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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

NOVEMBER 27, 2001

Paul Duran, Chairman

Paul Campos

Javier Gonzales

Jack Sullivan

Marcos Trujillo

SANTA FE COUNTY

REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

November 27, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:50.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

None

I. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, if you look on the agenda, you should have an amended agenda that indicates in blue the items that are tabled or withdrawn. Item VII. C is withdrawn. Item XI. G. 1 and XI. I. 1 will both be tabled at this point.

CHAIRMAN DURAN: Okay, any other changes or amendments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just a question. What's the status of VII. C? Is that still being discussed? Item VII. C?

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, we've worked out

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an agreement and I would be happy to share it with you. Thank you.

COMMISSIONER CAMPOS: At some later time. Thank you.

CHAIRMAN DURAN: Is the County Manager going to be attending the meeting today?

MR. KOPELMAN: Mr. Chairman, the County Manager should be here shortly. Also, Mr. Chairman, I was told there's a presentation. It's item VII. A, which is on the County-wide space analysis and we would request that that can be moved to right after items from Public Works, if that would be okay with the Commission.

CHAIRMAN DURAN: I don't have a problem with that. Anybody have a problem with that?

COMMISSIONER CAMPOS: No problem.

CHAIRMAN DURAN: It's being moved to right after XI. F.

COMMISSIONER CAMPOS: I would move to approve the agenda as amended including the moving down of the space analysis to be after Public Works Department.

CHAIRMAN DURAN: Is that a motion? Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

V. APPROVAL OF THE MINUTES: October 30, 2001

CHAIRMAN DURAN: Any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had several minor changes which I've given to the recorder, so if there's no objection from the Commission, I'd move for approval with those minor changes.

CHAIRMAN DURAN: There's a motion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

VI. CONSENT CALENDAR

- A. Resolution No. 2001-184. A Resolution Requesting Approval of the 2002 Santa Fe County Employee Calendar (Administrative Services Division)**
- B. Resolution No. 2001-185. A Resolution Requesting an Increase to the**

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- General Fund (101)/DWI Program to Budget a Grant Awarded through the New Mexico Department of Health for Expenditure in Fiscal Year 2002 (Community and Health Development Department)**
- C. Resolution No. 2001-189. A Resolution Requesting an Increase to the GOB Series Open Space Fund (385) to Establish a Budget for the General Obligation Bond 2001A Series for Expenditure in Fiscal Year 2002 (Finance Department)**
 - D. Resolution No. 2001-186. A Resolution Requesting an Increase to the Fire Protection (209)/Turquoise Trail Fire District to Budget Fire Protection Impact Fees for Expenditure in Fiscal Year 2002 (Fire Department)**
 - E. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder for IFB #22-10 RB1 for Pumper Tankers (Fire Department)**
 - F. Request Approval of Amendment Number One to the Memorandum of Agreement with the City of Santa Fe for Digital Ortho-Imagery Services (Project and Facilities Management Department)**
 - G. Resolution No. 2001-187. A Resolution Requesting an Increase to the Road Projects Fund (311) Avenida De Los Compadres to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Public Works Department)**
 - H. Resolution No. 2001-188. A Resolution Requesting an Increase to the General Fund (101)/Solid Waste Community Programs to Budget a Grant Awarded through the New Mexico Department of Tourism for Expenditure in Fiscal Year 2002 (Public Works Department)**
 - I. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder(s) for IFB #22-17 for Uniforms for the Santa Fe County Public Works Department (Public Works Department)**
 - J. Resolution No. 2001-__ . A Resolution Requesting a Transfer within the General Fund (101)/County Manager's Office to the Project Management Division for Expenditure in Fiscal Year 2002 (County Manager's Office)**

CHAIRMAN DURAN: Are there any items on the Consent Calendar that the Commission would like to isolate for further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like some brief discussion on items C, E, F, and J.

CHAIRMAN DURAN: Commissioner Campos, do you have any that you'd

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like to discuss?

COMMISSIONER CAMPOS: No, Mr. Chairman.

COMMISSIONER TRUJILLO: Neither do I, no.

CHAIRMAN DURAN: Okay, if that's the case, then I would entertain a motion to approve the Consent Calendar isolating items C, E, F, and J for further discussion.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

Okay, on the Consent Calendar, we'll discuss item number C.

VII. C. Resolution No. 2001-189. A Resolution Requesting an Increase to the GOB Series Open Space Fund (385) to Establish a Budget for the General Obligation Bond 2001-A Series for Expenditure in Fiscal Year 2002 (Finance Department)

CHAIRMAN DURAN: Is Katherine here? Why don't we move to item E and come back to C when someone from Finance Department is here.

VI. F. Request Approval of Amendment Number One to the Memorandum of Agreement with the City of Santa Fe for Digital Ortho-Imagery Services (Project and Facilities Management Department)

CHAIRMAN DURAN: Okay, we'll go to F. Estevan, could you do me a favor and find those two people?

ERLE WRIGHT (GIS Director): Good morning. This is amendment one to our cost-sharing agreement on the digital ortho project. I'm not sure how you want me to proceed. Did you have a specific question, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I did, Mr. Wright, Mr. Chairman. And how many—this is to include the City's participation in about 179 square miles. Is that correct?

MR. WRIGHT: This amendment actually covers the LIDAR portion of the project for the city proper. Basically, the 50 square miles that fall either entirely or partially within the city limits based on the titling scheme that we're using to produce the final product.

COMMISSIONER SULLIVAN: And what's the total cost of the LIDAR portion of the project?

MR. WRIGHT: For the entire county, it's approximately—it was \$200,000 for the acquisition of the data. The clean-up of the data is going to run probably in the neighborhood of about \$500,000.

COMMISSIONER SULLIVAN: My question was that it seemed like this was a fairly small contribution on the part of the City of only about \$43,000. I know the overall

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contract was over a million and the LIDAR is \$500,000 and the City is putting in, it seems to be less than ten percent. Is there—am I reading this wrong or is there some reason, justification for that level of participation?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, that is the amount. Again, it's based on the area that the city is—they are cost-sharing in the EZ-5 for most of the projects but not in this LIDAR clean-up piece. Their percentage is relatively small because we're doing 1500 square miles of which the city proper is only 50 square miles of that.

COMMISSIONER SULLIVAN: But the City is not participating in the County's portion, outside the city limits, correct?

MR. WRIGHT: They are participating partially in the EZ-5. But the LIDAR costs are significant and what we've done with this is just to ensure that they're paying 100 percent of the cost for anything within the 50 square miles that are either entirely or partially within the city limits. They are cost-sharing on the acquisition of the aerial photography and the orthophoto production itself in the EZ-5 on a 50-50 cost-share basis.

COMMISSIONER SULLIVAN: Okay, so you're satisfied then that within the city, the 50 square miles in the city, they're paying 100 percent of the unit cost for the LIDAR and then it appears like in the EZ, they're sharing 50-50 with the County. Is that a fair assessment?

MR. WRIGHT: Yes, Commissioner Sullivan. Now, it should be clear that they aren't cost-sharing on the LIDAR clean-up within the EZ-5. The City is going to be doing some building planimetrics within the city, actual building footprints derived from the orthophotography, but they're paying 100 percent of those costs, and again, that's data that the County will have access to but that we're not actually purchasing ourselves.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion on this item? The Chair will entertain a motion to approve or disapprove item F.

COMMISSIONER SULLIVAN: Move for approval of Consent Calendar item VI. F.

COMMISSIONER CAMPOS: Second.

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

Thank you, Erle.

VI. C. Resolution No. 2001-189. A Resolution Requesting an Increase to the GOB Series Open Space Fund (385) to Establish a Budget for the General Obligation Bond 2001-A Series for Expenditure in Fiscal Year 2002 (Finance Department)

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, this is the—we sold the bonds, the \$8 million open space bonds last month. The proceeds came

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in on the 13th of November I believe and this is to bring those bond proceeds into the budget.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a minute, Mr. Chairman, I have to find it. I have to go backwards here.

COMMISSIONER TRUJILLO: I have a question while Commissioner Sullivan is looking. I don't know if this is the appropriate time to ask questions, but we acquired some open space in El Rancho, about five acres. Attached to that piece of open space there's some water rights. They belong to an acequia in El Rancho and they're part of the Pojoaque Valley Irrigation District. On a quarterly basis, the Pojoaque Valley Irrigation District charges a fee for maintenance, for legal fees and all that sort of stuff.

I got a call from the secretary of the district asking how is that going to be covered now that it's not in private ownership; it's in County ownership. How are the fees, the maintenance fees and legal fees and district fees, how are those going to be satisfied or covered?

MS. MILLER: Mr. Chairman, Commissioner Trujillo they were covered by the previous property owner of the five acres?

COMMISSIONER TRUJILLO: Right. The private owner would pay the maintenance fee, pay the Pojoaque Valley Irrigation District fees and that, and now, I'm perplexed. I don't know how we're going to cover that.

CHAIRMAN DURAN: I have a question. Maybe you could get with our bond counsel to find out—maybe we could lease those rights out to somebody. Somebody has to continue to use them or we lose them, right?

COMMISSIONER TRUJILLO: And that's the essence of acquiring a piece of land is to protect the traditional value of the land and part of the traditional value is irrigation, traditional water rights. So those water rights are inherent to the piece of land. We need to maintain them and keep them as part of the piece of land because that's the essence of the open space bond.

CHAIRMAN DURAN: In Boulder, I visited them a couple years ago to talk about their open space program and they would acquire open space and then in turn, after they bought it, lease it to actually the person that they bought it from. And they would maintain it as open space and it had irrigation rights. So they were able to maintain the use of those rights. I was wondering if we might be able to find—rather than have Ranger Doug that we're trying to hire to manage this stuff, go out there and irrigate the fields, maybe there would be somebody in the community that could do it.

COMMISSIONER TRUJILLO: Or what we could do is revert it to the ditch, to the ditch that that piece of land is part of, so that it continues a traditional value of the water rights. It's .50, it's half an acre-foot of water right. So by converting it to the ditch, then it's spread throughout the ditch association. And it can retain its traditional usage.

CHAIRMAN DURAN: But what happens to the land itself if we don't use it. Does it just turn into parched land?

COMMISSIONER TRUJILLO: Well, yes. Unless we retain somebody to plow and plant and irrigate the land, it's not used. And that's probably something that we need

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to talk about as part of the management of the open space program.

CHAIRMAN DURAN: Could you find out for us if the bond allows us to lease it out to somebody that would cultivate it?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, one of the things we can do is first check the purchase agreement and see if those water rights were addressed in it at all and whether anything was negotiated concerning that, and then secondly, we can look into—we have the open space maintenance fund, and that may be an avenue where we can tap some of that resource to take care of this issue. And thirdly, we could look at, in the entire maintenance program having some maintenance done on these based upon either leasing it out or some creative alternatives to that. Since you've brought this issue to the forefront I'll work with Corky and his staff and look what we can do.

COMMISSIONER TRUJILLO: And maybe you can look at the open space land that we acquired in Chimayo because that also has water rights, irrigation water rights.

CHAIRMAN DURAN: Did you find it, Commissioner?

COMMISSIONER SULLIVAN: My question, Katherine, was in the accounting form of the uses of the funds, there was an expenditure of \$15,965.63 for Kirkpatrick and Petis and I wanted to know who they were.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, we brought a contract to the Board for a financial advisor on the auction services. That is the financial advisor that helps us structure the debt schedule and then perform the on-line auction services of the bond sale.

COMMISSIONER SULLIVAN: Okay, and then what did Moody's Investor Service do for \$8,275?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I'm not—actually, I'm working on negotiating that fee with Moody's, but Moody's is our rating agency. They rate the bonds and they have been rating our bonds for the last—we actually get a discount by using the same rating agency, but they are one of the rating agencies. There's Moody's, Standard & Poors, Fitch Iпка and we use Moody's through our financial advisor. And we put that in there, either the payment will go through our financial advisor as an expense or directly to Moody's.

COMMISSIONER SULLIVAN: So they charge about a one percent fee just to rate the bonds.

MS. MILLER: That's right. This fee, I actually anticipate that it will not be that much. It was last time \$6,000 when we had them rate it but I'm working at negotiating a lower price for the ratings.

COMMISSIONER SULLIVAN: And then Hughes and Strumor is bond counsel, is that correct?

MS. MILLER: That is correct. And their fee is per thousand on the GO bonds and it is based upon a negotiated contract with them that we issued a couple years ago.

COMMISSIONER SULLIVAN: And do we plan on using this three-tiered mechanism in the future? I guess that Kirkpatrick is like an advertising or an agency or they were the ones that put it out on the Internet, right?

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MS. MILLER: Mr. Chairman, Commissioner Sullivan, they're actually a financial advisor. We got three quotes for financial advisor, but they also provided a service that was different than all the other financial advisors and that was doing the on-line competitive bidding process, the actual auctioning. And that, of their fee, \$7500 was for the auction services and then \$7500 was for the financial advisor services. We have used several different financial advisors at the County. We've had Bob Swerdling. Mendoza, with Estrada-Hinojosa and Bob Swerdling with US Bancorp.

So we actually got quotes and they offered the most service for that amount of money.

COMMISSIONER SULLIVAN: So the only new fee or different fee would be the \$7500 that was for putting it on the Internet.

MS. MILLER: Yes, Commissioner. Actually, our financial advisor services on our GO bonds have usually run about \$18,000, \$19,000 without the auctioning services, so this was actually less with more service.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Any other questions? The Chair will entertain a motion to approve or disapprove.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

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

VI. E. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder for IFB #22-10 RB1 for Pumper Tankers (Fire Department)

CHAIRMAN DURAN: Katherine, are you going to represent the Fire Department?

MS. MILLER: If they're not here, I will. I'm familiar with the bid, so if it's concerning the actual bid I can address some of the questions.

COMMISSIONER SULLIVAN: Mr. Chairman, I had two questions. One was, this was for a fire truck and it was over \$200,000 and it was indicated as an indefinite quantity contract. Do we plan to buy more than one of these fire trucks under this contract?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, with the—on this particular one, I don't know how many districts. There's just one but we often do the indefinite price agreements as a benefit to other counties to do some cooperative purchasing and they do it as well in return and that is that we put the bid out for one or more and if other entities would like to order off of our price agreement throughout the year, there's been a competitive process if they so choose.

COMMISSIONER SULLIVAN: But to the best of your knowledge, we don't

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have plans for purchasing any more than one.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, we have one budgeted.

COMMISSIONER SULLIVAN: Okay. Before you know it, these fire trucks can start adding up

MS. MILLER: At a quarter million, they do.

COMMISSIONER SULLIVAN: The second question was, there was only one responsive bidder and there was one other bidder who was unresponsive and there were two no-shows, according to the information. What was the problem with the non-responsive bidder?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, there were height and length requirements in order to fit them in our fire stations and they exceeded those limits, the second one, and they also did not meet our delivery requirement. We had a 240-day delivery requirement and they offered us 300 days. And then there were some other smaller, technical items. But those were the main, non-responsive factors.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: The Chair will entertain a motion.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

VI. J. Resolution No. 2001 - __. A Resolution Requesting a Transfer within the General Fund (101)/County Manager's Office to the Project Management Division for Expenditure in Fiscal Year 2002 (County Manager's Office)

SAMUEL MONTOYA (County Manager): Mr. Chairman, good morning.

CHAIRMAN DURAN: Good morning. And Happy Birthday.

MR. MONTOYA: Thank you.

CHAIRMAN DURAN: Why don't we all sing you happy birthday.

MR. MONTOYA: It was actually yesterday, Mr. Chairman.

CHAIRMAN DURAN: Mr. Kopelman, can you lead us in a round of happy birthday? I'm only kidding.

MR. MONTOYA: Mr. Chairman, the item before you today requests the authorization to transfer general fund money from the County Manager's Office to the new project manager and division which was created during the reorganization recently approved by the County Board of Commissioners. Mr. Chairman, as instructed by the Board, we are moving this position to the new department. The Project and Facilities Management Department in order to provide some direct work that is required for management of the ICIP project or is the Capital Improvement Plan that the Commissioners have also recently approved.

Also, Mr. Chairman, we're hoping that there will be some quality time and focus

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placed on the legislative calendar, legislative program for the 2002 legislative session whereby our capital projects would be stewarded by this particular staff member as well in conjunction with Ms. Virginia Vigil.

The third element that we're hoping to bank on on this particular movement in terms of staff is that we are hoping to bring forward to the voting public a referendum asking for a gross receipts tax, a quarter-cent gross receipts tax, which will fund many, many capital projects that I think the Commissioners will discuss in more thorough detail. However, Mr. Chairman, if we are successful in convincing the public that this is a good gross receipts tax for capital improvements of many, many different sorts, that we will require also some additional staffing to make sure that these programs and projects are put on the ground in a timely basis and that we expend these funds for the appropriate purposes during the appropriate time line that is laid out by the Board.

Mr. Chairman, from a management perspective this is another tweak to the management design and brings to it as well some direct line supervision from Mr. Ojinaga for this new position. Mr. Chairman, there's no fiscal impact, other than just simple movement of the balance of this year's money to the Project and Facilities Management Department. I'll stand for any questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Sam?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: My question here, Sam, was based on the reorganization that the Commission discusses and as outlined in the resolution form that this request is new, in addition to the department reorganization approved October 2001. This position of a project coordinator will be a permanent position, funded as a recurring expenditure, whereas the position of project manager approved October 2001 is a term position, funded as a non-recurring expenditure. So one thing I didn't catch in your discussion was that the direction was that this be moved forward and moved into this other department as a term position. You're now putting forward a permanent position and that's confirmed by the minutes, where during the discussion about this—it happens to be on page 100 if anyone's interested.

CHAIRMAN DURAN: Of what minutes?

COMMISSIONER SULLIVAN: Of the only minutes we approved this meeting, October 30th meeting.

CHAIRMAN DURAN: Why don't you give us a second.

COMMISSIONER SULLIVAN: Sure. It's down near the bottom of page 100. Just let me know when you get it.

CHAIRMAN DURAN: Got it.

COMMISSIONER SULLIVAN: I asked the question about this transfer and I said, right, and I'm assuming that the funding is still okay. We haven't made it a permanent position. Otherwise we have to change this. And Chairman Duran, right. Those in favor signify by saying "aye." And four voted in favor and one voted against. My only concern

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here is not the move itself, but is the designation at this point in time of a term versus a permanent position. Since we're going to be moving into the issue of a new County Manager, it would seem that there may be other items that the new County Manager may want to address and this may be one of them. I don't think it jeopardizes the individual's salary or anything because it's paid, as I understand, out of bond funds.

So that was my concern here. The direction to the staff was that this be budgeted as a term position. It's now being brought forward as a permanent position and I think this is a bit premature.

MR. MONTOYA: Mr. Chairman, if I might add some clarity from the Manager's perspective. The position we're talking about that is the term position is the project manager position, which is funded or approximated to be funded for about 19 months. That is the term of the bond that is being utilized to fund this term position. So in essence, what we're doing, Mr. Chairman, is basically moving the position from the Manager's Office to Facilities and Project Management about a year early. That is the only difference.

The other position, once the bonds are expended, will terminate and the position from the Manager's Office is a continually funded position. So that will basically simply be moved over to Mr. Ojinaga's department.

COMMISSIONER SULLIVAN: So in any case, Sam, we would have 19 months, a year or 19 months, in which to decide, or the new County Manager would, in which to recommend whether this be a permanent or a term position.

MR. MONTOYA: That's conceivable, Mr. Chairman, yes.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: So what you're saying is what Commissioner Sullivan is talking about in this position are two distinct positions? There's one term position and there's this functional transfer if you will from your department to Corky's department.

MR. MONTOYA: That is correct, Mr. Chairman.

COMMISSIONER TRUJILLO: Two different and distinct positions.

MR. MONTOYA: Yes, sir. Exactly.

CHAIRMAN DURAN: Sam, we could, even at the next budget cycle, decide, because that's when this term position would end, right? Next budget cycle?

MR. MONTOYA: Mr. Chairman, it would, depending on how quickly the projects are constructed and moved ahead. It could go into the next fiscal year starting July 1 of 2002. The term position.

