9th?

MR. GONZALEZ: Or the 16th, but on the 9th is when we'd ordinarily do

that.

COMMISSIONER MONTOYA: So we can't postpone the 9th?

MR. GONZALEZ: Looks like the 9th is set.

COMMISSIONER MONTOYA: So the next one we could have the 16th.

MR. GONZALEZ: Correct. I think the 16th we could make a shorter meeting if we have a longer meeting on the 9th.

CHAIRMAN SULLIVAN: That could be the GRT session the way we did before.

MR. GONZALEZ: Right. And there may be some jail follow-up depending on what comes out of this presentation this evening on the jail matters. And just make that a joint GRT/jail study session running perhaps two to three hours.

COMMISSIONER MONTOYA: Okay, so the 9th is set and the 16th, we start at what time?

MR. GONZALEZ: The 16th would be starting at --

CHAIRMAN SULLIVAN: 1:00?

MR. GONZALEZ: We could do that.

CHAIRMAN SULLIVAN: We could start earlier. It depends on what you're going to have but 1:00 would give us three hours.

MR. GONZALEZ: I think 1:00 would be a good time.

CHAIRMAN SULLIVAN: So we'd call that a special BCC meeting then?

MR. GONZALEZ: That's correct.

CHAIRMAN SULLIVAN: And that would be for GRT and whatever else.

MR. GONZALEZ: Whatever else. Usually there are some tail-end matters as we get to the end of the year, so we could just work those in.

CHAIRMAN SULLIVAN: Would we be doing land use on the 9th, then?

MR. GONZALEZ: Land use on the 9th. Correct.

CHAIRMAN SULLIVAN: And Commissioner Campos, you can't make it? Commissioner Anaya?

COMMISSIONER ANAYA: That meeting starts at 2:00?

CHAIRMAN SULLIVAN: No, the one on the 9th -- what time does the one on the 9th --

MR. GONZALEZ: Start at 3:00.

COMMISSIONER CAMPOS: And the 16th would be for what, Gerald?

MR. GONZALEZ: The 16th would be to deal with the GRT, possible jail issues and any other remaining items that we need to clean up before the end of the fiscal year because we usually have a couple of things floating out there either financially or procedurally.

COMMISSIONER CAMPOS: When you say GRT, what exactly are we talking about?

MR. GONZALEZ: That's a continuation of the discussion that we had at the study session earlier this month to talk about prioritizing GRT expenditures, ICIP and how

to integrate them and how to look at them from a district standpoint.

COMMISSIONER MONTOYA: Is that it then?

CHAIRMAN SULLIVAN: Can we live with those two meetings then?

MR. GONZALEZ: That's it.

CHAIRMAN SULLIVAN: For December. And that eliminates the need for what would otherwise be the December 30 meeting.

MR. GONZALEZ: That's correct.

COMMISSIONER MONTOYA: So there's no Housing Authority or Indigent?

MR. GONZALEZ: I don't believe we have Housing Authority or Indigent in December? Is that correct, Robert? Sorry. Housing Authority and Indigent, we don't need to meet in December? Or do we? We'll check on that.

CHAIRMAN SULLIVAN: Is there still a Jail Task Force meeting on December 10th?

MR. GONZALEZ: That's correct.

CHAIRMAN SULLIVAN: From 4:00 to 6:00. These things just creep into my book. I don't know who puts them here. That's Mr. Parrish's jail task force, ad hoc group that's getting less ad hoc and more active I think.

COMMISSIONER CAMPOS: What day?

CHAIRMAN SULLIVAN: December 10th. You'll be out of that too. That was set quite a while ago. I had to call the front office to get the date. You have to search these things out. They don't come to you. So does that take care of the holiday schedule, Gerald?

MR. GONZALEZ: I believe that takes care of the holiday schedule.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I believe we're having Thanksgiving the 27th. Then the employees have to come back on the 28th? Is that correct?

COMMISSIONER MONTOYA: No.

MR. GONZALEZ: The 28th is a day off, scheduled as a day off.

COMMISSIONER ANAYA: What about Christmas? The 25th is a Thursday.

MR. GONZALEZ: The 25th and the 2nd I think are Fridays and currently scheduled as workdays.

COMMISSIONER ANAYA: The 25th is Christmas and --

MR. GONZALEZ: The 26th and the 2nd are still on the schedule as work days.