CHAIRMAN DURAN: When we talk about the budget or discuss the budget next year, we could turn this term position into a full time position.

MR. MONTOYA: Mr. Chairman, that would be the prerogative of the Board.
Yes.

CHAIRMAN DURAN: And the reason I bring that up is that in the last four years, our projects have multiplied at an alarming rate and the department hasn't been able to keep up with it and that's why we talked about creating these new positions and getting Robert

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some help in switching, making the switch in the departments. And I can't see us getting—I think we're going to get busier and I think the projects are going to—we'll have more and more projects.

MR. MONTROYA: Mr. Chairman, if I could also add that I believe if the Commissioners give the staff the authority to move ahead with this quarter cent initiative, it is going to be ultimately important that when that initiative is packaged by the staff to be brought by the Board for your concurrence to be taken out to the general public, that we're going to have to put together a plan and a program that is very well thought out and is spelled out with some level of specificity and that we're able to communicate that package to several different components of the community.

So Mr. Chairman, I think this early move from the County Manager's Office to the Projects and Facilities Department would be an important move because of that preparatory that is going to be required for this quarter-cent. We're going to need some additional help in that area and I believe that this move would allow us to focus on that some quality time.

CHAIRMAN DURAN: The other thing is there was some concern from some members of the Commission that the policy analyst positions were not as productive as they could be. So in order to get rid of the policy analysts jobs, we tried to find areas within the County that needed help and tried to place those people in those areas. So that was part of the reason for doing this also. Any other questions of Sam?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

CHAIRMAN DURAN: Mr. Montoya, who's sponsoring this particular action right now? Is it the Manager? Is it you?

MR. MONTROYA: Yes, sir, Mr. Chairman.

COMMISSIONER CAMPOS: Recently we approved a reorg where we had a division manager, Mr. Tony Flores and now he had two people to supervise. You're adding a third person in that division?

MR. MONTROYA: That would be correct, Mr. Chairman.

COMMISSIONER CAMPOS: Now, are you going to move a person from their position as policy analyst to this position, just a shift over?

MR. MONTROYA: That's correct, Mr. Chairman.

COMMISSIONER CAMPOS: That's what you're planning. So person A goes to position under Mr. Flores?

MR. MONTROYA: That is correct, Mr. Chairman, with some different direct responsibilities over some of the issues that I covered earlier.

COMMISSIONER CAMPOS: Then is this position then not going to be bid out, allow everybody to bid, anybody who's interested to bid on this position?

MR. MONTROYA: Mr. Chairman, we will go through the Human Resource process, which I believe requires that it be posted.

COMMISSIONER CAMPOS: Well, then you can't move somebody just laterally, can you?

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MR. MONTOYA: Mr. Chairman, I'm not moving an individual. I am moving a position.

COMMISSIONER CAMPOS: That has an individual. So the individual is going to take the risk of not being hired in the next position?

MR. MONTOYA: Mr. Chairman, yes.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: I would just add again, my issue is not to micromanage the Manager, but rather to give the new County Manager the option to review the timing of this. That's the basic intent.

CHAIRMAN DURAN: The problem exists, has existed for over a year. I can't imagine that the problem is not going to exist after the new County Manager comes in. It's the same set of circumstances, it's the same reasons. But I appreciate your desire to let the new County Manager make a decision on this thing and I'm sure that it's going to be the same, only because it's the same problem. It's not going to go away tomorrow.

COMMISSIONER TRUJILLO: Mr. Chairman, I have a question, Sam. You're saying that this is an advertisable situation? I thought that it was a functional transfer of an individual, lock, stock and barrel, going from your office into this office, with minor changes in duties and responsibilities. I thought that this position was ostensibly a functional transfer, individual, lock, stock and barrel, without backfilling the vacant position, but moving the position with the individual under Mr. Flores. Non-advertisable situation.

MR. MONTOYA: Mr. Chairman, the only difference, Commissioner Trujillo, is that this position would become a permanent position and is exempt at the current time. So in order to transfer the position from an exempt status to a permanent status, the class has to change and that requires an advertisement of I think a minimum of thirty days.

CHAIRMAN DURAN: And who makes the final determination as to who qualifies for this position?

MR. MONTOYA: Mr. Chairman, there's a process in the Human Resource Department where there is a screening committee and then if the Board authorizes the budgetary move, then the director of that department would have the ultimate decision, along with the assistance of the Human Resource Department.

COMMISSIONER TRUJILLO: Is the person affected presently a policy analyst? These people are exempt?

MR. MONTOYA: That's correct, Mr. Chairman.

COMMISSIONER TRUJILLO: Oh. I thought they were classified.

MR. MONTOYA: No, they are exempt, Mr. Chairman.

CHAIRMAN DURAN: They walk the edge.

MR. MONTOYA: That's correct. As all the department heads do.

CHAIRMAN DURAN: As all of us do.

COMMISSIONER CAMPOS: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I feel that we should delay this action till we have a new County Manager. If we're going to have a new County Manager directing policy, I think this should be something that he or she should have responsibility for. So I would move to table.

CHAIRMAN DURAN: I disagree with you.

COMMISSIONER TRUJILLO: I disagree with that. I think that this is outside of the transition from one County Manager to the next County Manager. This restructuring started under the present County Manager and I think that we should deal with it.

CHAIRMAN DURAN: Is there a second to that table?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Those in favor signify by saying "aye."
[Commissioners Campos and Sullivan voted aye.] Opposed? [Commissioners Duran and Trujillo voted nay.]

So we will hear this again when Commissioner Gonzales comes.

COMMISSIONER SULLIVAN: Mr. Chairman, I would make a motion that this transfer be rejected at this time.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Those in favor of the motion signify by saying "aye." Wait a second, we already had a motion on this to table.

COMMISSIONER SULLIVAN: That was to table and that was—and it died because it tied.

CHAIRMAN DURAN: So you are voting to reject it.

COMMISSIONER SULLIVAN: I'm voting to reject this item.

CHAIRMAN DURAN: Okay, go ahead. Those in favor, signify by saying "aye." [Commissioners Campos and Sullivan voted aye.] Opposed? [Commissioners Duran and Trujillo voted nay.]

So we'll hear this again when Commissioner Gonzales arrives.

COMMISSIONER SULLIVAN: Point of order, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: I think someone that voted in favor of the motion needs to bring the matter back if they're not here, not present at the meeting and no one had voted in favor of the motion brings it back, I think it needs to be brought up at the next meeting, according to our rules.

CHAIRMAN DURAN: What rules are those?

COMMISSIONER SULLIVAN: Are rules that if a vote ties it's brought up at the next meeting.

CHAIRMAN DURAN: Can we bring this up at the—I don't remember that rule.

COMMISSIONER SULLIVAN: The rule is if there's a tie vote, the matter's brought up at the next meeting.

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CHAIRMAN DURAN: I don't think that's the rule. I think that's been kind of—

COMMISSIONER SULLIVAN: No, that's a resolution. That was part of when we went into the chairman voting. That's part of the resolution where the chairman votes.

CHAIRMAN DURAN: Why don't you check into that, Steve, and we'll move forward in this meeting. If we can bring it forward at this meeting when Commissioner Gonzales arrives, we will do so. If we can't because of the resolution, then we'll bring it up at the next meeting.

COMMISSIONER TRUJILLO: Well, the table then passed? If there's no issue about the next meeting. We were going to vote on it again when Commissioner Gonzales comes. The rule says that if it's tabled, you go to the next meeting. It hasn't been tabled. It didn't pass.

COMMISSIONER CAMPOS: It talks about a tie, I believe, Commissioner Trujillo.

COMMISSIONER SULLIVAN: I believe, Mr. Chairman, the rules say if there's a tie vote on any matter, then it's brought up at the next meeting.

CHAIRMAN DURAN: What do you say there, Steve?

MR. KOPELMAN: Mr. Chairman, members of the Commission, I believe it automatically comes forward at the next meeting, because it's a two-two tie. That's what our rules provide. Could you read that to us, please.

MR. KOPELMAN: Mr. Chairman, just give me a second because I know that it's in here.

CHAIRMAN DURAN: We'll take a five minute break.

[The Commission recessed for five minutes.]

CHAIRMAN DURAN: And we'll discuss this last issue once we get some clarification.

VII. PRESENTATIONS AND AWARDS

B. Presentation by Rancho Viejo regarding the petition For Improvement District Number Two

ROBERT STRUMOR: Good morning, Mr. Chairman. Robert Strumor from Hughes and Strumor Limited, Co. We are your bond counsel and we have been informed that a petition has been presented to the Commission from Rancho Viejo de Santa Fe, Inc. to form essentially phase two, another improvement district within the 2500 acre improvement district that was created in 1999. Ike Pino from Rancho Viejo de Santa Fe, Inc. is here to answer substantive questions concerning project details and I'm here to answer questions if any on the legal process.

The petition, when presented by more than 2/3 of the owners of the land presents

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an opportunity to a County Commission to form a district. So it is in the hands of the Commission to review at this point. If in fact the Board of Commissioners determines to take another step, there is a series of resolutions that call for essentially homing in on the specific details of the project and ultimately, there would be an election that would be held only of the landowners of the district, essentially to tax or not tax themselves to fund the project. And with that general presentation I stand for questions.

CHAIRMAN DURAN: Mr. Strumor, I have a question. How much—what is the increase in taxes that a property owner in this particular area is going to experience over somebody in another area that has a home of equal value?

MR. STRUMOR: Mr. Chairman, members of the Board, in phase one of Rancho Viejo, the tax was capped or limited at ten mills, or \$10 per thousand and it would be the anticipation, a proposal from the developer in this particular case is to do the same, so I think the rough math would be, if you have a \$150,000 home, it's assessed value would roughly be a third of that and the ten mills would roughly be \$500 a year for I guess the 15-year term of the bonds. If my math is correct. In other words, it would be limited at ten mills of assessed valuation per home.

CHAIRMAN DURAN: And this is not over and—this is a different area that we're talking about, right?

MR. STRUMOR: Right. In other words, the district was formed essentially with 2500 acres but only 300 plus were carved out and taxed for phase one and another somewhere between 400 and 500 acres are going to be carved out and taxed for phase two. But it's not a tax on a tax. It's a separate infrastructure and separate loss.

CHAIRMAN DURAN: So you're not taxing the same property that you created the special assessment district for a year or so ago.

MR. STRUMOR: Essentially we did it. We, the County.

CHAIRMAN DURAN: Right. Right. But my question is still out there. If I have a \$200,000 house in Rancho Viejo, or a \$200,000 house out in Eldorado, how much more are the taxes for the same value in Rancho Viejo as compared to Eldorado?

MR. STRUMOR: Well, I guess you also have to back up. You already have your infrastructure I guess at Eldorado. The intent of this statute is to have a lower cost infrastructure which in theory is passed on to the homeowner. So I guess, purely, if you take two homeowners with exactly the same assessed valuation, the one in Rancho Viejo was paying an additional tax, but in theory that's wrapped up into the purchase price of this home.

CHAIRMAN DURAN: And how much more though? It's not wrapped up in the home because you pay taxes separately.

MR. STRUMOR: I guess it's whatever ten mills is on \$50,000 of assessed value. It's \$10 per thousand so I guess it's 500 bucks, I guess.

CHAIRMAN DURAN: Per month or per year?

MR. STRUMOR: Per year, for the term of the bonds.

COMMISSIONER TRUJILLO: Mr. Chairman, and all this information

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would be presented to the community before the referendum.

MR. STRUMOR: Oh, yes. In fact, it will be a lot more detailed. This is just a petition stage. There's a request in to the Board. If the Board of Commissioners chooses, then it can assign a staff person or a designee to work the company who's making the proposal to then work out the details. And I wish I had more project details, but right now, it's a proposal to create this phase two. Obviously, the details would have to come before the Board.

There's a couple of important distinctions though. This legislature last year essentially relieved some of the administrative burden of counties doing this. There was a procurement oversight that was built in to the actual selection of the architect, engineering and construction services and apparently, there is a blanket exemption from the state procurement code in the district infrastructure. So it looks like, not that you can't have oversight, but the company itself can do its own bidding.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Who's going to be voting on this referendum? Ostensibly, there's not too many people living in Rancho Viejo at this point. So who will be voting on the referendum?

MR. STRUMOR: Mr. Chairman, Commissioner Trujillo, only the property owners within this sort of a—I call it a subdistrict, within this 400 to 500 acres, and right now, there's only several owners. I don't even think—there's probably less than a dozen. And it would be—last time I believe we did a mail ballot election to try to keep the cost down. So it's only, the way the statute reads it's only those property owners that are voting to tax themselves. So nobody else could be taxed, because they wouldn't have approved it.

CHAIRMAN DURAN: But then it will be passed on to the consumer.

MR. STRUMOR: Well, obviously, the purchasing landowner will have that as an additional property tax. And apparently, my information coming from the company is that when they are actually advertising the homes and telling the potential homeowners what the package is, I believe they inform them of this proposed infrastructure tax. But Mr. Pino is here and he could address that.

CHAIRMAN DURAN: So that's in the disclosure statement to the buyer?

MR. STRUMOR: That's my understanding, yes.

CHAIRMAN DURAN: Okay, any other questions of Mr. Strumor?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions, Mr. Strumor. In this district, is there an estimated value of the improvements? Not the infrastructure improvements but the total improvements?

MR. STRUMOR: Mr. Chairman, Commissioner Sullivan, yes, there is an estimated value and in order to actually issue bonds under the new statute, there's a

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threshold that the improvements—the bond issue cannot exceed 25 percent of the proposed improved value and I've been informed by the company that they have made that calculation and in fact are reducing the size of the bond issue to keep it to the ten mill limit of phase one. So the proposed value exceeds the 25 percent factor and they're even reducing the amount of debt so it's no different from phase one.

COMMISSIONER SULLIVAN: And how many homes are there? This is in Windmill Ridge, correct?

MR. STRUMOR: Right. I would have to turn this over to Mr. Pino because I'm not the project expert, if I could.

COMMISSIONER SULLIVAN: Well, while you're there, let me ask a bond question. This was brought up in some discussion at the last Commission meeting. Does any of this bond money go towards maintenance?

MR. STRUMOR: Not the way the statute is drafted. Actually, there is a permitted maintenance category, I believe they can. But the way the proposed structure—is just for bricks and mortar and in fact, I believe what happens is what happened the last time. The company used its own funds to essentially put in the infrastructure and the bond process takes several months and by the time the infrastructure was completed the bonds were issued and it was used to reimburse the company for its expenditure. But as far as maintaining the infrastructure, I don't know that that's going to be proposed or not. You'd have to ask the company. It legally can.

COMMISSIONER SULLIVAN: You say can or cannot?

MR. STRUMOR: Can. May.

COMMISSIONER SULLIVAN: Okay, so there is a possibility of setting up a permanent maintenance fund as a part of this?

MR. STRUMOR: Well, as long as you don't go through that threshold of 25 percent of the improved value. So you can have a subcategory, but the total can't exceed the 25 percent factor.

COMMISSIONER SULLIVAN: The current proposal doesn't propose that?

MR. STRUMOR: I'm really not that familiar with the project detail, but it could have a maintenance factor in it.

COMMISSIONER SULLIVAN: So that is permissible. Again, there was some discussion on the part of the Commission at the last meeting about that and I think we're exploring ways of providing maintenance within any number of subdivisions that have roads that are taken over for County maintenance, when the County takes them over they assume a large maintenance, snow removal, reconstruction and liability responsibility.

MR. STRUMOR: Right.

COMMISSIONER SULLIVAN: That's good to hear. Thank you. I've got some questions, I guess, for Mr. Pino. Mr. Pino, how many homes are planning to be in Windmill Ridge?

IKE PINO: Mr. Chairman, Commissioner, this particular district will cover

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Windmill Ridge which is approved at 185 lots. That's Unit One. It also includes College Heights, which is 20 more lots. And then we have a proposal that is making its way through the EZC and eventually to you for Windmill Ridge Unit Two for an additional 136 lots. So that would be the size of the district.

COMMISSIONER SULLIVAN: Three hundred and forty-one units then. And how many of those are currently occupied?

MR. PINO: Mr. Chairman, Commissioners, I'm going to give you the figures as I understood them at the end of October. Approximately 50 of those are occupied, but we should have a great number of closings by the end of this year, take it up to close to 100.

COMMISSIONER SULLIVAN: But even if it were 100, then 100 of the lots would be owned by private owners and 241 would be owned by Rancho Viejo.

MR. PINO: That's correct, Commissioner.

COMMISSIONER SULLIVAN: So you probably wouldn't be anticipating any problem with getting the 66 percent in the election.

MR. PINO: I would guess not.

COMMISSIONER SULLIVAN: Then my next question was, the roads that are included in that, I can't tell from the map but are those all roads just within the proposed district, or do some of those like A Van Nu Po go outside the district?

MR. PINO: Mr. Chairman and Commissioner Sullivan, what's included in the overall estimate are roads within the district, primarily Richards Avenue, which runs through Windmill Ridge Unit One and would continue through Unit Two. And it also includes the upgrade of A Va Nu Po and Avenida del Sur, which was the subject of the County take-over of roads in the last meeting.

COMMISSIONER SULLIVAN: But is that road, that upgrade of A Va Nu Po, is that within the district?

MR. PINO: Yes.

COMMISSIONER SULLIVAN: The 341 potential, eventual lots.

MR. PINO: Yes, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So there aren't any roads that are outside the district then?

MR. PINO: There are no roads outside this district. That's correct.

COMMISSIONER SULLIVAN: Okay, then once the bonds are let and they go for 15 years, the homeowner has this additional \$500 or \$750 or \$1000 depending on the level of the cost of their home tax burden on them. It also includes, as I understand, costs for planning, design, engineering, construction and acquisition, and it also provides for reimbursement to the corporation for payments made by the corporation on behalf of the district. What do you envision that being? What payments on behalf of the district would this bond reimburse the corporation for?

MR. STRUMOR: Mr. Chairman, Commissioner Sullivan, Robert Strumor. If I could address that. That's the catch-all language to permit the corporation to go in

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and essentially complete the project at its own economic risk and then be reimbursed from bond proceeds. So in other words, there is no agreement between the County and Rancho Viejo as we speak that says if you build this, we're going to do this district and then we'll issue these bonds and you'll get paid back. So the economic risk is all the developer's, so the language that you read is designed to permit them to receive their money back if they actually go spend it for the project.

COMMISSIONER SULLIVAN: But it would seem like we would want some control over what those expenditures might be. Two-martini, three-martini lunches, what have you, if they're going to be a part of a bond package that's being paid for through taxes. It would seem that it wouldn't be a good idea to keep that open ended.

MR. STRUMOR: Mr. Chairman, Commissioner Sullivan, as a tax lawyer, we can't permit the multiple martini lunches anyway, and I agree that the County needs to have oversight as part of the agreement to issue the bonds. You can develop what oversight criteria you want. However, the statute pretty much looks like there's an exemption from that procurement process on the construction side, but the Board of Commissioners and its staff always has oversight of any bond issue. So you just can develop whatever criteria that you feel are necessary.

COMMISSIONER SULLIVAN: So the Commission could add conditions saying that it should be open and competitive bids.

MR. STRUMOR: Absolutely.

COMMISSIONER SULLIVAN: Saying that only certain expenses would be reimbursed to the corporation and defining what those expenses would be and further addressing some of these broad areas of the statute.

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

COMMISSIONER SULLIVAN: Okay. Then what, once all this six million dollars worth of improvements is spent, and I understand it's only \$4.9 million in a \$6 million bond issue, what is the cost to the developer? What has the developer put into this?

MR. STRUMOR: Well, the developer can only be reimbursed for actual costs. In other words, when the petition came in, my understanding of it was for anything that could have been spent, and I understand now that number's being pared down. So they can be reimbursed essentially, for those items that are mentioned in the statute, which is essentially all of the costs of creating the improvements, including legal, accounting, money.

COMMISSIONER SULLIVAN: I guess my question is, if a developer under the normal procedures comes to the County Commission and goes through the approval agencies, we require him or her to construct roads to a certain level, to build water lines to a certain level, to put in wells and so forth. And that's a cost to the development. What's the cost to Rancho Viejo if this bond is approved for the infrastructure? Ultimate cost?