COMMISSIONER ANAYA: So would we want to give them off on the 26th?

MR. GONZALEZ: I'll be glad to take input.

CHAIRMAN SULLIVAN: I think that's already scheduled as work.

COMMISSIONER ANAYA: And then on New Years Day. That's also on a Thursday. Then they have to come back on a Friday?

MR. GONZALEZ: On the 2nd. That's correct.

CHAIRMAN SULLIVAN: Or take annual leave.

MR. GONZALEZ: Or take annual leave. Although --

COMMISSIONER ANAYA: I just thought maybe we could throw in those two days.

CHAIRMAN SULLIVAN: This is a nice guy. This is one nice Commissioner.

MR. GONZALEZ: I'd be glad to take direction from the Commission. In the past we have tried to work out some arrangement so that some administrative leave is provided during those times. Usually the afternoon before although it's never been generally announced or planned on. But if the Commissioners have some druthers about that I'd be glad to respond to it.

COMMISSIONER ANAYA: How do the other Commissioners feel?

COMMISSIONER CAMPOS: I'd say leave it as it is. We plan our schedule at the beginning of the year. There are so many holidays that are programmed into the schedule. Sometimes it's impossible to fit these in into three days weekends. I don't know.

COMMISSIONER ANAYA: I was just thinking that most of the people are going to call in anyway. Anyway, I just threw that out. Whatever you guys think. I think they should take off.

COMMISSIONER MONTOYA: You must work for a private company.

COMMISSIONER ANAYA: My private guys are coming to work.

CHAIRMAN SULLIVAN: The electricians are coming to work. I think we better personally leave the schedule as it is or we get involved in overtime and comp time and other issues with other employees who do have to work those days, such as waste management people and it becomes quite a scheduling problem.

MR. GONZALEZ: We will look seriously at how hard people work on the 24th.

CHAIRMAN SULLIVAN: We'll be here to take role.

COMMISSIONER MONTOYA: And if you want to surprise them, surprise them. Surprise us.

MR. GONZALEZ: I can work with that.

CHAIRMAN SULLIVAN: Do we need to talk about annual leave and buy-back policy. Is this a pressing issue here. Because I think we need to talk about the jail facility and we're running out of time. Is this quick, Helen?

X. E. 2. Discussion of and Request for Direction Regarding Annual Leave Buy-Back Policy

MR. GONZALEZ: I think this is fairly quick. We have had an issue that's arisen. It started in the Fire Department and has sort of become a larger issue in terms of looking at possible buy-back of leave based upon past policies that the County has had. I'll let Helen sort of address that.

HELEN QUINTANA (Personnel Director): Mr. Chair, members of the Commission, we're in a bit of a quandary right now with the lack of help at the Fire Department and also with some issues. In several departments there are 88 employees right now who will reach their maximum accrual carryover. Usually at the end of the year we usually cut the employees' hours after 240 hours, whatever they cannot use, they lose it. But we have had several departments who have been either understaffed throughout the year or have had situations where they just cannot afford, because of workload to allow their employees to take time off.

We do have a committee in place right now. We're looking at our policy right now on annual leave accrual. We are looking at creating some type of a proposal for you at a future date to look at either a buy-back program or something to help so that these employees who have earned these hours throughout the year don't lose the time or at least lose the money that is commensurate with that. However, in the interim, we wanted to ask your direction and ask your permission to extend our annual cut-off time. We usually cut at the end of December. If we could at least extend it to the end of January so those people who are real close to their maximum accrual will have a little bit more time in order to take that time off so that they don't lose it.

There are several employees who we have literally had to prevent them from taking time off due to workload. And that is really the direction we're looking for right now and then hopefully, by the end of January we'll be able to come forward with a proposal for you to consider regarding a buy-back program for annual leave.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos,

COMMISSIONER CAMPOS: What's the state policy? The state of New Mexico? What is their policy?

MS. QUINTANA: The state of New Mexico policy is that they would lose hours after the 240.

COMMISSIONER CAMPOS: There's no buy-back

MS. QUINTANA: No, there is no buy-back.

COMMISSIONER CAMPOS: What about the City of Santa Fe?