MR. STRUMOR: Well, they're paying like our fees.

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COMMISSIONER SULLIVAN: Well, your fees are eligible under the bond issue.

MR. STRUMOR: Yes.

COMMISSIONER SULLIVAN: But their ultimate cost after they're reimbursed is zero. Is that correct?

MR. STRUMOR: Oh, after they're reimbursed, they're not getting any money back.

COMMISSIONER SULLIVAN: There's no cost to the infrastructure improvements then.

MR. STRUMOR: Pardon me?

COMMISSIONER SULLIVAN: There is no, ultimately, to Rancho Viejo, there is no cost for the infrastructure improvements. It's all being reimbursed by the bond issue.

MR. STRUMOR: It's being reimbursed and being passed on to the ultimate land purchaser.

COMMISSIONER SULLIVAN: And passed on to the land purchaser. Okay.

MR. STRUMOR: Right. But it has to be qualified costs under state law and under federal tax law as well.

COMMISSIONER SULLIVAN: And what would, in your judgement, be the benefit to the County to do this? And would this be fair to other developers for whom we require they put down the necessary money for roads and utilities?

MR. STRUMOR: I don't think that this particular statute requires a request that you treat this proposing corporation any different than anybody else, except that you would assist them through this bonding process on their infrastructure. I don't think there's any exemptions from any of your other requirements.

COMMISSIONER SULLIVAN: But I guess my question is, what's the benefit to the County, to the residents of all of Santa Fe County, not just the residents or the future residents of Windmill Ridge? What's the benefit that I as a County Commissioner ultimately would be voting on? Why would I want to vote for this for the benefit of all of Santa Fe County?

MR. STRUMOR: I'm going to put on my theoretical policy hat for a minute. In theory, my understanding of the policy behind the statute is to promote housing that would be more affordable than if the statute didn't exist, because it provides a lower cost financing mechanism for residential land or commercial infrastructure. So the theory behind it is we have this law on the books to essentially attract development by making it more attractive to developers and make homes available. That's my understanding of the policy.

COMMISSIONER SULLIVAN: Okay, so the idea is to keep the cost of a home down as low as we can by spreading out the cost of the infrastructure improvements. How do I as a Commissioner know that that savings in fact goes to keep the cost of the

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housing down, and just doesn't simply go to increase the profit of the developer?

MR. STRUMOR: Through your general oversight. You are basically doing a favor for the developer, because it's permissive under the statute. You can do this or not do this and you can develop your requirements for review of what they're spending their money on.

COMMISSIONER SULLIVAN: Let me throw out a suggestion because this is a partnership, obviously, that the developer is requesting of the Commission and there's been partnerships in the past. One of the elements of that partnership was that the County issued \$1.2 million in bonds for road and water work. Another element of the partnership was that Rancho Viejo agreed to a certain level of affordable housing. Another level of the partnership, as I understand it was that Rancho Viejo contributed a lion's share of the money for the upgrading of Richards Avenue. But now at this point, we're now going from a \$1.2 million to a \$6 million, by a factor of five, increasing our partnership as it were.

Is there anything that precludes us from participating, not only in the bonding for the benefit of the developer, but participating in the profit that the developer gets on this project.

MR. STRUMOR: That's an interesting question, Mr. Chairman, Commissioner Sullivan. First of all, let me back up by saying that the \$6 million number probably is not going to happen. It's probably, my understanding is it's going to be more like \$3 to \$3.5 million, but that's not directed to your question. You're wanting to participate in the profits, based on—

COMMISSIONER SULLIVAN: Based on the fact that we're putting out the full faith and credit of the County. We're putting certainly staff time and effort. We're putting in bonding capability and it would seem that we don't have any mechanism—our goal is for affordable housing, but it seems like it would be nice to negotiate some type of mechanism that assures that that savings does in fact go toward affordable housing. One way to do that is to participate in the profit, take 20 percent of the pre-tax net, put it back into affordable housing through one of Santa Fe's already existing affordable housing programs. As just one example.

MR. STRUMOR: Mr. Chairman, Commissioner Sullivan, I can first relate how we handle that concern and other jurisdictions by stating that the negotiation process between the developer and the bond issuer often provides things like Rancho Viejo's standby contribution agreement which says if at any time the taxes aren't enough to pay, we're going to make the bond payments. You could also have what's known as an issuer fee, which is an administrative fee that's related to your administrative cost to reimburse the County, and an ongoing fee that could be added to the bond interest rate which traditionally, under federal tax laws, the safe harbor, and that is about an eighth of a point. So that would be, on \$4 million would be about a \$5,000 a year payment.

As far as the profit sharing, anything is possible. Anything can be negotiated. I've not been involved in an infrastructure structure district where there was that level of

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partnership, but for certain, some of our other projects have had more involvement on recovering administrative expenses. Now, the County was paid, I believe, an administrative fee in the last deal. I just don't have that number.

COMMISSIONER SULLIVAN: So these things could be explored in any case.

MR. STRUMOR: Absolutely.

COMMISSIONER SULLIVAN: Under the issue.

MR. STRUMOR: Everything's negotiable with this.

CHAIRMAN DURAN: I kind of look at this thing that this is a high growth area for our community. If you look at other areas that have that potential, there really aren't any other areas. Eldorado is one. Rancho Viejo area is another and I see this as, I see the County benefiting from this by increased taxes, which would increase the general fund. The vacant land turning into approved properties and I think this is a partnership with the private sector. And it really ties in with our understanding that this is a high growth area and this is where the community is going. And it provides housing at all levels, not only affordable, but moderate and affordable.

Any other questions of Bob?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. Mr. Strumor, does this jeopardize the general fund in any way?

MR. STRUMOR: No, it really doesn't. The obligation is a general obligation of the district, which essentially means if everything goes south, and nobody pays their taxes, the properties will be sold to pay off the bond. But there is no hit on the County general fund. So it's not a true general obligation of the County, but it is a general obligation of essentially, it's a legal fiction called the district, which owns the project.

COMMISSIONER CAMPOS: Quick question for Mr. Pino. Mr. Pino, could you address the affordability issue? What are the properties—what are you selling properties for? What are the houses worth out there? How affordable is it to live in Rancho Viejo or the College District?

MR. PINO: Well, Mr. Chairman and Commissioner Campos, the price range on houses today is from \$140,000 to \$400,000. And there is also the ability to buy estate lots and build your own home as well. And those lots generally run between \$70,000 and \$150,000. So that's the range in housing.

COMMISSIONER CAMPOS: What does the ordinance require, let's say generally, as far as affordable housing and special benefits?

MR. PINO: Mr. Chairman, Commissioner Campos, under the Community College District, I believe generally the ordinance calls for 15 percent of the housing to be affordable. And you'll see in the submittal package for Windmill Ridge, Unit Two, which is the first subdivision to come in from Rancho Viejo under the Community College District, that that will be accounted for in that submittal.

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COMMISSIONER CAMPOS: How does the ordinance define affordable housing?

MR. PINO: Mr. Chairman, Commissioner Campos, I don't know the specifics on that off the top of my head.

COMMISSIONER CAMPOS: Okay. And a question for Mr. Kopelman. We have an ordinance generally that applies to affordable housing throughout the county. Is that true?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, there's a—the Community College District mandates that developments have a minimum of 15 percent affordable units. Outside of the Community College District we have an ordinance that's voluntary and would be applicable in areas where there is County water, City water or community water systems.

COMMISSIONER CAMPOS: So basically, it's 100 percent voluntary outside of the College District?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, that's correct.

COMMISSIONER CAMPOS: So how do you convince them to do it?

CHAIRMAN DURAN: Increased densities.

MR. KOPELMAN: Mr. Chairman, the ordinance, the voluntary ordinance does have a provision that there are density bonuses provided, so that you can get as the Chairman indicated additional units in return for providing affordable housing.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of Mr. Pino or Mr. Strumor?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just want to say that I feel that we certainly should—I think what they're looking for here is some direction from the Commission to take a look at this and we certainly want to do that. We want to give the staff that direction to take a look at this. I think we also want to take a look at the issue—I think the homes are going to be built out there regardless. They're going to be built where the market dictates and they're going to be built at the price the market dictates. So one could make a—if you're looking at income to the County, one could make a case that this is going to reduce the cost of the homes so the actual income to the County is less, so it's actually detrimental in terms of our tax collections to do this. But it's beneficial in terms of the homeowner for whom we would like to reduce the cost of the home.

But we have no control or we have no understanding at the other end of really, does this savings really go into the house. If we are saving the developer \$50,000 per lot in infrastructure costs, are we truly reducing the cost of that home by \$50,000 or are we giving the developer \$50,000 in more profit. And that's I think where we need to make a policy, we need to have a mechanism so we can see, when we make a policy decision, that we're doing it for the greater good of the County, not just the greater good of the developer.

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COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd just like to add that we really have to look at the affordable housing issue. If the County is really helping the developer, I think we need to be a little more aggressive in looking at affordable housing and making sure, as Commissioner Sullivan has said that it actually benefits the person buying and not only the developer. I think that's key to our discussion.

CHAIRMAN DURAN: And again, this is the County's only high-growth area unless someone can think of another one and affordable housing is only one element to the entire plan out there. It's moderate, it's affordable and whenever the market will absorb out there. So there's more than just one element. Affordability is only one element.

COMMISSIONER CAMPOS: Mr. Chairman, one last comment please. Maintenance and replacement, I think that needs to be looked at also. Can we get this assessment district to be responsible for maintenance and replacement of the roads? We all know how expensive that is and that will be down the road ten, fifteen years.

CHAIRMAN DURAN: I'd like for the developer to comment on that last statement.

MR. PINO: Mr. Chairman, Commissioner Campos, hearing Mr. Strumor explain that there are possibilities in that area we'd certainly explore that. I think one of the things that was discussed at the last Commission meeting when we talked about dedicating certain roads in the Rancho Viejo area to the County was an off-set on maintenance costs via additional taxes generated out there. So there's certainly a lot of room to analyze what are the actual increased revenues to the County if there are any, and can they be dedicated to maintenance, and are there alternates to maintenance costs, such as through this particular district. And we certainly are not averse to exploring all of those and discussing those with the County.

COMMISSIONER CAMPOS: I think it's essential that we explore them thoroughly and we come up with something that is good for the County as a whole.

MR. PINO: Understand.

CHAIRMAN DURAN: Okay, do you think you have direction, Sam? Do you have any questions of Mr. Strumor or Mr. Pino? Okay. Thank you very much.

Next on the agenda is item VIII. and we need to take a lunch break. How long do you think the committee expirations, resignations and committee appointments will take?

MR. MONTROYA: Mr. Chairman, we could probably get through those in about five minutes.

CHAIRMAN DURAN: Okay, why don't we do that and then we'll take a lunch break.

VIII. ADMINISTRATIVE ITEMS

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- A. Committee expirations/resignations/vacancies**
- B. Committee appointments**
 - 1. Road Advisory Committee**

MR. MONTOYA: Mr. Chairman, we'd like to go to the committee appointments under Road Advisory Committee. Mr. Chairman, I'd like to call Mr. Robert Martinez up to make those recommendations.

ROBERT MARTINEZ: (Deputy Public Works Director): Mr. Chairman, Commissioners, Area 11 of the Road Advisory Committee encompasses the Eldorado community. Jim Lightner has been recommended by the Eldorado Community Improvement Association to fill the Area 11 alternate vacancy. Public Works recommends the appointment of Mr. Lightner to this position.

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER CAMPOS: Second.

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

VIII. B. 2. Request approval of nominations to the Rio en Medio Community Center

VINCENT OJINAGA (Project and Facilities Director): Mr. Chairman, Commissioners, the Rio en Medio/Chupadero Community Centers met on October 29th to accept resignations and make recommendations to the new members of the community center. The following members have vacated their positions. Mr. Bill Lazar, and Wes Suhr Recommendations from the committee are as follows, for a two-year term, reappointment of Ms. Silvia Villareal, one-year term, Ms. Marianne Duran, and a one-year term for Mr. Bennie Gonzales.

In your packets, Commissioners, there is a questionnaire that provides some information for you on the individuals recommended for today. The action requested is your consideration of these appointments.

CHAIRMAN DURAN: Any questions of Corky?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER SULLIVAN: Second.

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

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

VIII. B. 3. CIP Advisory Committee

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Board. I've included in the packet a brief memo and some attached documentation. We have a copy of County resolution, joint City/County resolution County number 2001-157 that established the joint City/County Capital Improvements Advisory Committee. As you know, this committee is charged under state statute with working on impact fee possibilities under the Development Fees Act. I have included in the packet a copy of the state statute 5-8-37, which sets for the requirements and duties of the advisory committee.

Under the resolution, the Board of County Commissioners gets five appointments and there are a number of resumes that have been forwarded previously and no action has been taken yet by either the City Council or the County Commission on constituting the committee and appointing members. I believe at the last County Commission meeting there was a Commissioner that had indicated a desire to move forward with this committee so staff is bringing it forward as an action item for appointments if the Commission so desires.

CHAIRMAN DURAN: Are there any objections to the members which are on this list, which is Steve Flance, Mike Anaya, Nancy Long, Gilbert Martinez and Bob Taunton. Rosanna Vazquez and Karen Walker. How many is that? Seven. So we need to pick five out of those seven?

MR. KOPELMAN: Mr. Chairman, there are additional resumes in addition to those. I just took the material that had been in the file, and if you look at the back of the packet, there are also resumes, after Karen Walker's resume, William Kissell and I think there's one other. Steven Dennis.

CHAIRMAN DURAN: Why doesn't each Commissioner go ahead and appoint the one that they would like to appoint and when Commissioner Gonzales arrives, you can ask him which one he wants to appoint.

MR. KOPELMAN: Okay, and one other point, Mr. Chairman, members of the Commission, as you see the statute does have a requirement that at least 40 percent of the membership be representatives of the real estate, development or building industries.

CHAIRMAN DURAN: So how many would that—

MR. KOPELMAN: It would be two out of our five, I believe.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that's the total committee.

MR. KOPELMAN: That's the total committee.

COMMISSIONER SULLIVAN: So it wouldn't necessarily be two out of our five; it would be that percentage out of the 14.

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MR. KOPELMAN: Forty percent out of the 14, so it would be 6, I believe.
Or 5.8.

CHAIRMAN DURAN: So maybe we should get all five of ours—never mind. Do you want to appoint somebody?

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to move for the appointment of William Kissell. His resume is in the packet. He was nominated last time and he did receive the Board's approval and then what happened was the City decided to redo the resolution and now we're back to where I think the County appoints five and the City seven?

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

Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll yield to Commissioner Trujillo.

COMMISSIONER TRUJILLO: Okay. I nominate Steve Flance from the Flance Company. He's a realtor, has submitted his resume previously as part of the packet that we currently have. I think he would be a good addition to the Board.

CHAIRMAN DURAN: Okay. These are all the ones we were going to appoint. Is that correct, Steve? The ones that I mentioned earlier, those were the ones that we were considering. Is that correct? They have not been appointed by—the City hasn't appointed anybody.

MR. KOPELMAN: Mr. Chairman, that's correct. And I think these names were submitted to both the City and the County. I think the City has some of the same names as the County does also.

COMMISSIONER CAMPOS: The City has not appointed anyone?

CHAIRMAN DURAN: We're appointing our first five here.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I did check with the City and I was told they have not made any appointments yet.

CHAIRMAN DURAN: Well, if they have and they happen to double up on us just let us know. So your recommendation or your appointment—

COMMISSIONER TRUJILLO: Steve Flance.

CHAIRMAN DURAN: Did I second that?

COMMISSIONER CAMPOS: I'll second that.

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

Commissioner Sullivan.

COMMISSIONER SULLIVAN: I yield to the Chair.

CHAIRMAN DURAN: I will appoint Rosanna Vazquez.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by

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saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

COMMISSIONER SULLIVAN: Mr. Chairman, I'll recommend the appointment of Mr. Steven Dennis. He is involved in the construction industry.

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

So we'll table this until Commissioner Gonzales comes. Or not table it, or I guess table it until he gets here and then continue it later on in the meeting.

IX. STAFF REPORT

A. Report by the Project & Facilities Management Department

MR. OJINAGA: We're hoping we can do that within ten minutes.

CHAIRMAN DURAN: Oh, is this your department report?

COMMISSIONER SULLIVAN: It's taken me a year, Mr. Chairman, to learn all the departments but I feel now that I have a much better handle on how things operate.

CHAIRMAN DURAN: Then it's been a worthwhile endeavor.

MR. OJINAGA: Mr. Chairman, Commissioners, the newly created Project and Facilities Management Department consists of three divisions: the Operations Division, the Project Development Division and the Information Technology Division. The division directors are Steve Alarid, which oversees our Operations Division to include the property control section and building services, and also the newly creating open space, parks and trails program.

The Development Division is supervised by Tony Flores and the Information Technology Division is supervised by Agnes Lopez. We also have in our audience today a lot of the staff within our Project and Facilities Management Department. We have 53 employees in this department. I'd also like to recognize Erle Wright, our GIS Coordinator and our guru of our mapping system. Mr. Chairman, Commissioners, as part of your packet, we have included an overview of the respective divisions. At this time, we'd like to present to you a brief but a very informative overhead presentation.

Mr. Chairman, we begin our day every day here at Santa Fe County with the raising of our flag. The next slide will show our organizational chart. Again, we have 53 employees, two in administration, 29 in operations, three, project development and 19 in our Information Technology. The next slide will be discussed by Steve Alarid.

STEVE ALARID (Operations Director): Mr. Chairman, Commissioners, the slide that you're looking at now is Agua Fria Park. We're in charge of the maintenance and a lot of the improvements that we do to our parks. Currently, we have three parks that are developed, consisting of 123 acres outside of our open space program.

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And if you look at—what we want to show you is some of the improvements that we've made. If you look at the slide at the upper left hand side, you can see some of the perimeter post and cable that we've installed to basically keep vehicles out of the parks. This is the Agua Fria Park, by the way.

You can see some of the walkways that we've installed. We've got over a mile of walkway at that particular park. The lower left hand slide, you can see some of our baseball fields. We've got two baseball fields out there. We've been watering and weeding and mowing and fertilizing those parks and they should be ready to go on-line for use this coming summer.

The right hand bottom picture shows some of the playground equipment that we've installed as well as some of the picnic table shelters, barbecue grills and trees that we've planted at that particular park. A lot of these improvements were done through legislative appropriations at the Agua Fria Park.

MR. WRIGHT: Members of the Commission, one of the duties in Project and Facilities Management is the 911 addressing task. The 911 Addressing Section continues to plow through the rather onerous task of cleaning up and completing all physical addressing within the unincorporated areas of Santa Fe County. We're continuing to use state of the art equipment and techniques to create what I feel is going to be the most comprehensive, accurate and complete addressing data set in the state of New Mexico.

In addition to doing this, we've also contributed on some community projects, particularly the mapping of the Dale Ball trails which just opened up on the east side of town in the foothills. We continue, the office staff continues to support permit applications and day to day maintenance. People trying to establish new phone service within the county. And I'd just like to recognize our staff. They're doing a great job. We've gone, just in the last year, have almost doubled our output from where we were in November of 2000. We've done over 22,000 GPS points, which about 15,000 of those as of today are actual structures out there within the county, within the unincorporated area in the county. I estimate that's about 50 percent of our task so we still have a ways to go on that one.

In addition, we also have the GIS services. This section has provided support services for each and every office and department within Santa Fe County and we will continue to do that. General mapping products are provided to the public on a daily basis.

Recent major projects in that office have included the redistricting effort, the Urban Wildland Code, the Highway Corridor District, Airport Development District, fine-tuning the Community College District and a myriad of other projects including all of the community planning efforts that are going on in the Land Use Department.