MS. QUINTANA: The City of Santa Fe allows a higher accrual and I don't know if they allow a buy-back program or not. But they do have a higher accrual maximum.

COMMISSIONER CAMPOS: They allow you to accrue more than 240.

MS. QUINTANA: Yes, they have a higher maximum.

COMMISSIONER MONTOYA: What about Santa Fe Public Schools or some of the other public schools?

MS. QUINTANA: I do not know, Commissioner.

COMMISSIONER MONTOYA: Maybe we could look at some more.

MS. QUINTANA: Yes. We would be happy to investigate all of those things as part of our proposal for you. I think our main goal right now because of the immediacy of it is if we could just extend the cut-off for one more month to allow some employees some time to take, some vacation, so that they don't lose that time.

CHAIRMAN SULLIVAN: Do you see any problem with a one-month extension on the buy-back time period, to the end of January? Sound okay? Does that sound fine? And then you'll be coming back?

MS. QUINTANA: We will be coming back and we will definitely, Commissioner, look at all of those things that you are asking about. We will do some comparison studies. We've already met several times already to discuss different options and different ways to proceed with this program.

CHAIRMAN SULLIVAN: Okay, thank you. Two more items. An update on the adult and juvenile jail facilities, and we also had some information passed around on -- it was a request to do an executive session. Do we need to go back into executive session for that?

MR. GONZALEZ: I believe we do. Very briefly, Mr. Chair.

CHAIRMAN SULLIVAN: Briefly for that.

MR. GONZALEZ: Shouldn't take more than five minutes.

CHAIRMAN SULLIVAN: Okay. So we'll take care of the jail issues first and then we'll finish with the second executive session.

X. E. 3. Update Concerning Adult and Juvenile Jail Facilities

MR. GONZALEZ: I just wanted to thank Robert Anaya because he has taken over the leadership, the senior staff jail committee for a number of reasons but part of the need for the committee has been as we've assembled information concerning the jail and the juvenile jail, it's become clear that it's an issue that cuts across all staff departments and Robert Anaya graciously agreed to make the time available in order to coordinate all of that gathering of information and I'm going to have him describe the process and update the Commission on where we are with respect to those issues. Robert, thank you.

ROBERT ANAYA (CHDD Director): Thank you, Mr. Gonzalez. I just want to clarify for the Commission, I have no desire to be the warden of either of the two facilities. Over the past couple of months, based on the concerns raised by the Board of County Commissioners and the direction of the County Manager, the County Manager has

assembled an internal team of staff that includes just about every single department. The Finance Department, Legal Department, Community and Health Development Department, of course the Sheriff's Department, Administrative Services Department and in close partnership and working with the Manager to essentially help facilitate the work of Mr. Parrish and hopefully come up with some succinct recommendations as to options relative to the concerns that the Commission has raised over several recent months and the concern that we all have that the jail has a very large impact on what we all do throughout County government.

There's a couple different time lines that I want to just refresh the Commission's memory on and that's the juvenile facility in which we have a contract which will expire as of January 29th, so in relation to the work of the internal committee and trying to help come up with some options, we're on a real fast track to bring some recommendations back relative to options that the Commission would have in moving forward on the operation of that facility. As it relates to the juvenile facility, we currently have the RFP which is out right now and responses are due back I believe on December 9th. And at the same time that that's going on, this internal team has done a re-evaluation if you will of all facets of the facility. We're right in the middle of that re-evaluation operation, starting with the juvenile facility because of constraints and time lines and also compiling all the historical information and current information relative to the operation of the adult facility.

As part of that, we began to do an external outreach relative to what other counties are doing in New Mexico, as well as what other counties are doing across the country in the operation of both their juvenile and adult facilities. As part of that evaluation we recently attended a meeting at Bernalillo County at which Commissioner Montoya was in Albuquerque and was able to come and attend and we did a walk-through of their juvenile facility and operation. And as part of our options that we'd like to bring back to the Commission in December, we'll expand on how potentially Bernalillo County could be a partner in working with us in our juvenile facility.