MR. ALARID: Mr. Chairman, Commissioners, what you're looking at now is three of our current roofing projects. We have been focusing, the last couple years, on trying to get all of the old roofs replaced on these buildings that need them. We've covered somewhere in the neighborhood of 64,000 square feet the last couple years and the projects that you're looking at there, specifically on the upper left hand corner are the detention facility, the juvenile detention facility. The bottom left is the Leo Gurule

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Sheriff's Administration Building and on the bottom right is the Judicial Complex Building. One thing I failed to mention, all of the building maintenance that's done by our Operations Division is headed by the property control section, which is supervised by Mr. Dennis Hernandez. So these are three of his projects.

What we have here is one of our community center projects. The Operations Division maintains several community centers around the county, including La Cienega, Bennie J. Chavez, Chimayo Head Start, the Rio en Medio and the Edgewood Senior Center. We've done similar projects to the one that we're looking at at these other community centers also. But some of the things I wanted to point out, if you look at the upper left picture, that's the El Rancho project. On the interior of the project we did a complete kitchen remodel, in cooperation with the City senior program, and we remodeled walls, floors, we pulled out plumbing and installed all new kitchen equipment.

Outside of the building, we've done things like put barbecue grills in. We've installed railing, retaining walls, and picnic shelters and tables. We've done landscaping and then we've also done the resurfacing of some of the multipurpose and basketball courts at those community centers.

AGNES LOPEZ (MIS Director): Mr. Chairman, Commissioners, Santa Fe County Information Technology has developed web-based applications, including searchable tax and assessment data, voter information, internal on-line service requests and a Land Use Code complaint form. We are currently in the process of implementing a middleware solution entitled IBM Webster. Webster will make the aforementioned applications that the County citizens interact with on-line much more real time and dynamic.

MR; ALARID: Mr. Chairman and Commissioners, this, what we're trying to highlight in this particular slide is the asphalt work that we did at the Bennie J. Chavez Center. What we've done is we've resurfaced the entire upper parking lot of this center and these are actually the areas that we want to focus on for the next fiscal year's budget requests for capital. We've got several buildings that are needing some resurfacing and this is the type of work that we do, and we also do the striping on them.

We've also expanded the Judicial Complex parking by 11 parking spaces to help accommodate some of the judges and DA parking there also.

TONY FLORES (Project Manager): Good afternoon, Mr. Chairman, members of the Commission. As the rookie of the group, you will see I only have two slides in the whole presentation. The reason for that is simple. Three weeks on the new position, we are in the process of closing out approximately ten projects. We are undertaking six additional projects and the purpose, in my mind anyway, although I've been accused of providing a mission statement that was more financial than projects, is to assure that we have our Project Development Division tie all the components of a project together including programming and financial.

I am pleased to say that with the staff that we have in the division with our planning, land use, construction, and financial background and resources, things are

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looking positive for the future for us. What you see before you today is some pictures of the Youth Shelters and Family Services site. At the last meeting in October, the Board approved the A & E agreement to design phase one of the facility. We are under a tight deadline because it is CDBG funded we have to have this facility not only designed but constructed and occupied by October 30, 2002 in order to meet our threshold requirements. Thank you.

MS. LOPEZ: Mr. Chairman, Commissioners, this is a picture of Information Technology's new computer room. It was designed and built by the MIS staff and the reason for it was to create a controlled, secure environment, climate controlled environment for the County's critical network infrastructure. We have our AS-400 in there, which is the County's main application server as well as other servers.

MR. ALARID: Mr. Chairman, Commissioners, what we're looking at in the slide here is on our custodial services, which falls under business services section, and it's supervised by Mr. Ish Lovato. They do a wonderful job of keeping our building clean and making sure that we're set up for meetings such as this one. Ish has ten full time staff and two part time staff and they clean and maintain approximately 138,000 square feet of building per day. Of those ten, he has two mobile staff that travel approximately 480 miles a week maintaining buildings that don't have FTE custodial staff within the building and on the parks as well. The mobile staff basically does weed control, snow removal, trash service, and they also, as you see in the bottom right hand corner, serve as the farolito crew.

The project that you're looking at up here is our Public Works site, the quonset hut, and what we did is we tried to do a project down there in response to the need for additional storage countywide. If you look at the upper left hand picture, you can see a before picture of the quonset hut. We've removed that adobe building. We've removed some of the windows, the doors. We have replaced a lot of the corrugated sheeting that was rusted out and as you see the bottom right hand corner, what we've done is we've added additional lighting. We've added new doors, painted the floors and the walls and added ten by ten storage areas out of the chainlink fencing.

These are on-line and they're ready to go, to move in for storage for the departments.

MS. LOPEZ: Mr. Chairman, Commissioners, the MIS Section annually replaces obsolete computer systems to keep the County equipped with tools to perform required functions. The division also services roughly 250 PCs, 30 laptops and 60 printers throughout 12 locations. The MIS section installed and maintains the County telecommunications network locally and at six remote sites. Marlene Garcia that you can see in the picture instituted long distance codes decreasing the County's long distance bills by 50 percent. She also personally trained every new employee on the telecommunications and computer equipment at the County.

MR. ALARID: Commissioners, this is the open space program, which is the new infant to our division. Basically, I'd like to give credit to all the Land Use

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Department for all the goals that have been achieved in this program so far, specifically Jack, Roman, Estevan, Alina and the COLTPAC group. Some of the things that we're looking at in the open space, some of the issues that we're going to be looking at is several maintenance issues that we're showing here. On the upper left hand corner you can see some of the open mines in the Cerrillos Hills project. And then down below, you can see some of our focus is going to be on trail development and maintenance for this next fiscal year.

Another issue on the right side would be the signage, providing proper signage for all of the properties, and something that's not listed here would be providing fencing for public safety and to discourage dumping on some of these open space sites.

Some of the goals that Alina wanted me to say in terms of this presentation is that we're trying to provide recreation and natural open spaces and trails, and we're trying to preserve properties of cultural, historical and archeological significance for all of us to enjoy. Currently, we've acquired 3,140 acres and are working on acquiring nearly 1737 additional acres with the second \$8 million in bonds that have been sold.

MR. FLORES: Mr. Chairman, Commissioners, what you see before you is some recent snapshots as of yesterday of our new public safety complex, which as you know, is being constructed out at the detention facility property. Two important notes on this. One, we're ahead of schedule on construction which was anticipated or estimated to be completed in May, and I feel the second most important thing is that we're also on our budget course so we haven't had any major problems arise during the construction that would impact our budget negatively.

MR. OJINAGA: Mr. Chairman, Commissioners, that's a typical day in our department. So in closing, as always, we lower the flag. Mr. Chairman, Commissioners, I would just like to thank the support of the Commission. Also the County Manager and of course, the staff, most of our staff here today.

COMMISSIONER TRUJILLO: Thank you, Corky. Good job. Any questions of Corky or his staff?

COMMISSIONER SULLIVAN: Corky.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could you introduce your staff that hasn't already spoken?

[Staff from the Projects and Facilities Department was introduced at this point.]

[The Commission recessed from 12:45 to 2:20.]

X. MATTERS FROM THE COMMISSION

COMMISSIONER TRUJILLO: Are there any Matters from the Commission?

COMMISSIONER CAMPOS: Quick question for Mr. Montoya.

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COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Montoya, the GRT, where are we at as far as consideration, setting up public hearings and things like that?

MR. MONTOYA: Mr. Chairman, we have constructed a committee to work on all of the particulars that we discussed earlier on with the Commission at the work study. We've had one meeting since then, last week. We are planning another meeting Friday at 10:00 and that is planned to be our last meeting so we're going to organize our recommendations to you and you should see them within the next ten days.

COMMISSIONER CAMPOS: Are we going to get any public input in the near future?

MR. MONTOYA: Mr. Chairman, we're going to recommend some public input. Yes, sir. And we'd probably like to set up a series of public hearings as well.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Is this Matters from the Commission? I have a couple, Sam. When you made the announcement, or you contacted the Commissioners to let us know that you were going to be leaving as the County Manager, the *New Mexican* got a hold of this story but the *Albuquerque Journal* did not. So I'm trying to find a way that might be a little bit more—I'd like to have somebody here when there's something as important as that, when an issue like that comes up, I'd like for somebody here to contact both the newspapers and let them know that this has occurred.

I personally cannot get on the phone and call every newspaper in town to let them know that something has happened, but I think in all fairness to all the papers here, there might be, we should find somebody. Maybe it's Mark, or somebody. Someone needs to let the papers know on an equal basis that an event like this has occurred. And I was wondering if before you leave, if you could kind of pass that on to whoever your replacement is and make sure that he lets all the papers know what's going on on an equal basis.

MR. MONTOYA: Shall do, Mr. Chairman.

CHAIRMAN DURAN: Then the only other thing I have is for James. That stop sign at Henry Lynch, did that get to the Agua Fria Development Review Committee?

JAMES LUJAN (Public Works Director): Mr. Chairman, it goes on I believe it's this month on the December meeting.

CHAIRMAN DURAN: Okay.

MR. LUJAN: We did bring it up to them at their meeting with Agua Fria Village and most of them were in favor of it, but it does go—I believe it's the 5th of December to that other committee.

CHAIRMAN DURAN: Thank you. I don't have anything else. Anybody else have anything? Great.

X. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Health and Economic Development Department

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1. **Discussion regarding changing ex-officio position on the Santa Fe County DWI Planning Council from voting to non-voting membership**

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, you have before you a recommendation regarding Judge Dimas who has requested that he be changed from a voting status to non-voting, ex-officio status. And I'd also like to call attention, the Commission asked to discuss this I believe in a more general context as well at this meeting. I stand for any questions that you have.

[Commissioner Gonzales joins the proceedings at this point.]

CHAIRMAN DURAN: Well, my understanding was the reason Judge Dimas asked to be a non-voting member was that he felt that—aren't there two other judges on there?

MR. SIMS: Yes sir. There is the municipal court judge and also a tribal court judge.

CHAIRMAN DURAN: And the tribal court judge, that's a voting member also?

MR. SIMS: Yes sir. As it stands now, there are no specific guidelines enacted that directly instruct from the Commission the voting status of judges. It was brought as a resolution as one point but that resolution was tabled and has not been formally acted upon subsequent to that.

CHAIRMAN DURAN: Do you know why Judge Dimas—he says there is potential conflict of interests, that there might be an appearance of conflict of interest on some of the votes. Do any of the other judges share that opinion with him?

MR. SIMS: I have not asked the other two judges specifically that question. I know that one of the things that I think Judge Dimas is concerned about is the fact that we have County staff, whether they be contractors or County employees that work in each of those two courts, the municipal court and the magistrate court and just by the fact that we have employees and staff in terms of whether they be employees or contractors in the courts. And also there are occasions when we purchase items that are directly for a particular court. I suppose those are some of the concerns he expressed in his letter that he does not believe it's ethical for a judge to be a voting member on the council that allocates funding for the courts' DWI program.

CHAIRMAN DURAN: Well, is he asking that we consider having all the judges changed to non-voting members?

MR. SIMS: I don't believe that that's in his letter that is before you. I think that he could only speak for himself is what I think he would say. He would like to have been here today that he had a case, a trial at 1:30 and was not able to come and speak for himself beyond what his letter stated. I don't think that he intended to speak on behalf of the other judges that are on the planning council. I do think that the tone of his letter does indicate something, perhaps broader than just his court.

I'll say, Commissioner Duran, you had asked that it be discussed, I believe in a more general way at the October meeting, and asked that it be discussed at this meeting.

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CHAIRMAN DURAN: My only concern is that if Judge Dimas is concerned that conflict of interest exists because some of the judges are voting on issues relative to funding that have a direct bearing on the court that they're in, it would seem to me that he would be asking us to ask all the judges to become non-voting members. But that's not what he's asking. Right?

MR. SIMS: As far as I know, he's only speaking for himself and asking that he, specifically and individually no longer be a voting member because he personally does not believe it's ethical. I don't think he's saying anything beyond his own personal beliefs about this issue.

CHAIRMAN DURAN: Okay. Any questions of David.

COMMISSIONER CAMPOS: I have a question for Mr. Kopelman. Is there anything in the judicial code of conduct that would preclude a judge from deciding or participating in this kind of action, funding for DWI programs?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, to start with, the resolution doesn't distinguish between voting and non-voting members, so all members are considered to be voting members. I think that this is probably a situation where, these are recommendations I believe. Am I correct? They don't make final determinations, do they? Isn't it an advisory—

MR. SIMS: It is an advisory council. They are to make recommendations to the Commission.

MR. KOPELMAN: So to begin with, I think that technically, I don't think it would run afoul of any ethical rules because they're only making a recommendation. I understand Judge Dimas' position. I think it's a logical one, saying if I've got a matter that's going to benefit my court, I shouldn't really vote on it. I think that probably should be the rule of thumb for any of the judges, that if there's a matter that comes up before them that directly impacts their court, it's probably better that they don't, but as a practical matter, all it is is a recommendation to the Board of County Commissioners, and you'd make the decision independent anyway. So I don't believe there's any ethical violation as such.

MR. SIMS: I'd like to add that Representative Patsy Trujillo Knauer is also a member of the planning council and she has requested that she be ex-officio and not vote, and her reasoning is that she as a state representative is involved often in allocating funding to the DWI programs, and whether it's individually to Santa Fe County or just statewide DWI programs. So she has, I understand for I suppose as long as she's been on the planning council, has not been a voting member. And that's at her request as well.

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

COMMISSIONER CAMPOS: Mr. Chairman, I would move to honor the request of Judge Dimas and have him as a non-voting ex-officio member.

CHAIRMAN DURAN: Is there a second? I'll second it. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Thank you, David.

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- XI. A. 2. Request authorization to enter into amendment number two to agreement number 21-0064CHEDD between the Santa Fe County Housing Services Division and CDR Construction, Inc. for necessary utility improvements at the Valle Vista and Santa Cruz Subdivision sites and for negotiated damages for project delays**

CHAIRMAN DURAN: And let the record show that Commissioner Gonzales has joined us.

RALPH FLORES (Housing Project Manager): Yes, sir, we are 90 percent complete with the public housing development project now. Of course we've got a few remaining items that we have to take care of before the project is complete. The first one would be additional utility trenching that PNM and Jemez Mountain is going to have us do. The second one is we're requesting time to extend the time on the contract and the third part would be compensation damages for project delays. I stand for questions.

CHAIRMAN DURAN: Any questions of Ralph?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Flores, the memo says due to unforeseen delays in getting subdivision plat/plan approval. Apparently, we're having to pay an additional \$27,087.23. What—could you give us a little more background on that?

MR. FLORES: Let me see. I thought about it and the best way I think I could answer this question is by giving you a quick chronology of what has happened since the County got these funds. In 1994, the Santa Fe Housing Authority was awarded \$5.9 million from the US Department of Housing and Urban Development. In '96, Santa Fe County took over the Housing Authority. September 24, 1999, the Housing Services Division received written authority from HUD to proceed forward with the construction of the project. On August 8, 2000, HUD imposed a final deadline date of September 30 to get these funds under contract or face recapture of the remaining \$5.2 million.

Then on September 26, 2000 the Board finally did give us permission to enter into an agreement with CDR Construction for the construction of these homes. On January 9, 2000. Rick Wilson, president of CDR Construction requested authorization to proceed forward on the project but was denied because he couldn't get a land use permit at the Santa Cruz Subdivision. On May 16, 2000, the Board approved the Santa Cruz Subdivision plat/plan. So on May 29, 2000 we were able to give the contractor authorization to proceed at Santa Cruz.

CHAIRMAN DURAN: Ralph, where did you have to get those plats out of? Out of our Land Use Department or the Rio Arriba?

MR. FLORES: Out of Santa Fe County.

CHAIRMAN DURAN: And you couldn't get them to give you the permits?

MR. FLORES: What happened is we knew that we weren't quite ready to

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move at Santa Cruz but we had a deadline of September 30th to get these funds under contract. So we had \$5.2 million that could have been recaptured from HUD and with an addition \$3.2 million of money we could have made out of proceeds from the project if we didn't proceed forward, we could have lost that. So we took the calculated risk saying that we could have an official subdivision plat/plan ready by the time the contractor was ready to move forward at Santa Cruz.

CHAIRMAN DURAN: Do you have any more questions?

COMMISSIONER SULLIVAN: Yes, but I don't know quite how to—

CHAIRMAN DURAN: I know.

MR. FLORES: It caused a few sleepless nights.

COMMISSIONER SULLIVAN: Wasn't this already a subdivision? There's already homes—

MR. FLORES: It wasn't subdivided. It was a public housing site, both the Valle Vista and Santa Cruz were public housing sites. None of the lots were subdivided at that time.

CHAIRMAN DURAN: So how was the contractor damaged?

MR. FLORES: We delayed him. We kept him from proceeding forward at the Santa Cruz Subdivision for approximately five months.

CHAIRMAN DURAN: And what were his damages? They sat around for five months?

MR. FLORES: No, he proceeded to continue to work forward at the Vista Verde Subdivision and the units he could work at at our Valle Vista, but he couldn't proceed forward in grading the lots at Santa Cruz or he couldn't do any forming. We're talking production framing so essentially everything is kind of set up in a schedule. First the grading goes in.

CHAIRMAN DURAN: Were we obligated at that point?

MR. FLORES: Yes sir. Yes Mr. Chairman.

CHAIRMAN DURAN: So we had an obligation to the contractor to have these lots available, or the subdivision plat approved, ready for him to start construction. We were under contract with him?

MR. FLORES: Yes, sir.

CHAIRMAN DURAN: Who was in charge of the contract?

MR. FLORES: That would be me.

CHAIRMAN DURAN: And you weren't aware that the subdivision—let me back up. So you entered into negotiations with the contractor not knowing that the process that you'd have to go through to get the subdivision approved was going to take us longer than it actually did, and as a result of that, it cost us \$27,000.

MR. FLORES: Yes sir, this was my first time through the process so I thought it was going to only take me three to four months to have it complete, so I would have it ready by January. But it was a little bit more entailed than I had bargained for so it took me some additional time to get it done.

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CHAIRMAN DURAN: Shame on you. What can we say?

MR. FLORES: I thought about that too, but when I weighed it against HUD recapturing \$5.2 million, plus the proceeds that we were making out of the sales of the homes, which was projected about \$3.2, I figured that was a good, calculated risk.

CHAIRMAN DURAN: So what kind of damages are we going to experience beside the \$27,000?

MR. FLORES: That would be it.

MR. KOPELMAN: Mr. Chairman, I worked with Ralph on this over the last month or so and those delays, really, were beyond anybody's control. It was a timing issue. The problem was, as Ralph indicated, that if we didn't enter into the contract, we would have lost the HUD funding. So we entered into the contract, but there were certain steps that needed to be taken in order for the contractor to mobilize and begin, and those steps took several months. There really was, by the time this all came down, there was really no way to avoid it, I don't believe.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Flores, in looking through the architect's recommendations on this, which were for a payment of \$25,584.18, the big item that I see—and there's numerous small things like telephone costs and PNM water meters and toilets and builders' risk insurance and so forth that the architect has recommended payment for. But the big item of that seems to be almost \$10,000 for Ron Reynolds. And there's a number of other employees listed but all of those are recommended at no dollars. And Ron Reynolds is recommended at the full requested amount, with payroll and so forth, amounts to \$9,969.22. What was Ron doing if there wasn't anything to do up there?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, Ron Reynolds is the superintendent. He works for CDR Construction for Rick Wilson. He's currently overseeing three projects sites and making sure that the work is completed in accordance to the blueprints and specifications.

COMMISSIONER SULLIVAN: But then why would Ron Reynolds—again, I can understand delay incurs costs if you have to rent construction trailers that you pull out on the site. You have to pay monthly fees for electricity to keep that site operable and all of your fixed costs to run a construction site are bona fide delay costs. But I'm just curious as to why Ron Reynolds ginned up \$10,000 worth of expenditures when nothing was happening in that five months.

MR. FLORES: The best I can answer is that Ron Reynolds has been working at the project. The first part of the year he was there about 75 percent of the time because they had another project going on in Taos and as of late, he's been working putting 100 percent of this time at the project, at our project.

COMMISSIONER SULLIVAN: What was he doing during the five months where we had this delay?