As far as the adult facility is concerned we have a September 30th deadline if you will or September 30th date in which the contract expires with our current contractor and obviously the Commission will have choices that we want to make, that we have to make. So we want to bring back solid recommendations as to the operations of that particular facility. In line with some of the adjustments that we're already currently making as far as the DOC audit and the DOJ audit are concerned. One of the primary issues related to that particular facility has been the medical care and lack thereof in certain circumstances as brought about through that DOJ audit. So one of the main things that Mr. Shepherd and I have been working on are potential ways that we could work with community providers and potentially St. Vincent Hospital in the future to help us offset some of those needs and maybe provide some more coordinated care delivery of primary healthcare in those facilities.

The other thing that has become apparent is in how things work is that there are many other mechanisms within current funding sources that we're already providing to

people in the community that could play a vital part in the operation of both the juvenile and adult facilities. This internal team of people has been meeting regularly every Wednesday morning and I would extend an invitation to any of the Commissioners that would like to sit in on any of those discussions that we're having. Our desire is to make sure we bring back succinct, clear options that you can choose from, taking into consideration any additional items of concern, similar to those that Commissioner Duran raised in how we could potentially partner with other counties in the operation of either of those two facilities.

With that, Mr. Chair, Commissioners, I would stand for any specific questions you have, or we have with us Mr. Parrish, our Administrative Services Director is here as well. Her, as well as our Finance Director have been doing an intensive evaluation of the personnel components of the operation as sources and uses, and issues around what it takes and what it would take to not only run a contract jail but run it through being a County operated facility, which are two of the areas that we're looking towards as per direction and comments made by this body. With that, Mr. Chair, Commissioners, I would stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Robert, I'm glad to see that the whole departments are working together. We know that the jail is an issue; we spend a lot of money there and I'm glad to see that we're all working together to try to come up with solutions for the Santa Fe County jail. So thank you and thank all the departments out there that are involved.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I think regarding the juvenile jail facility or juvenile detention center, the tour that we took on Friday was pretty enlightening in terms of what Bernalillo County Juvenile Detention Center is doing. Tom Swisstack who is the director there gave us a tour of the facilities, gave us a run-down on their programs, how they work from top to bottom. He gave us information about five inches thick, Robert, that detailed everything that they do. After that tour I was very impressed and very encouraged, I guess that the possibility, time permitting, to do a partnership with Bernalillo County might be the way to go depending on -- I don't know if Susan has had a chance to do any cost analysis or what we'd be looking at in terms of what we're paying on the contract now versus what we'd be paying to pick up employees, and I'm sure we pay the utilities and all that, right now, don't we?

MR. ANAYA: That's correct, Commissioner Montoya and if I could just respond to that. We are going to be developing, in fact tomorrow morning we're meeting at 9:00, from nine to twelve to hammer out -- Susan has done the evaluation on the sources and uses and Helen has dived into the personnel aspects and classifications. So we will be compiling that data over the next few days, tomorrow. And then Thursday we'll go eat

turkey but when we come back to work on Monday we're definitely going to compile that data so that we can come to bring some specific recommendations on what your potential options would be.

COMMISSIONER MONTOYA: I don't know exactly, I still have to set up a time with Greg to go look our juvenile facility but the one thing that was impressive was the retention of staff. They have minimal turnover in terms of -- before Representative Swisstack took it over to where they're at now and it's been about four, five years I think that he's been running it. And those are the kinds of things I think we need to look at when taking into consideration as to whether or not we're going to take this facility over and then ultimately, whether we're going to take the adult facility over as well. Because I think the model that they've got there, they're able to supplement what they get in terms of the cost per juvenile per day with other means of income by providing services that are much needed, like mental health services, substance abuse services, educational services and it was just really -- I was very fortunate to have happened to have been in Albuquerque that day because it was truly an enlightening and educational experience and I think some that we -- and they're willing to work with us. Tom mentioned that he was willing to work with us in terms of whatever it is that we need to do.

So I would encourage us to take a look at that if we think it's a viable alternative.

CHAIRMAN SULLIVAN: Take a look at partnership in terms of Bernalillo acting as an operator for Santa Fe County, is that what you're thinking?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay.

MR. ANAYA: Mr. Chair, Commissioner Montoya, if I could just put on the table some of those options. That's in fact one of the options that we'll be bringing back as a possibility. The other possibility would be joint, between the two, shared operational agreement, and then obviously a contract agreement in line with the RFP proposal. So those are the essential --

COMMISSIONER MONTOYA: With an independent contractor?