MR. FLORES: He was shuffling between our Taos, the Taos project that his

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company had and our project. So he was putting in almost like half and half time, half at our project and half at the Taos project.

COMMISSIONER SULLIVAN: But what was he doing at our project if we had nothing to do until we were getting—

MR. FLORES: Oh, I'm sorry. I'm misunderstanding the question. Yes. We have three project sites. We have Vista Verde, Valle Vista and Santa Cruz. So while we were not able to move forward at Santa Cruz, he was still working at the Vista Verde and Valle Vista Subdivision sites.

COMMISSIONER SULLIVAN: So he had some work to do elsewhere?

MR. FLORES: Yes, sir.

COMMISSIONER SULLIVAN: I'm still having a little difficulty why we're paying him \$10,000 for not working at the other site. At this site.

MR. FLORES: I believe that what this is is they're projecting. We're projecting that we're going to have some additional time. The contract was supposed to expire now in October but this includes having him working in December and January to complete the project 100 percent.

COMMISSIONER SULLIVAN: Did you extend the contract time? And I don't mean extend it further. Obviously, you had to extend the completion date. But the total contract time? Was that extended?

MR. FLORES: That's what I'm requesting right now is an extension of the contract date.

COMMISSIONER SULLIVAN: Well, but I'm talking about the total contract time to complete the project? Are you giving him 12 months to complete the project?

MR. FLORES: No, I'm requesting that we give them 60 days.

COMMISSIONER SULLIVAN: This is an extension though.

MR. FLORES: Yes sir.

COMMISSIONER SULLIVAN: But are we changing the total time it takes to complete the project, once they get started?

MR. FLORES: Because of the projects delays, yes, we're increasing the time to complete the project.

COMMISSIONER SULLIVAN: Let me back up. How much, in the original bid, how much time—

MR. FLORES: We gave them 365 calendar days.

COMMISSIONER SULLIVAN: Okay, a year.

MR. FLORES: And that was to include any weather day delays in case they incurred them and they incurred something like 18 weather days during this past winter.

COMMISSIONER SULLIVAN: So are we changing that 365 day requirement?

MR. FLORES: Yes sir. That would be to compensate them for the—

COMMISSIONER SULLIVAN: For the delay.

MR. FLORES: For the delay.

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COMMISSIONER SULLIVAN: Okay. So Mr. Reynolds is not on the job any longer than he would have been; he's just on the job five months later than he had originally thought he was going to be.

MR. FLORES: Yes, sir.

COMMISSIONER SULLIVAN: So that's why I'm having trouble figuring out why we should be paying Mr. Reynolds \$10,000 more. I understand we've extended the completion time.

MR. FLORES: I see what you mean.

COMMISSIONER SULLIVAN: But we haven't asked him to be out on the job site 18 months instead of 12 months.

MR. FLORES: I see what you mean.

COMMISSIONER SULLIVAN: Maybe we decided to add five more houses, in which case, obviously, he'd have to be out on the job site longer to do that. So his time on the site hasn't changed, and that's kind of the major—the other items in here, certainly we'd take the architect's recommendations on those, having to do with the minor expenditures and they all of course tally up once you put the pencils to the paper. But that one I'm just having a concern understanding why he's being paid when he's got other work to do. I mean if he was sitting there and had nothing to do.

MR. FLORES: During those five months he did work at our project. It wasn't at the Santa Cruz site but he did work at Vista Verde and Valle Vista sites.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Okay, I guess we need to move forward on this thing, right?

MR. FLORES: Yes, yes, sir, Mr. Commissioner.

CHAIRMAN DURAN: Okay, well, hopefully this won't happen again and I don't want this to overshadow the good that this project is going to do.

COMMISSIONER GONZALES: Mr. Chairman, I would just echo that. I think you always want to give the benefit of the doubt as to how things have taken place but that's a lot of money that we're losing because of these delays. I hope that there's some kind of assessment that's done and we correct this from happening again in the future. It shouldn't be tolerated and it shouldn't be a standard practice that we accept delays as a matter of how we do business. So I hope on that particular issue we can get it corrected. So I move for approval, Mr. Chairman.

CHAIRMAN DURAN: So who'd the department head? Are you the department head now?

MR. FLORES: No, sir. I'm the project manager for this project.

CHAIRMAN DURAN: It's Robert, right?

MR. FLORES: Yes, sir, Mr. Commissioner.

CHAIRMAN DURAN: And Robert, with the new organization, it still stays under Robert's jurisdiction?

MR. FLORES: Mr. Chairman, yes.

CHAIRMAN DURAN: Okay. He's not here right now. Maybe you can just make sure that he—well, now with this reorganization, I know this has been a problem for his. Anyway, there's a motion. Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

Thank you, Ralph.

MR. FLORES: Mr. Chairman, Commissioners, thank you very much.

XI. A. 3. Request approval of amendment number two to the memorandum of agreement between Santa Fe County and St. Vincent Hospital

STEVE SHEPHERD (Indigent Fund Director): Mr. Chairman, Commissioners, today, we're bringing amendment two to the MOA for approval. This amendment adds \$283,233 to the MOA. This represents what we negotiated with the supplemental money that was available. Mr. Chairman, that was \$394,000 and change. The two significant changes that were made to the amendment is there was now \$180,000 for direct expenditure under dialysis treatment, smoking cessation, the Pojoaque Wellness Center and mammograms. There's also \$103,233 within the MOA that essentially reimburses the Indigent Fund for the expenditure. I'd stand for any questions.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Steve, so that you've reproduced the whole agreement here again and the amendment, as I can understand it. Is that correct?

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

COMMISSIONER SULLIVAN: You let the attorneys get a hold of you, I see.

MR. SHEPHERD: Well, actually, the attorney gave me the advice about doing a short amendment next time.

COMMISSIONER SULLIVAN: So the two additions are the \$103,233 that you just mentioned, which is on page 10; item D at the bottom.

MR. SHEPHERD: Correct.

COMMISSIONER SULLIVAN: And what was the other one?

MR. SHEPHERD: The other item is on page 9. It's item F, under specialty health care funding.

COMMISSIONER SULLIVAN: The \$180,000.

MR. SHEPHERD: The \$180,000.

COMMISSIONER SULLIVAN: So these are funds that are made available to St. Vincent through Santa Fe County. Is that correct?

MR. SHEPHERD: That's correct. Through our match and the \$3 contributed by the state.

COMMISSIONER SULLIVAN: Now, does this total include our match or is this excluding our match?

MR. SHEPHERD: Excuse me?

COMMISSIONER SULLIVAN: Does this include or exclude our match, this total?

MR. SHEPHERD: The \$103,233 is our match for this supplemental.

COMMISSIONER SULLIVAN: And then these are programs that come right back to the County.

MR. SHEPHERD: That's correct. The \$103,000, the indigent primary care funding comes directly back to the County.

COMMISSIONER SULLIVAN: And the \$180,000 are these other four programs which St. Vincent disperses the money to them for.

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

COMMISSIONER SULLIVAN: And that's the Pojoaque Wellness Center, the Dialysis Center, the mammogram services and the smoking cessation, which you just mentioned.

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: So those are the four programs. Now have we funded these before or are these brand new programs?

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, these are new program efforts.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

MR. MONTROYA: Mr. Chairman, if we could go back to the CIP advisory appointment, now that Commissioner Gonzales is here, we could finish that business, Mr. Chairman.

VIII. B. 3. CIP Advisory Committee (cont.)

CHAIRMAN DURAN: Are you familiar with the issue, Commissioner? We all appointed someone from that list that we had to be on the CIP Committee. Each of us had one appointment and to finish, complete it, you need to select someone.

COMMISSIONER GONZALES: One individual from the district?

CHAIRMAN DURAN: No, from this list. It's right here. You can have mine. I'll tell you, the ones that were appointed were Steve Flance and Rosanna Vazquez, that are on that list.

COMMISSIONER SULLIVAN: There's also other resumes. That was the original list that came to the Commission, Commissioner Gonzales, and then there were five other names submitted during that whose resumes are in the packet but aren't on that initial list.

COMMISSIONER GONZALES: Can I hold off on this and look at the packet and then come back to it?

CHAIRMAN DURAN: Sure.

XI. A. 4. Request approval of sublease agreement with the administrative office of the court regarding the DWI screening program at magistrate court

MR. SIMS: Mr. Chairman, Commissioners, this is an agreement that we enter into annually with AOC. It allows us to have office space at the magistrate court building. We have a clerk, a compliance monitor and a screener that are housed in the existing magistrate court building. The sublease agreement is for \$886 a month. It includes three offices there in the magistrate court, approximately 500 square feet. It boils down to about \$1.77 a month per square foot and a total of \$10,638 a year, which is \$21.26 per square foot per year. This money is actually generated from the fees that we charge to people who are convicted of DWIs and are screened. Out of those screening fees, we pay the sublease to have offices in the magistrate court.

CHAIRMAN DURAN: Any questions of David?

COMMISSIONER CAMPOS: I move for approval of the sublease agreement with the AOC.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER SULLIVAN: Second. Does that include utilities?

MR. SIMS: Yes, sir. It includes utilities and janitorial staff and toiletry availability and paper and such supplies for restrooms.

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

XI. A. 5. Request approval of the memorandum of agreement with the administrative office of the court regarding the DWI screening program at magistrate court

MR. SIMS: Mr. Chairman, Commissioners, this is closely related to the previous item on the agenda. It simply assures the court that we will provide the clerk, compliance monitor and the screener for the DWI program that operates out of the magistrate court.

CHAIRMAN DURAN: Any questions of David?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: David, I notice this is under a grant program.

Are we committed to provide that screening regardless of whether there is or isn't a grant program?

MR. SIMS: I do not think so. I think basically, we provide a service for the courts. As the legislature, laws require that if someone is convicted of DWI then they must be screened. And we simply, both at magistrate and at municipal court here in Santa Fe, we provide the staff to do what is mandated legislatively for people who are convicted of DWI.

COMMISSIONER SULLIVAN: So is there a provision in the contract that if grant funds are not available, we're no longer obligated to provide that screening?

MR. SIMS: I don't think so. Actually, the people that are there right now in the magistrate court are County employees and I don't think we have that stipulation with any of our County employees with the exception of the fact that every one of us in the DWI program are term employees, which means that if the funding goes away then our jobs go away. And that's true for myself as well as for the staff that works in the screening program at magistrate court.

COMMISSIONER SULLIVAN: So if that funding were to go away, then—

MR. SIMS: I'd be looking for a job.

COMMISSIONER SULLIVAN: Then you'd be looking for a job but we'd still have a contract with the magistrate court saying that we had to provide screening.

MR. SIMS: Yes, sir and I believe there is a stipulation in there in number five that either party with 30 days notice can give termination to the contract. So that provision is accounted for in that 30-day notice provision. I believe that would accommodate your concern.

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

COMMISSIONER SULLIVAN: Mr. Chairman, I'm sorry to belabor this, but I believe number five says that the contract can be terminated at least 30 days prior to the intended date of termination.

MR. SIMS: Oh. You're correct.

COMMISSIONER SULLIVAN: That's just a 30-day notice and maybe Legal staff can help us with this. I don't see a 30-day termination clause.

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MR. SIMS: You're correct. One of the things that is true though is that we have a real good idea of what our budget's going to be for any given fiscal year. We can predict that fairly closely. And these funds are generated from excise tax on the sale of alcohol. And it is enacted annually, or renewed annually I suppose by the legislature. House Bill 103 is the bill that allocated these funds as well as other funding for our program and we are assured that those funds will be coming annually.

I think it would take an act of the legislature to change that, which would obviously take some time to work through the system. I understand your concern, Commissioner Sullivan, but I really don't think it's a real issue.

COMMISSIONER SULLIVAN: I understand what you're saying. Practically, you think the money will continue to flow and we're glad to hear that. But Mr. Kopelman, I wonder—we typically have standard clauses in our contract that make it contingent on funding continuity.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, paragraphs five and six I think protect the County's interest. Five says that there's a 30-day termination clause and six says that if the funding isn't made, if the appropriations aren't made by the County and the legislature, then this MOU terminates upon notice. So I think the protections are built in. I don't think we run a risk of not having the funding and having to still provide those services.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I had an opportunity, unless there's other clarification.

MR. SIMS: If I could, Commissioner Gonzales. I would like to let the Commission know that the magistrate court is currently building a new building and it will not have office space for our screening program. And so in the January meeting of the Commission we anticipate bringing a recommendation to you about office space for our three staff members that are there currently in the magistrate court.

CHAIRMAN DURAN: What funding mechanism is in place for us to pay for that?

MR. SIMS: I think we can use the same funding that's generated from the screening fees that we currently have to fund that. We were already paying \$886 a month for that office space in the magistrate court currently and I think we can realistically do some comparable with alternative office space.

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CHAIRMAN DURAN: Okay. Thank you. Commissioner Gonzales.

VIII. B. 3. CIP Advisory Committee (cont.)

COMMISSIONER GONZALES: Mr. Chairman, just in reviewing the request for appointments to the CIP Advisory Committee. I'd like to submit the name of Bob Taunton from Rancho Viejo to be on the committee.

CHAIRMAN DURAN: Okay, I'll second it. Any discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

So, Steve, now that our appointments have been made, you will send them off to the City?

MR. KOPELMAN: Mr. Chairman, I'll get a letter over to the City and see if I can get an idea of when they'll make their appointments so the committee can begin its work.

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Steve, could you correct—the appearance was in the packet that the members that had been considered were only those on that listing. Could you include in your letter the listing of all of those that were proposed?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I'll do that. And again, I'm not sure where that list came from. We just included—I put everything in this packet. But we will change that and include all of the resumes. Actually, to the City, all I'm going to do is list the five people that we appointed.

COMMISSIONER SULLIVAN: Well, that's what I'm asking, is could you list all of the people that we considered, which were the ones on that list plus the five additional.

MR. KOPELMAN: Sure. No problem.

COMMISSIONER SULLIVAN: So in the event that any of the City Councilors would have those names. Because we sent those other five over. They disappeared into the City Hall never to be found again so I'd like them at least to be in front of them. Two of the members on that list of five we've included in our recommendation now. I'd just like them to see all the names in one place.

MR. KOPELMAN: Okay, Mr. Chairman, Commissioner, I'll do that.

CHAIRMAN DURAN: Thank you.

XI. B. Finance Department

1. Resolution No. 2001-190. A resolution for surplus assets

MS. MILLER: Mr. Chairman, Commissioners, the Finance Department tracks all fixed assets in the County and we've requested of the departments what items they have—it

doesn't matter if it's worth a penny or thousands of dollars. We still have to go through the process of surplussing it and disposing of it per the statutes. This resolution is requesting the attached list of items be surplussed by the Commission so that we can go through the disposal process.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Katherine, I apologize. I should probably know this because I know you bring this up regularly, but where do we go next with this surplus equipment? How do we make it available? Do we auction it or—

MS. MILLER: Mr. Chairman, Commissioner Gonzales, a lot of these items we've actually had somebody come and look as to whether this would be worth auctioning. And a lot of the computers are so old and outdated technology that a lot of the auctioneers don't even want to mess with it because they say nobody will want this stuff. We have in the statutes, the first thing we have to do is go to other public entities and offer this stuff up first, and then we can go through either a public bid process, if it doesn't appear that these items will be bid on. Then once we've gone to public entities and through a competitive process then we can offer it to the private entities as essentially, they can either offer us money for it or we can donate it at that time.

COMMISSIONER GONZALES: So just looking at some of this equipment. We've got a laptop from 1997, some Gateway computers from '95, have we already made the determination that that type of equipment is obsolete and not available for use?

MS. MILLER: Mr. Chairman, Commissioner Gonzales, MIS has gone through most of these because a lot of it was done through the cascading process and as new computers were bought, the old ones that we can't use have been determined to not be able to be used by us for our software. But we'll probably offer them first to other counties. There's a lot of counties that don't have the ability to buy any computers and they may be able to use them with the software that are on them. But we're going to go through a process of—if they're completely broken and not worth fixing, those will be set aside and then we're going to offer anything that's usable to other governmental entities and probably counties first and then go through either a competitive process on the rest of it.

COMMISSIONER GONZALES: Can I ask—I know I asked this question of Housing and I can't recall what they had told me in relation to some of this excess equipment. And the idea was that we would make some of these computers available for high school kids that might be living in our housing projects, or elementary or whatever it might be. I want to make sure that before we go through that process that we have an opportunity to work with our Housing Department to see if some of these computers can actually be transferred to them and then they can hopefully make those available to residents living in the housing projects and in particular kids who are in school.

So can we go down that route before we start putting it up for public bid to see if there's an opportunity to actually utilize some of this technology?

MS. MILLER: Mr. Chairman, Commissioner Gonzales, yes, we can look

through all the possibilities how that would fit in to the statutes and how we could work at doing that. It is a possibility. We did contact the schools to see if they wanted any of them. The schools didn't want them. But the individuals that through the process that says basically no entity wants to buy them, then that may be an avenue that we can go without—they'd be determined to not have a value, a market value and they could therefore not be considered a donation.

COMMISSIONER GONZALES: And I'm not so much looking where we would give them, but actually maybe put them in some type of loan program for a period of time and then when they can't use them any more we get other type of obsolete equipment we can replace it. I just wanted to see about making some of this excess computer equipment available for people living in some of the housing communities that we have around the county.

MS. MILLER: Okay, I'll get with Robert and see what we can come up with in our program with it.

COMMISSIONER GONZALES: Move for approval of the resolution as presented.

COMMISSIONER CAMPOS: Second.

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

XI. B. 2. Request authorization to accept and award a professional services agreement to the highest qualified respondent for RFP #22-01, design services for the Santa Fe County Public Works Department

MR. FLORES: Mr. Chairman, members of the Commission, in my previous life as procurement manager I was responsible for, in conjunction with the Public Works Department preparing the solicitation for the architect and engineering services for the new Public Works facility which the funds are used out of sale of the bonds a little bit over a month ago.

As part of the process, we solicited 23 professional architectural and engineering firms with a very specific scope of services and an estimated space programming plan, a wish list so to speak, of our needs. Included in that request for proposals was the requirement that firms address, as part of the proposal, energy efficiency experience or background. Although not a specific criteria factor in evaluation, it was included in the request for proposals.

Subsequently, we evaluated, an evaluation team prepared individual evaluations and negotiations were entered into with the highest rated firm, the Louis Berger Group, which is a joint effort between Louis Berger and Michael F. Bauer, architect. Michael F. Bauer, architect has designed some energy efficiency buildings or facilities currently. Off the top of my head I could think of the Wendy Wagner Fire Station for the City of Santa Fe, as well as the magistrate court, which both designs had components of energy efficient included in them as

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part of the construction.

It has been brought to my attention that the contract is lacking in that area that discussed specific energy efficiency components. I submitted to you a little over two months ago that that was going to be the focus of any architectural and engineering contract that was negotiated with the County and I stand behind that today. As part of the County's responsibilities in this contract, both the using department and the Project and Facilities Management Department and the architect, specifically, will be provided information dealing with our needs and goals which shall include energy efficiency elements. They will be required to bring those to us, both options and costs associated with that.

So before you today, I'm asking for approval of the A & E service contract with the Louis Berger Group.

CHAIRMAN DURAN: Any questions of Tony.

COMMISSIONER GONZALES: For discussion, move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We discussed this and I do think that we need to add in the basic services somewhere a provision that does in fact require the architect to do alternative energy evaluations and that's of course wind, which is the most feasible, and solar, and other things such as shading and timers and so forth. But that's not made clear in the basic services and it apparently was made clear in the RFP, so this shouldn't be a problem. Then we may be looking at a change order on down the road the way we are on the Route 14 project.

So I think I would certainly support us moving forward and approving this with that particular change.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I have spoken to the representatives from the Louis Berger Group and the Michael F. Bauer Architect Group and they are amenable to that change. They are actually insistent that that is included in there at some point. I would recommend that we include it in Article II, 1, which is in the space program, which initially identifies the space uses, initial components of the facility and that would be the first place that I would recommend, if approved that we insert that language in there.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: What about water catchment? Is that going to be an issue in our projects?

MR. FLORES: Part of the discussions that we've initially had included everything from solar efficiency, electrical efficiency, exterior and interior, gray water, water catchment, shading and placement of siding on the property. So those are all areas, those five areas are areas that we are focusing on for each of the projects from here on forward. In

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addition, as you are aware, we are having a presentation tomorrow that deals with energy efficiency. We are hoping to gain some insight so that we can start including those in our packets when we send them to the Finance Department for solicitation. So yes, it is included as part of that broad picture of energy efficiency elements.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of Tony?

COMMISSIONER SULLIVAN: Mr. Chairman, if we could clarify the motion that it would include that particular change to Article II,1. I think the motioner—

COMMISSIONER TRUJILLO: The maker of the motion is not here.

COMMISSIONER GONZALES: I'm right here.

CHAIRMAN DURAN: Is that amendment acceptable to the maker of the motion? What was the amendment, Commissioner Sullivan?

COMMISSIONER SULLIVAN: The amendment, which staff concurred with and the architect has concurred with would be that alternate energy systems would be evaluated as a part of the space programming phase of the contract.

COMMISSIONER GONZALES: Absolutely.

CHAIRMAN DURAN: Second. Any other amendments? Those in favor of the motion as amended, signify by saying "aye." [Unanimous] Opposed? Motion carries. Thank you, Tony.

XI. C. Fire Department

1. Resolution No. 2001-191. A resolution replacing Resolution 2000-86 to commission and authorize certain Land Use Department staff, the County Fire Marshal and the County Fire Protection Specialist to issue citations of violations of County ordinances

CHAIRMAN DURAN: That's pretty self-explanatory. Anybody have any questions? I think it's a great idea.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do we not do this now? Why is it necessary to do this, Mr. Blackwell?

HANK BLACKWELL (Fire Marshal): Mr. Chairman, Commissioner Sullivan, this is about the third or fourth time we've done this in three or four years. We have turn-over in staff so what we have to do by ordinance or by resolution, to give these people authority is remove those people that are not Code enforcement officers and add those people that are. And Mark Lujan, who's now the new safety officer has been removed. Steve Vogel, who has now returned to the field in the Fire Department has been removed and Buster Patty is our new lieutenant for fire investigations has been added. So we've done this several times and it just updates the list of authorized people to actually issue citations and have Code enforcement

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authority.

COMMISSIONER SULLIVAN: Did you just say Mark Lujan has been removed?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, he has been removed from this list.

COMMISSIONER SULLIVAN: But he's on this list.

MR. BLACKWELL: There should have been a revised resolution. We actually made that change yesterday and there should be a revised resolution there. I'm not sure if the County Clerk has that but it was e-mailed yesterday and it actually has Mark Lujan's name. We just found that out that he's moving into another position. We thought we'd tried to get it to be more efficient, to try to get that taken care of as well.

COMMISSIONER SULLIVAN: So those that you're recommending are Hank Blackwell, Buster Patty, Rene Nix, Paul Kavanaugh, Mark Lujan is removed. Is that right?

MR. BLACKWELL: Correct. Yes, sir.

COMMISSIONER SULLIVAN: Chris Vigil, Dominic Gonzales and Charlie Gonzales.

MR. BLACKWELL: That's correct.

COMMISSIONER SULLIVAN: That's the total list then?

MR. BLACKWELL: Yes sir.

COMMISSIONER SULLIVAN: I move for approval of the amended resolution, Mr. Chairman.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

MR. BLACKWELL: Thank you.

CHAIRMAN DURAN: Thank you.

XI. D. Land Use Department

1. Discussion regarding master plan submittals in the Santa Fe Community College District

ROMAN ABEYTA (Deputy Land Use Administrator): Thank you, Mr. Chairman. The Land Use Department has received four applications for master plan approval within the Santa Fe Community College District, and two to three more applications are expected within the coming months. All lands within the Community College District have already been zoned for the uses allowed in the adopted land use table. Master plans in the Community College District are for larger developments than what the BCC traditionally reviews and therefore staff thought it would be appropriate to initiate a discussion with the BCC regarding required submittals.

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Specific areas for discussion are water supply and phasing. For water supply, it is current County practice to require that at master plan stage, an applicant provide a feasible source of water. For projects in the Community College District, staff is requiring that developments proposing to utilize either City or County water submit a water budget projecting water demands for each phase and at full project build-out. At the time of preliminary plan application, the applicant must provide a water availability statement from the utility company, and at final plan submittal, provide a service contract.

For developments proposing the use of a community water system at the master plan stage, the applicant must submit a viable supply plan. More specifically, staff requires that an applicant demonstrate that water rights exist for purchase in the area where water needs are to be supplied. Also the applicant must demonstrate that the water can reasonably be supplied from the proposed source.

In regards to a phasing plan, the Community College District Ordinance requires the submittal of a phasing schedule at the time of master plan approval, which details the timing for the proposed development. The phasing plan must include a general description of each phase and an explanation of how each phase promotes the mixed-use intent of the Community College District Ordinance. Staff is requiring that applicants submit a market analysis that addresses the criteria listed above and supports the proposed phases to function as a completed development in the case that subsequent phases of the project are not approved or completed.

Mr. Chairman, we bring this forward for discussion purposes only and the reason being, as stated earlier, we have three or four applications that have been submitted and that will be coming forward to the BCC within the next month or two and so we'd like to have this discussion with you now and address any comments or questions you might have, rather than having this discussion relative to a specific project.

CHAIRMAN DURAN: Any questions of Roman?

COMMISSIONER GONZALES: So Roman, right now, the Community College District is a little different from how the Code has traditionally addressed subdivisions. We've been driven by groundwater and wells and geo-hydro tests and the Community College District, while the County does not own anywhere near or begun to own the amount of water needed to supply the Community College District, it is something that's dependent on County water for it to succeed. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct, and I would also like to add that it's also different in the sense that we're not zoning property in the Community College District with these master plans, and that's also different. The property's already been zoned.

COMMISSIONER GONZALES: So the master plans are coming in basically to show conceptually that the intent of the Community College District is being met.

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

COMMISSIONER GONZALES: So in terms of water availability

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statements, is that an issue now, with the Community College District, where the County has not acquired or the Community College District has not acquired the amount of water needed to supply it, therefore obviously it becomes an issue before final plat approval. But is it an issue in how projects proceed forward?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, it's staff's opinion that it is not an issue, because staff has reviewed the ordinance and it's staff's position that at master plan stage, because it's already been zoned, you just need to give us a water budget showing how much water each phase is going to use and then what the entire build-out, what the entire build-out is going to use. The ordinance is specific though, at preliminary, before you can come in with your first phase, even at a preliminary stage, you need to have an availability statement.

So if at the time you're ready to come in with you preliminary development plan for phase one, if the utility company does not have, for example, 50 acre-feet available for you to use right away, then you need to hold off. You can't come in for preliminary development plan approval.

COMMISSIONER GONZALES: So that's your opinion then. I'm assuming that opinion is based on how the Code is currently written.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. The Community College District Ordinance specifically addresses that at preliminary. At master plan, for master plan submittals, it refers you back to the Code. The Code right now currently isn't clear as to what's required at master plan as far as water supply. And because, again, what staff is looking at is in the Community College District it's a little different than anywhere else because we're not establishing uses or zoning in the Community College District. That's already been established. So as far as we're concerned, the fact that you're in a service area, the County service area, that's good enough for us as far as master plans.

And I want to stress that there's no vested rights at the master plan level. What we're doing is we're seeing how you're designing your project and how it fits into the overall, with the ordinance.

COMMISSIONER GONZALES: So basically, under the interpretation that you're bringing to the Commission, there could be a submittal for master plan, several submittals coming in for master plan even if there's not a water availability at that point, whereas under other types of development outside the Community College District they'd have to actually show that there was a viable water resource?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. And again, the reason why is because for other master plans, you're actually establishing the zoning and getting those uses approved. In this district they've already been approved and we've committed to serve this area by making it, putting it within our service area.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Roman, one clarification. Commissioner Gonzales mentioned that it was predicated on the County water but correct me if I'm wrong, a developer does not need County water to bring forward a proposal in the Community College District.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, you're correct, and that's why for developments proposing community water, they need to do more at the master plan stage. In our memo, page 2 addresses what they need to do. They need to demonstrate to us that they have water rights. Water rights exist, and that they need to demonstrate how they're going to transfer those rights and that the proposed source, the wells are actually feasible.

COMMISSIONER SULLIVAN: Because I think there is a perception by some, and I know the intent is to get as many of the developments on to the County water system as possible, as well as the regional or City sewer system. But in point of fact, the developments that are coming in now and the one that initiated these changes in the zoning, are all proposing to drill wells. So I think you're right, we do need to address that.

One suggestion I would make, where you say in the paragraph for developments proposing the use of a community water system at the master plan stage, the applicant must submit a viable supply plan. I think that's important. I think we need to know, not only that it's viable but what it's consisting of. The definition of a community system is in the eye of the beholder many times. So we want information on that and the thing that I don't see here, which I think would be useful is once you have a community water system, you need a community wastewater system for those developments. So we need to know what the applicant is proposing, how the applicant is proposing to treat the effluent.

So I think a wastewater system plan would be useful, and the other thing that I think is useful is an indication of how they intend to fund the infrastructure improvements. And by that I mean, are they going to fund them themselves or are they going to ask the County to float a capital improvements bond for those improvements. Because that certainly would color the way you reviewed those improvements. A funding or a financing plan, whatever you would want to call it, I think would be useful to know earlier on in the project.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, this is the whole purpose why we're having this discussion so that we can go back now and tell these applicants, okay, in addition to this, this and this, we also want what you just stated and we're already talking about that with them. But we will make that clear.

COMMISSIONER SULLIVAN: And I appreciate that. And I appreciate your bringing this forward. I think it's a useful time to do it rather than at the master plan stage where we end up deciding policy over one particular project. I think your last paragraph is useful also in that—and I would be supportive of that where you're saying that the phasing plans shouldn't just necessarily be phasing based on water. As I read what you're saying, you're saying the phasing should be based on a sustainable development, phase one, phase two, phase three, whatever the case may be, not just we only have 15

acre-feet so this is as far as we're going to go now.

And I think that that is important because if they're going to comply with the intent of the Community College District there are certain public facilities and open space and phasing tends to be—we're going to cram everything into phase one and we'll give you the open space in phase two. No, we would like our 50 percent open space in phase one please and on into other phases. Unless they can show, of course, that they have a logical and financial progression that would eventually provide that open space.

So I think that's important that phasing is based on design, not on water. I think these are some good guidelines, Mr. Chairman and we may want to come back and revisit them as the process moves forward.

COMMISSIONER TRUJILLO: Mr. Chairman, we're not permitting with these guidelines that if a developer contributes paper water rights that the County will provide the wet water. This is not what we're doing here, right?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, no. That's not what we're doing. All we're doing is we want to make sure that when we bring the project forward that for example is proposing to utilize maybe 50 acre-feet of County water, but we know that the County doesn't have that water right now, that they don't run into any roadblocks at the master plan stage.

COMMISSIONER TRUJILLO: So what happens if there's no wet water to support the development?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, they cannot come forward with their first phase until the demonstrate that there is wet water to support it.

ESTEVAN LOPEZ: (Land Use Administrator): Mr. Chairman, Commissioner Trujillo, our current line extension policy for the County water utility says that if a developer wants to bring their own water rights to the County utility in exchange for a service contract, we don't issue such a service contract until they've actually gone through a transfer approval by the State Engineer that would also have to demonstrate that the facility that they're transferring it to, for example, if we have some wells that they would be transferring the water rights to, that we actually have the wet water to back up the paper water rights that they're bringing to us. So up until then we wouldn't give a service contract.

CHAIRMAN DURAN: Estevan, but you and I had a discussion about this I think yesterday. We would be able to give somebody a commitment that we would provide water through our system if they were successful in getting the water transferred to some point of diversion that allows us to get that wet water and wheel it through our system, right?

MR. LOPEZ: Mr. Chairman, that's correct. That's exactly what our line extension policy says right now. So we would simply be extending a commitment that clarifies that in that particular instance.

CHAIRMAN DURAN: So if they went to the State Engineer's Office to transfer x number of water rights, we would give them an agreement that we would

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provide, that x would be based on what was approved by the State Engineer?

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

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: And the water that will serve this area is water that's wheeled into the area from ostensibly a sustainable diversion point, a sustainable source of water. We're not talking about mining the water table in this area, are we?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, there is no specific limitation placed on us to use only imported water. In fact, my recommendation would be that we develop a portfolio of water rights that includes both imported water from a river diversion project, along with some local groundwater rights, and then manage that water right to preferentially use the imported water rights when there's plenty of water and be able to draw on the groundwater in some sustainable fashion, to sustain us through times of drought or scarcity.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Commissioner Trujillo, the Community College District does allow mining of the water. The proposal that first came forward for about 60 or 80 units that occasioned the change of this zoning map proposes a community water system, which means they will be drilling wells to serve 60, 80, how many ever homes they can get approved. That will not be imported water. That will be mined water, and it comes under the provision of the community water system. And do they have to also get water rights for that, Roman or Estevan?

MR. LOPEZ: At the master plan phase, we would recommend that they demonstrate that they have water rights or they have a place from which they could purchase them and that a transfer to a local point of diversion would be feasible. And then before they could proceed beyond that, they would actually have to go through the transfer process to demonstrate that they the point of use.

But the other issue that you raised earlier about financing and so forth, I think all of those are issues that demonstrate the feasibility of their project.

COMMISSIONER SULLIVAN: Now, if it were less than 20 units of the type we reviewed last time, they could drill residential wells and be approved without water rights. Is that correct?

MR. LOPEZ: Mr. Chairman, I believe that if we hold to a quarter acre-foot per dwelling and then a domestic well would be limited to three acre-feet per current state statute and therefore 12 units might be served under that. But I think that potentially, I know that we've discussed the possibility of tightening up the water rights requirement for even smaller type subdivisions of that sort.

COMMISSIONER SULLIVAN: The point I'm making is they can provide a geo-hydro, they can use residential wells, that we still have under this broad community water system category in the Community College District, the ability for a developer to

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drill wells and to mine the water. Now, I think there's also a provision, and correct me if I'm wrong, that in the future, if County water is within 200 feet of that development, that then they are required to hook up. I believe that's also—

CHAIRMAN DURAN: County water?

COMMISSIONER SULLIVAN: County water. Correct.

CHAIRMAN DURAN: If we have water.

COMMISSIONER SULLIVAN: If we have water to deal with it, which probably we won't. So that's kind of a provision that sounds good that will never be implemented. But I recall that being in. Correct me if I'm wrong.

MR. LOPEZ: Mr. Chairman, Roman has assured me that yes, it is in fact in there.

COMMISSIONER SULLIVAN: But once they're on a water system, there's not much incentive for them to tie in unless of course we can provide the water rights and the demand on water rights in the very southern areas of the district, obviously that would be a lower priority. But that just brings me back to the issue that it's very important at the master plan stage that we get a feeling for what that community water system and community wastewater system plan is.

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

COMMISSIONER TRUJILLO: Are developers required to show hydrologically a 100-year supply of water in that area?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, not at master plan they wouldn't have to, but before their first phase came in with preliminary then they would have to do the geo-hydro report.

COMMISSIONER TRUJILLO: And that's part of the approval process, right?

MR. ABEYTA: Yes.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: So the direction is—

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: A quick question for Mr. Abeyta. You're asking for policy direction, is that right?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we're actually, we're telling the BCC what we think is the current policy direction based on our interpretation of the Community College District Ordinance and the County Code. We wanted to bring it forward to you to have this discussion before projects actually started coming in.

COMMISSIONER CAMPOS: Do you think we need to change the language of the ordinance to make it clear, as opposed to just an interpretation at this point?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, that's not a bad

idea. We probably should do that and we are working on that ordinance to come forward some time in the beginning of the year, the Community College District Ordinance, and it wouldn't hurt to do that.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So the plan is—the Commission doesn't have a problem with the interpretation as it is right now, except that we want you to clean it up a little bit with some more specific language. Is that what we decided to do?

COMMISSIONER SULLIVAN: I think so, Mr. Chairman. With regard to the wastewater, with regard to the financing plan and basically, what I think Mr. Abeyta is asking is we've said all along, or the Commission has said in the past that nothing is going to happen in the Community College District unless the developer can prove that they have water. And that's been the underlying philosophy. This change says, well, master plans can happen without the developer proving they have water, but they can't go any further than that.

CHAIRMAN DURAN: Any further than that. Okay. So do you foresee ordinance amendments being made?

MR. ABEYTA: Mr. Chairman, yes we do, but we may have a project or two before that.

CHAIRMAN DURAN: Okay. Thank you, Roman.

XI. D. 2. Request approval of a Metropolitan Planning Organization joint powers agreement with the City of Santa Fe

CHAIRMAN DURAN: Jack, where have you been?

JACK KOLKMEYER (Planning Director): Working hard. Lots of meetings. Mr. Chairman, Commissioners, good afternoon. The City/County Metropolitan Planning Organization, also known as the MPO, as most of you know was established by a joint powers agreement dating back to 1982. The MPO allows the City and the County to receive federal transportation funds for planning and capital projects in the Santa Fe metropolitan area as that joint powers agreement currently exists.

This MPO JPA update that we're presenting to you today would update obsolete language and provide for additional changes to the existing JPA. One, it would extend the MPO planning area out to the Five-mile Extraterritorial boundary, excluding Tesuque Pueblo. The MPO planning area boundary is currently the Two-mile. Secondly, it requires the City of Santa Fe to hire and maintain MPO staff and provide office space to that staff. The City currently has three positions that are hired for this mechanism. The person that does the traffic counts for the MPO, a senior planner, and also the MPO officer, who is Reed Liming.

CHAIRMAN DURAN: So who else under Reed? Who are the other individuals under Reed?

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MR. KOLKMEYER: Joyce Gonzales, she's the head of the traffic count section and Robin Elkin, recently took Jon Bulthuis' position. And then it's Reed.

The third point for update here would be that it designates the Regional Planning Authority as the MPO Transportation Policy Board. And fourth, it would allow the City and the County to decide annually each party's share of the required local government matching funds. And I would point out that currently, the City pays the 20 percent matching fee for all of the funding right now. The County does not contribute at this point.

The Santa Fe Regional Planning Authority unanimously approved this MPO JPA at its meeting of October 16th of this year. Staff therefore recommends approval of the attached City/County joint powers agreement that continues and makes these four updates to the Metropolitan Planning Organization. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: I have one, Jack. Reed Liming, so his position at the City will be funded under this joint funding of the City and the County?

MR. KOLKMEYER: I believe he's already funded through the MPO. He's the MPO officer so if I'm not mistaken—I'm not entirely sure of this, but I'm 90 percent sure that his position is entirely funded through the MPO, as the MPO officer. I'd have to double check that, but I'm fairly certain of that.

CHAIRMAN DURAN: So does he have any duties associated with the County?

MR. KOLKMEYER: The City pays all of that, yes, sir.

COMMISSIONER SULLIVAN: And they're all City employees?

MR. KOLKMEYER: That's correct. I don't know if they all have to be City employees and the question you raise is a good one. We have never really looked into that, why one—is your implication that maybe one of those employees should be a County employee, for example?

COMMISSIONER SULLIVAN: Well, of course I don't want to commit the County to any more money than we have to commit to, obviously, but my thought is that as we're extending the boundary out to the Five-mile area, we're essentially contracting with the City, as it were to provide those planning services. And somehow the County needs to be more involved because we're now covering area that is three miles further out and I'm not sure what your recommendations might be as to how we do that.

MR. KOLKMEYER: Commissioner Sullivan, I suppose also that one, an employee of the MPO could also be a staff member of the RPA for that matter. That might be another alternative. Probably, our recommendation as staff would be to let's go forward and make these changes because it does seem to make sense from a planning perspective to go out to the Five-mile. But if we see that there are adjustments that need to be made, we can clearly come back and adjust the JPA. And I think that what you're suggesting might be something really worthwhile to look at, because it could be a County employee perhaps or an RPA employee and I think we should probably make a note of that and keep that in mind.