MR. ANAYA: Mr. Chair, Commissioner Montoya, the RFP that we currently have out is soliciting bids or proposals from an outside contractor. So essentially it looks like we have three to four potential options that we'll be able to chose from.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Is Bernalillo County one of the bidders, are you saying?

MR. ANAYA: Mr. Chair, Commissioner Campos, because of their nature as a governmental entity and the different arrangements, and I would have to defer to our attorney, but essentially they've given us what it is they do to operate their facility. They've given us the total operating budget, their sources and uses statement, the essential items within the RFP so they're not going to respond formally to the RFP but we have those items within the content of the documentation they've given us to this point. If we

need clarification or additional items, Mr. Swisstack has said that he has the approvals, if you will to go ahead and provide us that information and I would defer to Mr. Ross to elaborate on that any further.

COMMISSIONER CAMPOS: That's fine. That's all I need to know. I don't need additional information. Thank you, Mr. Anaya.

CHAIRMAN SULLIVAN: Other questions for Mr. Anaya?

COMMISSIONER MONTOYA: Mr. Chair, Robert, regarding the adult facility, it seems like September is going to be here before we know it. I didn't realize it was already coming up. But what's the update on that one, more or less, in terms of are we going to pretty much consider taking it over ourselves also, and if so, are we looking at maybe some sort of partnership like we are with BCJDC or --

MR. ANAYA: Mr. Chair, Commissioner Montoya, one of the things that Mr. Gonzalez has asked us to all do together is to really provide some real options for the Commission to chose from. So rather than focus on one or the other, we'd like to provide you with a comprehensive overview of what currently exists and then yes, provide you the options and financial costs and implications as to what it would take to take it over, or maybe even a third option of a combination of private operation as well as public operation.

So it's our intent to bring those clear recommendations or clear options, I should say, for you, and then allow the Commission the opportunity to give us direction as to whether or not we're headed in the right path or not. But you bring up an excellent point. One of the things that we've recognized is given that time line that we're working on, especially for the adult facility, it's going to take a lot of hard work and really comprehensive analysis and constant updates to this body to make sure that we hit the time lines necessary, whether we operate it ourselves or whether we contract it out or even utilize the same contractor. So our desire with the process is to maintain that constant dialogue back and forth with the Commission to make sure that you're providing the guidance and that we're providing you the options to make those difficult decisions with.

COMMISSIONER MONTOYA: I think the advantage we have now, even though we're on a short time line with the juvenile facility is that there is a lot of support. Judge Barbara Vigil has come forward wanting to work with us and looking at alternative utilization of those facilities as well. Judge Vazquez was here before us a month or so ago. So I think that's going to help in terms of making that transition a little bit smoother but we're going to need every day that we've got with the adult facilities. I guess juveniles are more popular than adults.

MR. ANAYA: Mr. Chair, Commissioner Montoya, I'm glad you mentioned those other representatives. This body, this internal team of staff is by no means an exhaustive team. We're doing the initial analysis and making sure that we have the appropriate players at the table, which include all of the participants on the Jail Advisory Committee and the jail forum including the judicial system. What we're also figuring out is we have some real options relative to the use of Medicare and Medicaid and resources for

covering some of the care that we historically have not utilized. And so although it's a crisis situation in some regards, it's opened up some other doors and options for us as far as utilizing our resources wiser. But it's going to take a comprehensive effort from all the various parties throughout the community.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I think I left out the most important person that put this together and that's the County Manager. Thank you for doing that.

CHAIRMAN SULLIVAN: Okay. Thank you, Robert. We have one item still to cover, carried over from our previous executive session regarding discussion of bargaining strategy preliminary to collective bargaining negotiations. We need to return to executive session to discuss that.

X. F. Matters from the County Attorney

1. Executive session

**c. Discussion of Bargaining Strategy Preliminary to
Collective Bargaining Negotiations**

Commissioner Campos moved to go into executive session pursuant to NMSA Section 10-15-1 (5) to discuss the matter delineated above. Commissioner Anaya seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Montoya and Sullivan all voting in the affirmative. [Commissioner Duran was not present for this action.]

[The Commission met in executive session from 5:45 to 6:10.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous voice vote. [Commissioner Duran was not present for this action.]

COMMISSIONER ANAYA: I want to wish everybody a happy Thanksgiving.