COMMISSIONER SULLIVAN: I just want to be sure that—I understand that

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the RPA is the organization but I want to be sure since these people are funded by the City that we, the County has its input into these MPO decisions.

MR. KOLKMEYER: Well, Commissioner Sullivan, we do also because of the technical advisory board and there are, I believe, three Commissioners, two Commissioners that sit on that. I have to go back and look on that. And also the County Land Use staff, that group, so if the concern is there for input into the decisions that get made over and above those staff positions, the answer to that is yes, we do, as the County, have a considerable input into those meetings and into the workings of the MPO.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: I think it's actually pretty good for all of us, both the City and the County. This agreement, this MPO is specific to transportation within the urban boundary. Is that correct?

MR. KOLKMEYER: Yes, that's correct. The urban area.

CHAIRMAN DURAN: The urban area. Which is the Five-mile?

MR. KOLKMEYER: Well, it has been—the urban area has been traditionally out to the Two-mile. We want to extend that again now to the Five-mile but the urban area as we're viewing it now in all the planning efforts is particularly the area inside 599 and I-25 as that continues to develop.

CHAIRMAN DURAN: But does this MPO take the area out to the Five-mile? It includes the Five-mile?

MR. KOLKMEYER: Yes, that's correct.

CHAIRMAN DURAN: Okay.

MR. KOLKMEYER: It would under this change. It's currently to the Two-mile.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Move to approve, Mr. Chairman.

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

MR. KOLKMEYER: Thank you, Commissioners.

CHAIRMAN DURAN: Thank you. Don't make yourself a stranger.

MR. KOLKMEYER: I'll try not to.

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- XI. E. Project and Facilities Management Department
1. Request authorization to enter an electrical line extension agreement #22-0116PFMD with the Public Service Company of New Mexico for the Santa Fe County Public Safety Complex
 2. Request authorization to enter into a service contract with Qwest to provide telecommunications infrastructure to the Public Safety Complex

MR. FLORES: Mr. Chairman, members of the Commission, we had anticipated although separate items and separate action items, actually, that we would be able to give you a background summary on both items one and two, since they are closely related, dealing with utility infrastructure or utility improvements for the Public Safety Complex. We have provided a background memo that talks about the line extension agreement or electrical line extension agreement with the Public Service Company of New Mexico.

Although at this time there is a net zero obligation on the County's behalf for the extension of the public utility, specifically electrical service, if the County does not meet its obligation of the \$15,000 over an 18-month period, it requires funds. Because it's over the \$10,000 authority level of the County Manager, whether it's a net balance of zero or \$15,000, it is required to come before the Board for your approval.

The Public Service Company of New Mexico has provided us a revenue credit, so to speak, of \$15,555.34, around there, based upon an estimate usage over an 18-month period. That usage equates to \$864.19 per month for 18 months. I have provided for comparison purposes some information dealing with other facilities of similar size and give you an idea of what the usage is monthly of existing facilities to show that \$869 is actually a small amount of revenue to Public Service Company that's generated off this line.

For instance, the Administration here is about similar size, it's 34,135 square feet and our average monthly bill, or it was the last fiscal year was \$4,526.23 per month. About \$54,314.71 for the year. The law enforcement complex, which is a little under 20,000 square feet, our annual usage last year was \$33,524.50, or \$2793.71 a month. So what I tried to do in that instance is show that at this time our net obligation is zero, provided that over an 18-month period, we generate revenues for PNM in the amount of \$15,555.34.

The second part of this, and again, it is a separate action item, is the line extension service agreement with Qwest for the telecommunication infrastructure for the Public Safety Complex. The County and Qwest have negotiated those rates and those fees and the funding for that service is coming out of the fire/public safety bonds. And I have Ms. Agnes Lopez from our MIS Division to address any questions on the Qwest line. And I stand for any questions.

COMMISSIONER TRUJILLO: Any questions of Tony?

COMMISSIONER GONZALES: Mr. Chairman, move for approval for

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discussion.

COMMISSIONER TRUJILLO: There's a motion to approve for discussion.
Do we have a second?

COMMISSIONER CAMPOS: We've got a second.

COMMISSIONER SULLIVAN: Tony, we're paying zero to PNM and we're paying \$156,000 to Qwest. \$156,000—what is—number one, why is it so expensive and number two, is there a rebate provision similar to the PNM one that's available to the County?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, it is my understanding that unfortunately Qwest does not have the same type of revenue credit or return credit for their service and I'd like to have Ms. Lopez address exactly how the rate of \$156,000 was negotiated.

MS. LOPEZ: Mr. Chairman, Commissioners, the cost actually to get the lines out there, because we're outside the base rate, the Qwest base rate, the customer is fully charged for any infrastructure expansion out to those locations. The lines actually out there that we have to the jail and other facilities, we were told were to capacity, so there was no room for expansion. So any expansion the County has to pay for at 100 percent, which is usually what is done for the customer.

Being that we are a governing agency, they did work with us. The total cost to get the infrastructure out there was \$250,000. Qwest decided to put up the \$100,000 and passed on the \$150,000 or \$156,000 to the County.

COMMISSIONER SULLIVAN: And Agnes, physically, how far do these lines have to come to connect into our building?

MS. LOPEZ: It starts, we split at the center of the equestrian center, and we went up Highway 14 to the Public Safety Complex, which was I believe roughly a mile, a little over a mile. And we're bringing copper and fiber into the Public Safety Complex.

COMMISSIONER SULLIVAN: So we provide this additional capacity that the current lines don't have and those within that mile that develop in that area in the future can take advantage of that but we don't get a rebate for that.

MS. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: Somehow that doesn't seem fair.

MS. LOPEZ: Mr. Chairman, Commissioner, we thought so as well.

COMMISSIONER SULLIVAN: Is there the ability to go to the PUC and ask for a review of this?

MS. LOPEZ: Mr. Chairman, Commissioner, we are under time constraints to get this done. We are actually going to be pushed out to get infrastructure into the Public Safety Complex by the move-in date, which is March or April. But we felt as though we wouldn't have any luck there as well. We are taking some steps with our attorney's office to now go back and investigate our options for any further buildings, such as the Public Works Facility, to see what our options are in that case.

COMMISSIONER TRUJILLO: Any other questions? We've got a motion and a second. All those in favor? [Unanimous] Opposed? The ayes have it. [Chairman Duran

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was not present for this action.]

Thank you. Are we going to vote on the telecommunications?

COMMISSIONER GONZALES: Actually that was for both.

COMMISSIONER TRUJILLO: For both. The motion was for both.

Commissioner Gonzales.

COMMISSIONER GONZALES: Just a point of personal privilege, Mr. Chairman. I'd like to, as the members of the Commission know, members of the National Association of Counties Board of Directors are on their way into Santa Fe for meetings throughout the next three days and in the audience, there's a past president of the National Association of Counties, Commissioner Barbara Sheen-Todd. If Barbara can wave up to the Commissioners. Barbara is a commissioner in Dallas County, Florida and was a wonderful president for the organization. I saw her earlier and asked her to come by, and things are a little bit different here than they are in Florida but we're glad you're here anyway, Commissioner.

BARBARA SHEEN-TODD: Commissioners, I just want to tell all of you how fortunate we in NACo feel to have Commissioner Gonzales as president. He's an outstanding Commissioner and a real [inaudible]

COMMISSIONER GONZALES: And I scripted that. You did it perfect.

Thank you.

COMMISSIONER TRUJILLO: Thank you. Welcome.

COMMISSIONER GONZALES: Thank you, Commissioner.

XI. E. 3. Request approval of memorandum of agreement between the University of New Mexico Earth Data Analysis Center and Santa Fe County for participation in the Affiliated Research Center program

MR. WRIGHT: Good afternoon, Commissioners. The item before you, we basically brought this before you mainly as a matter of information to tell you what we're up to with this project. There is no financial responsibilities associated with this as far as a financial commitment on the County. What we are doing here is working with the Earth Data Analysis Center, which is attached to the University of New Mexico in Albuquerque. They have a partnership or an Affiliated Research Center partnership with the NASA Stennis Space Center. They have funds available to take on projects like this and to find partnering, either companies or governmental entities to pursue research projects.

In a nutshell, what we're doing here is leveraging your investment in the LIDAR, the light detection and ranging mission that we just flew to get surface data for the entire county. One of the extra products of doing this is that we actually get vegetation canopy as well. So in working with Hank Blackwell and the Fire Department on the Urban Wildland Code that was recently adopted by both the Commission and the EZA, we've selected a pilot area to try and prove out this technology, using this LIDAR to get us an actual vegetation canopy volume, and

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then using satellite imagery to identify the specific vegetation types that are in there to get a better handle on fuel loads that are in these urban wildland interface zones. And to help us do better, more pro-active fire management and preparation, emergency preparedness, as well as give us better data when there's actually an event out there that our Fire Department and emergency service personnel have to deal with. So I stand for any questions.

COMMISSIONER TRUJILLO: Are there any questions of Erle?

COMMISSIONER GONZALES: I'd just say, Mr. Chairman and members of the Commission, I think, hopefully this comes to be. It's a worthwhile project. Certainly we had the opportunity at the western governors meeting to see the benefits of having this type of technology to be able to identify any type of fire risks that may take place, and in Santa Fe County, from the southern parts of the county where we have the rangelands that can very easily go up in smoke to some of the areas here to the east side. This will give us the opportunity to identify the vegetation, the state of the vegetation, I believe, depending on how dry the seasons are, where the most vulnerable hot spots are and allow us to become more pro-active in protecting some of these communities whenever we have some of these pending fire threats.

So I think it's a worthwhile investment. It's a way to use technology to protect this community and hopefully, this is actually a grant that we're asking for. Is that right?

MR. WRIGHT: Commissioner Gonzales, it's actually, it's funding that the Earth Data Analysis Center has from NASA directly and essentially it is a grant.

COMMISSIONER GONZALES: Have they committed to us? I'm sorry. I missed that part of your presentation, or do we have to ask them to commit?

MR. WRIGHT: Yes, they actually have. What's before you is a memorandum of agreement, basically just covering both the County and NASA and EDAC in terms of how the data rights and responsibilities, responsibilities of the parties. And it's basically a standard memorandum of agreement. Our attorney's office reviewed it. It basically, like a standard boilerplate has out clauses for lack of sufficient funding and whatnot.

COMMISSIONER GONZALES: Will we be able to actually go to the point where we tie into this GIS information with any type of emergency call centers, so if we identify some heavy or some extreme fire risks that may occur as a result of these GIS maps that might come forward, that we'd be able to notify people that they've been identified through some type of call center? Does the technology exist to tie in what we're learning from the LIDAR and to actually being pro-active and notifying people that they either need to do some clear-cutting or need to be prepared for any type of pending fire threat?

MR. WRIGHT: That's definitely our intention in working with the Fire Department is to try and get these tools available to our Fire Department and also when we get to—we're working towards actually having in-vehicle and basically GIS data and maps available in the vehicles rather than hard copy. So live updates. And again, enhancements we're doing to the web pages as well, to be able to serve this information out in a real time format.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Any other questions of Erle?

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COMMISSIONER GONZALES: Move for approval of the memorandum of agreement.

COMMISSIONER TRUJILLO: We've got a motion to approve.

COMMISSIONER SULLIVAN: Second.

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

Thank you, Erle.

XI. F. Public Works Department

1. Resolution No. 2001-192. A resolution requesting funding through the 2002 New Mexico State Highway and Transportation Department Local Government Road Fund program

MR. LUJAN: Good afternoon, Chairman, members of the Commission. Yes, this resolution is what puts into place the request for funding through the 2002 New Mexico State Highway and Transportation Department Local Government Road Fund. Last year, the County received \$238,000 and the Highway Department has told us that we probably receive about the same amount of funding. So we're requesting that you do pass this resolution.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Got a motion to approve. I'll second that.

Discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, how are these road priorities determined? I know that we've of course put roads into our capital improvements requests to the legislature, but in terms of these co-op projects, I see that we've used that for Agua Fria and now we're going to use it for road work in Tesuque at Bishops Lodge Road. At what point do we select those roads, or does that come through the Road Advisory Committee? How does that operate?

MR. LUJAN: This was a priority, Mr. Chairman and Commissioner Sullivan, this was one of the priorities on the Road Advisory Committee and it is one of the highest volumes for the school bus route and that's also what we determined. It's really in bad shape and we thought that we would use this money. This is simply an exhibit for the Highway Department and a recommendation. This can be changed at any time, even after funding is in place. But this was from Road Advisory and also from the Public Works Department.

COMMISSIONER SULLIVAN: Is this co-op funds?

MR. LUJAN: It's a portion of co-op funds. School bus arterial program and co-op.

COMMISSIONER SULLIVAN: And is this annual funding that we get?

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MR. LUJAN: That is true, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So is there a mechanism where next year's funding, these priorities will be coming back to the Commission to review?

MR. LUJAN: Yes, Commissioner.

COMMISSIONER SULLIVAN: For this specific project?

MR. LUJAN: Yes, Commissioner.

COMMISSIONER SULLIVAN: I'm distinguishing between the wish list and the true funding list, which this is obviously a funded project, as opposed to a hoped-for project.

MR. LUJAN: Correct. It will come next year. We can place it at any time to the Commission, any of the roads. If you choose any other road, if you wish.

COMMISSIONER SULLIVAN: I just, I think we should be brought into the loop once a selection is made and it may have been last year of course and I wasn't on the Commission at the time, but obviously, we'd like to have some input.

MR. LUJAN: We will definitely include you.

COMMISSIONER SULLIVAN: District Five possibilities as well.

COMMISSIONER TRUJILLO: We've got a motion and a second. All those in favor? [Unanimous] Opposed. The ayes have it.

XI. F. 2. Resolution No. 2001-___. A resolution adopting a speed hump policy for local and major County roads

MR. LUJAN: Mr. Chairman, members of the Commission, for some months now we've been looking at a speed hump policy. Commissioner Campos has been interested in looking into the possibilities of this, pros and cons. This last month, was approached by the Manager to get this item on the agenda to see exactly where we're going to go with this item. Dan Rydberg from my traffic division has worked on a policy in the past. We worked at Bernalillo County and he's put this together so if you want any questions answered or anything that we may be able to answer for you, simply right now, it's a resolution that we think we need to bring to the Board so we can start looking at this item, see what we want to do with it.

COMMISSIONER TRUJILLO: What gave impetus to this resolution was a lot of constituents, communities countywide wanting to implement an infrastructure, a speed hump infrastructure. What we were concerned with or what we got from Legal was some liability concerns. Is that still the case, Steve, that there might be some legal liability concerns regarding the speed humps?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, there always is potentially legal liability issues. I think if this is done properly, if we're in compliance with national standards, we have the proper signage, I think we minimize the exposure considerably.

COMMISSIONER TRUJILLO: There's another issue regarding expense, James. I don't know if you've included a schedule of costs on this speed humps. I understand

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that each one will cost approximately \$1500 to install and then there's the recurring expense of maintenance to these speed humps, right?

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, yes. We have done a bit of research. Dan Rydberg has contacted other entities that are doing it, and it is approximately \$1500 per hump. That's installing it and signing it properly. And after that, we've done some calculations and some figures that he picked up from other entities. About \$750 per hump per year on maintenance. So it is a recurring cost.

COMMISSIONER TRUJILLO: And what I conjecture is that because there's such a desire to have these humps in communities throughout the county, we're going to look at a ubiquitous set of—for example in the Pojoaque Valley. We've got one road from the top of the valley to the Rio Grande. It's continuous houses, but you can't just put a speed hump up in Nambe. You're going to have to put speed humps every whatever, all the way down to San Ildefonso.

MR. LUJAN: I agree with that.

COMMISSIONER TRUJILLO: So it's extensive. That's what I'm looking at.

MR. LUJAN: I would believe that may be correct. There is some criteria on different roads and different parameters. And again, we'd have to evaluate that. Another item is, I don't know if we looked at from staff point. We don't know that we could install these ourselves. We'd probably have to contract them out, because it's not just a matter of taking the lay-down machine out there and doing it and I'm short staff as it is in maintenance. So we would probably be looking at maybe a contractor doing some of this work.

COMMISSIONER TRUJILLO: We've got the experiential—you came from Rio Arriba County and they have a speed hump program there.

MR. LUJAN: They just have a program, it was just be petition form. Anybody that would petition the commission and mainly it was no structure. Right now I live in an area that there at and they're not even maintained. They're not signed. They're not striped and it does cause some hazards. But it was really a no-policy form. It was just a matter of people requesting them and then going out in doing them.

COMMISSIONER TRUJILLO: So what's your recommendation?

MR. LUJAN: Well, the recommendation that Public Works—I think we're just not quite ready for them. I think we need to look at other areas of traffic calming and look at other devices to try to slow down speeding and stuff. We just have to look at other methods.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, it seems that we have certain situations where the road conditions, because of the traffic and the speed, make the situation dangerous for people living in that area. I mean, that is a responsibility of the County to maintain the roads in a safe way, right?

MR. LUJAN: That is correct.

COMMISSIONER CAMPOS: Life is involved. It seems some times we need to have that option to go forward with that because after an assessment, we realize that it's a

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very dangerous situation to the people in the neighborhoods. I agree that it can get out of hand and be very expensive, but I think we need to have the option and exercise it very, very carefully. We've been talking about Los Alamos, Cañada de los Alamos, and I've just talked with Mr. Rydburg about that and Paige Grant is here in support of speed humps and traffic calming in the area. But you said there are other methods of traffic calming. What other methods do we have? We can start with signs, police presence—

MR. LUJAN: Let me allude to Dan Rydburg. He has more information.

DAN RYDBURG (Traffic Engineer): I guess basically, the foremost thing that should be done, exhausted until there's nothing left is law enforcement. The Public Works Department goes out and installs the sign that states the regulatory speed. And then without law enforcement to enforce that speed, in other words we're kind of skipping over law enforcement. It seems to me that if we could have more law enforcement in the area, especially where you have an area like Cañada and some other areas where it's a dead end or it ends, it's the same people every day coming back and forth.

So you're incurring this expense to do traffic calming on a road for several residents that live down in the back that speed through every day. It seems like if it was an issue where you had law enforcement and exhaust that avenue first before you go and actually make a physical change to the roadway. The humps work in certain situations where you have cut-through traffic. You have a road that goes back to a subdivision and ends, and those same people come back and forth every day, you're going to a lot of expense and changing the road for a whole bunch of people, just to accommodate a couple of people that may be speeding. Where it seems like if you were able to get law enforcement to issue citations and slow those people down, it would be a lot less expensive than instituting a countywide program.

Because once we open this policy up, it's the entire county and there are going to be a lot of requests for it. James was mentioning about staffing, just administratively, the requests come in, petitions have to be sent out, there have to be engineering studies. Staffing alone in the process. Once somebody submits something to you, you're responsible for following that document all the way through and there's a whole bunch of steps that have to be followed through on that. I think if we were able to work closely with the Sheriff's Department and target these specific areas and get some more law enforcement and deal with a certain few individuals that are causing the problem every day, it would seem to me to be a better solution to actually changing the physical characteristics of the road.

There's going to be a lot of requests for road that don't meet the engineering criteria. There's a certain width and the grade on the road and the curves, people just don't want to hear that. They know that the County has a hump policy; they want humps and it's going to just be exhausting. I would handle at least ten calls a day for requests. And every request is recording the name, sending the petition, then the petition comes back. There's a lot of steps and a lot of work involved in it. Once you open that up, you have to open it up to the entire county.

So if we have specific little pockets where we have problems, if we could work closely with law enforcement and target those areas. We're supposed to be done by posting these speed limits. If somebody's breaking the law, then law enforcement needs to step in and issue

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citations on that. I understand they can't be everywhere all the time, but I think if we had some kind of a program where we could work closely with them and target these specific areas, rather than opening up the entire county for anybody to be able to request a hump, I think that might be one of the alternative measures that James was alluding to.

COMMISSIONER CAMPOS: Mr. Rydburg, we talked about this months ago, early this year, and you said you had contacted the Sheriff and tried to communicate and provide them with information on what was going on, you haven't gotten a response, I don't think.

MR. RYDBURG: No, I haven't pressed them to much, but I developed a form that I could send to the residents that they can fill out, stating that they are complaining about a specific area. And then I forward it over to the Sheriff's Department. But I haven't spent a lot of time going to the Sheriff's Department and really trying to push this program. But I think that's something that I could probably do is try and work closer with them.

I give them the requests from problem areas that we have, but as far as them following up on it and letting me know that they did follow up on it—they may be, but they're not letting me know that they are. So I think if we could get a better program with the Sheriff's Department and then at least take it to that step. I've explained this to you before, that the education, enforcement, and then last is the engineering and it seems like we're skipping over that middle step. And if we try to exhaust that, I think that might be better than opening up the entire county to be able to submit requests because they're just going to come in. When the criteria's set, for liability reasons you can only put it on a certain road, if it meets the criteria and I've run into problems where they just don't want to understand that that's the case.

COMMISSIONER CAMPOS: But isn't there a liability issue also if you should have them and you don't and somebody gets hurt? It cuts both ways, doesn't it? Do you have a duty to maintain a road in a safe way.

MR. RYDBURG: Yes.

COMMISSIONER CAMPOS: And if it's not safe without speed humps, and somebody gets hurt, we could have some liability too.

MR. RYDBURG: But that's not really a maintenance item.

COMMISSIONER CAMPOS: It's not?

MR. RYDBURG: I don't believe so. No.

COMMISSIONER CAMPOS: I think it's maintenance, adequate maintenance. Realizing there's a dangerous condition and not addressing it, isn't that a maintenance issue?

MR. RYDBURG: I guess I understand your question. I'm trying to figure out how I could answer that. If the speed limit on the interstate is 75 and people are constantly doing 90—the freeway's in good condition, the striping is in place, the pavement is in good shape. Just because they know there's speeding going on, I don't think that makes the state—

COMMISSIONER CAMPOS: Let's talk about something different like La Cañada. It's a small community. It's not an interstate. People have homes right up to the roadway. It's a traditional community. What about that situation?

MR. RYDBURG: I don't think we've ever targeted that specific area in law

enforcement.

COMMISSIONER CAMPOS: What have you done as far as traffic calming in the last few months?

MR. RYDBURG: We've done additional signs in the area. We've gone out and reinforced all the signs. Another issue with Cañada is the road is, the striping is starting to fade on the road and I know there was an issue when that road was built that they requested not having striping on the road. What that does is that makes the road—the visual effect goes away when you don't have striping, that means that you have to stay on your side of the line. When the striping is gone, people seem to ride down the middle and that can give them more speed.

I think we can stripe it, but I've been hesitant to do any striping down there because it's been expressed to me that they don't like the striping in the village. So that is something I can do. What I've done right now is signing. And I can get a form. What I was doing was waiting to get the signs in place. This has all happened, it just happened in the springtime and the summer construction season got very busy. My department was stretched very thin. I've got to the point now where we're starting to get caught up and I believe, within the past couple of days or today even, all the signs will be in place and we can bring a form down to any of the residents in Cañada, have them fill it out and bring it over to the Sheriff's Department and ask them to really target that area and do it at the times when we know the speeding is taking place, in the morning and in the afternoon.

And a couple of citations to the people in the back end that are flying out every day are going to have the big impact on it. I don't know that we've exhausted the whole—the striping and the enforcement, I think are the next two things that would come after the signing, which has taken place or is taking place now.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, I think you bring out a dilemma that is on every road that exists out there. How do you make it a safe road? I think the County's obligation is to, to the degree that we can and we continuously fall up short on this, make sure that the maintenance and the quality of the road is at least, to someone that's driving safely or driving according to the rules, will present some type of safe environment. And we all know that especially rural roads in the county have not received the kind of financial attention that they need to get them up to the point where they at least have some safe driving conditions.

So I think that that's really the first issue where the County should focus on, is making sure that we have adequate roads for safe passage. My concern is that if we try and look for short term fixes for traffic calming and in the long run, or at any point could offer some type of dangerous situation. From what I understand, or what I've heard you say is that in some instances, speed bumps may actually do the alternative. They may create a hazardous driving environment.

And so I think what the County ought to do is prioritize how we make our roads safe and the way we make our roads safe, first and foremost is to make a financial commitment, however way we can and we're exploring multiple options of how we get more money to bring

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County roads up to a safe driving condition. The next thing is to try and look for traffic calming mechanisms in the county, on the County roads that are actually brought up to a level of standard where there is a safe environment, and yet we're still seeing some excessive speeding or excessive traffic that is creating some type of concern that might exist.

So I think that we ought to prioritize how we're going to try and figure out how we're going to address each of these roads. Because each road is going to call for a different level of commitment. Not every road is capable of receiving a speed bump, however, to every county constituent out there, a speed bump may be the natural thing to take on because many of our county residents are so desperate that the people drive like crazy in front of their roads. And we all know what our County roads look like. They're small. They're narrow. Many of them are dirt. Some are basecoursed but there are unsafe driving conditions and people fear that either their kids are going to get hurt, or coming out of a driveway they're going to get hurt and they feel that speed bumps may be the best way to try and slow them down.

What we're hearing is we know better. That that's not always the best case. There may be other methods. I think the thing that I would say to you changes that. We need to find those other methods and begin to pro-actively enact them. It may be working with neighborhoods, where these County roads reside, and try and do the watch programs and figure out what we can do to educate that area about traffic issues.

There's a number of things that we can do but I think my concern is we have a broad speed hump policy that can go anywhere in the county. We may create an unsafe environment. So let's focus on the County roads that aren't safe. Let's try and bring them up to a safe standard. Let's look at the County roads that are safe, at least from a standpoint of materials and care and identify whether they need some traffic calming measures and focus it that way. I think the key is let's try and figure out on a case by case basis how we can make County roads safer to drive in.

And they may take different issues. But if you have a broad speed hump policy, we can actually do something other than what we're intending to do. So I would encourage us to hopefully maybe table this and try and come back with a policy that figures out how we identify and start working with communities and start addressing some of the current environment of the roads and how we upgrade them.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes.

MR. LUJAN: Mr. Chairman, Commissioner Gonzales, I believe that's what we're going to start doing with this other program that Commissioner Sullivan has brought forth. We're doing inventory of roads. We're assessing them. We're seeing what issues, what widths we have and we're bringing all that forward. It is going to take probably another six to eight months but we are looking at that and maybe we can address this issue in the same process.

COMMISSIONER GONZALES: Well, not maybe, but this is just a natural component to it.

MR. LUJAN: Right. It is a component.

COMMISSIONER GONZALES: This is how we assure that as we bring these road up to good standards and care for them that they are the proper—

MR. LUJAN: We'll add that component to the inventory.

CHAIRMAN DURAN: Could you do me a favor while you're doing all this? Could you check into what it would cost to buy a laser—what do they call those things? A speed gun. A photo, a speed gun with a camera. I think that it might take some legislation but if we're going to get a laser gun with a photograph, and then get an easement from property owners in those areas that they're speeding that would allow us to put the camera there and have it in a safe place, and then maybe we could create an ordinance where in these residential area, speeding, the fine is like \$300. I think you would find that if we could put all that together that we might be able to pay for whatever it costs to put that in place. Because ten speed bumps throughout the county is going to cost us \$15,000, and to maintain them is going to be another \$10,000. So we're talking \$25,000 to get ten speed bumps that probably won't do much of anything for us.

But if we can get this kind of program in place. I know they do it Arizona. They catch you speeding. They take a picture and they send you a ticket with a photograph of the car. And that might be one way of doing it.

MR. LUJAN: We'll take a look.

CHAIRMAN DURAN: Any other way, I think it's just going to be costly to us and we might as well put some technology in place and have the violators pay for it. So could you find out what that would take legislatively and the cost of that?

MR. LUJAN: Mr. Chairman, we will look into that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd like to ask for your permission to have Paige Grant testify. She has been a proponent of speed humps for a number of years and she's been before the Commission. I would like to have her, if it's okay with you to come forward and make a presentation. A short presentation.

CHAIRMAN DURAN: This is not a public hearing so I will go with what the Commission wants to do. And if you do come up, Paige, I would like to limit you to three to five minutes.

COMMISSIONER TRUJILLO: That's fine.

PAIGE GRANT: Thank you, Commissioner, for the opportunity to speak. I don't have prepared remarks but as Paul knows and you also, Paul Duran know, this has been an issue to the community of Cañada de los Alamos for some time. It's a little difficult to be told that we have to stand in line behind getting an inventory of the entire county done in terms of its road conditions. I'm sure that that does need to be done. I'm not sure that our particular circumstance, with about 1000 feet of road that's problematic needs to wait until all of that has taken place.

I think your thought about another alternative is a very good one, in terms of the laser tripped photograph of the people speeding through. I think you're then going to have trouble

collecting the fine from the people that have done the speeding. I wonder what the trade-off in cost is in law enforcement versus a couple of bumps of concrete on the ground that stay there in terms of comparing the cost of having a Sheriff out there to pop the people that are doing the speeding.

And in terms of the range of options that may exist in a particular community, we're perfectly willing to look at the engineering consideration for how wide the road needs to be, where the bends are, etc., etc. Once you're in a situation where all of those things have been taken into place, and it may be that the best solution is to have a speed hump, then I think it would be limiting the options for many communities to pass a resolution now that basically eliminates that as an option. So I would strongly support Commissioner Gonzales' move to table this resolution, not having read it. What I understand it to say is let's not allow speed humps in the County of Santa Fe and I think that would be limiting an option that may very well be needed in certain communities.

In terms of some of the other things that are talked about, for instance stop signs. In our community there's no where that a stop sign would work. So I would just ask that you not rule out the possibility of having a speed hump as the solution in a particular setting. Thank you very much.

CHAIRMAN DURAN: Thank you. My only concerns is that if we put a speed hump some place, and someone who isn't familiar, isn't aware that one is in place, and they go driving through there at a high rate of speed and they end up in your bedroom because they've jumped over this speed hump, I think there's a lot of exposure on our part. But in any case, is there a motion to table?

COMMISSIONER GONZALES: Well, actually, I want to provide some direction because I think—and my point wasn't to wait until this inventory of roads is done. I think what we need to come forward with is some type of policy that allows the Public Works Department to be pro-active in working with communities, like Cañada de los Alamos, and identifying the range of options that exist for them to have traffic calming measures put into place. And not eliminating the speed hump policy. But my concern is to have a broad based policy that allows for speed humps anywhere, just by any request and creating more of a dangerous situation. So I would request a tabling with that direction given that there is a policy drafted internally that provides that level of support to communities to come up with a variety of methods to calm traffic in their areas. And I think we need to be realistic that it's going to be expensive as we move down that route. So you'll have to do some type of financial assessment and bring it back to the Commission for consideration.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only thing I'd add to that is that I think that the Public Works Department has an obligation to take all available steps prior to that, and I think in this case, the upgrading of the striping is the first step that should be taken and the residents may not want that. They may want to retain the rural character of the road, yet at the same time, they've presented us with a problem and an issue of speeding and dangerous driving

conditions. So I think the first thing that the County has to do to protect the residents is to provide that striping so they do slow down. And then see how that—and maintain that striping. See how that affects the project. And then take the next level of steps again, as Commissioner Gonzales says, in conjunction with the community, whether it be additional enforcement, whether it be speed bumps, whether it be traffic gun. I know in some states where that's been used, I think California, it's been struck down as infringing on people's civil rights. So there's a legal issue as to whether the photo enforcement can be used and apparently it varies from state to state and I'm not familiar with how it's fared in New Mexico. But it's certainly an option.

My point is we start first with the tools we have available, and then we move forward to the next options.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: Briefly, I think we need this option now. I think it should not be used on a regular basis but only to alleviate situations that are dangerous. There's specific criteria set out that would limit where these go. And I do believe that maintenance is an issue. If we identify a dangerous condition that could be made safe with a speed hump and we don't do it, I think we have liability. And I would urge the Commission, if they're going to table this, not to table it forever and that maybe we can come back to this issue in 60 or 90 days with a more firm direction for staff. I think this is the way to go. I think we need all the tools. This is a tool. We need to have it but we need to use it very carefully.

COMMISSIONER GONZALES: Mr. Chairman, I concur. That was the point of the original direction that this policy be revised to allow for some type of collaboration between the Public Works Department and the communities that are needing some assistance in traffic calming efforts. And that there be a policy in place in how we go out there and begin to assess that and bring it back to the Commission for consideration and recommendations. So I'd move to table with those directions that have been provided.

CHAIRMAN DURAN: Is there a second? I'll second it. Those in favor signify by saying "aye." [Commissioners Gonzales, Duran, Trujillo and Sullivan voted aye.] Opposed? [Commissioner Campos voted nay.] Motion carries.

Could you still do all that stuff I asked you?

MR. LUJAN: We'll look into all those items, Mr. Chairman. Also, there's another device that is a small trailer. Los Alamos uses it and it posts the speed that they're going at. We want to look at one of those also that tells you the speed you're going and maybe we can look at something like that item too and put it in locations. And we'll continue to look at all these issues and traffic calming.

CHAIRMAN DURAN: I think just telling people how fast they're going is not going to help.

MR. LUJAN: Well it does help at slowing people down if the posted speed limit is 20 and they're doing 45, it's worked in areas. Again, we'll just continue working with law enforcement.

CHAIRMAN DURAN: What about those guys that are doing 65 and 70

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though. They don't care.

MR. LUJAN: Every time you surface a road you're going to have that speeding problem and that's the other issue.

CHAIRMAN DURAN: And since you're here right in front of me, I need to ask you to do me a favor. Somebody called me about some road in La Tierra. Could you call me and I'll let you listen to the message.

MR. LUJAN: I'll call you, Mr. Chairman. And I apologize, earlier, the meeting with Agua Fria is December 13th, not the 5th, for Henry Lynch stop sign.

CHAIRMAN DURAN: Okay. Do you think we're going to have much discussion on the next item, because it's 4:30 now and some of us have to go to the EZA tonight. It would be nice to get a bite to eat before we had to do that.

MR. LUJAN: This morning on Consent Calendar you passed a resolution accepting. This is just a matter of accepting the contract. But you did pass it earlier on Consent Calendar for the resolution.

CHAIRMAN DURAN: Litter control?

MR. LUJAN: Yes. This is just to enter into the contract so the manager can sign it.

XI. F. 3. Request approval of grant agreement #01-262-6001 with New Mexico Department of Tourism for the New Mexico Litter Control and Beautification grant

COMMISSIONER CAMPOS: So moved.

CHAIRMAN DURAN: There's a motion to approve. I'll second. Any discussion?

COMMISSIONER SULLIVAN: A brief question, Mr. Chairman.

CHAIRMAN DURAN: Shoot.

COMMISSIONER SULLIVAN: Is this in the city, Mr. Lujan, as well as in the county?

MR. LUJAN: This is just for the county, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay, I noticed a couple--\$1000 and \$700 for painting a dumpster, components of the grant. And where do we have any dumpsters?

MR. LUJAN: Those would be our roll-off bins. They do beautification on the roll-off bins. A lot of times those roll-off bins have been burnt so they do painting on those.

COMMISSIONER SULLIVAN: At the transfer stations?

MR. LUJAN: Yes, and the ones that are driving down the road. Yes sir. They're repainting them.

COMMISSIONER SULLIVAN: Okay. I couldn't remember that we had any dumpsters.

MR. LUJAN: No, we don't. Thank you.

COMMISSIONER CAMPOS: Mr. Lujan, as far as the speed hump policy, could you come back to us in 60, 90 days with a report?

MR. LUJAN: What would you like? Sixty or ninety?

COMMISSIONER CAMPOS: Policy, for example, where you start, as everybody suggested, law enforcement, striping, signage, and where these humps would be effective. I think you've laid it out pretty well in your criteria. I just think we have to be very careful in how we use these things.

MR. LUJAN: We'll come back in the March meeting?

COMMISSIONER CAMPOS: With a traffic calming approach.

MR. LUJAN: Could I ask for a work session with you while we're putting this together so we can meet with some of the Commissioners and have a work session with this? Would you be willing to—

COMMISSIONER CAMPOS: I would be willing.

MR. LUJAN: Okay. That would make things a little easier for us so we can know what direction we're headed. Thank you.

COMMISSIONER CAMPOS: Thank you, sir.

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

VII. A. Presentation/Report by John Alejandro on the Countywide space analysis

CHAIRMAN DURAN: Mr. Alejandro, how long will this thing take? If you could keep it to ten minutes and then if we have any questions we'll have to ask you to come again. Make your presentation and if we have questions you'll have to come again because we still have some hefty things we need to talk about.

MR. OJINAGA: Mr. Chairman, Commissioners, I'll just get started with the introduction. Again, the Project and Facilities Management Department, along with the purchasing division prepared and issued a request for quotes for a professional to conduct a space analysis for the following County facilities: the Judicial Complex, County administration building, law enforcement complex, Leo Gurule Building, and Santa Fe County Health Building.

As a result of the received quotes, a professional services agreement was executed with John Alejandro to do analysis. I'll turn it over to John at this time to do the review. We also passed out a presentation that John will have on the screen as well as the report in your hands. Thank you.

JOHN ALEJANDRO: Mr. Chairman, do I have to be sworn in.

CHAIRMAN DURAN: No, but I'd like to just give you a little direction if

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you don't mind.

MR. ALEJANDRO: Thank you, Mr. Chairman.

CHAIRMAN DURAN: We're very familiar with what this is all about, so you probably need to skip a lot of it. We'd kind of like to get to your observations and recommendations. We realize that we are—if you could just kind of condense with what your analysis—

MR. ALEJANDRO: I'll go ahead and do that, Mr. Chairman. The slides just basically covered the headings. There are some graphs in there that I would direct your attention to that identify the actual uses of these facilities. We evaluated five facilities and let me just say that for the most part, all the facilities are very well maintained, given the condition, the age of the buildings, the limited staff and funds that are available. The buildings do serve the public quite well. They get used, obviously, extensively.

The buildings, actually, that were surveyed were the Santa Fe County Health Building, the Santa Fe County Law Enforcement Complex, the Leo Gurule Building, the Santa Fe County Judicial Complex and this building. Right now, these buildings are pretty much at capacity and the way that they're being utilized. And what I mean by that is that in some cases, the entities vary by use and type of facility. The Judicial obviously has different needs than the Sheriff and the DA has different needs than people here in this building.

One of the things that I'm recommending in this packet and I'll just go right to it, is that the County needs to finish developing their own standards. Right now, there are no standards so that's why there's variance from building to building and office to office and even position to position. And I know that staff has been working on that. I have supplied them with some additional information and helping them develop that.

There is not a formula that you can go to and say this is what everything has to be.

So the County really has to look at each individual building, identify their use and develop the criteria.

CHAIRMAN DURAN: John, how does the use of our space compare to—and I know you're very familiar with this—with the state's requirements?

MR. ALEJANDRO: The state has actually adopted new standards and revised their standards as early as last year to try and utilize more space given open office type concepts and the new technology. So one of the sheets, graphs that I've included under recommendations, there are numbers in there that I've identified that can be used to expand uses in those buildings. In other words, for example, the Leo Gurule Building. There's 8900 square feet, within that 8900 square feet—I think there's a slide in there. I may not have it up here—with better space utilization and assignment of those spaces, you could probably increase it by five to ten percent. Okay?

However, Commission and Land Use staff, the County needs to recognize that there is growth in the County and along with that is services. There has to be a five-year plan if you will. Right now, there really isn't a tool that will identify future expansion, population projects and tie both of them. One example is the Judicial Complex. It's very

important that there be a tracking system because if the judges are to expand, one or two, basically, you wouldn't have any place to put them. So the County really needs to track legislation and look at those projections in anticipation of that happening.

The other thing that's an interesting number and what I've found in this survey is the amount of space that is actually utilized by state agencies. It's over 50 percent of all the buildings that you have, the space. I don't think the County is really recognizing any of the benefits from legislation and the benefits of expansion, both financially and through services that the state is obtaining. In other words, when the Department of Health gets an appropriation, it does show a large amount of space being utilized by the state. And there's no correlation between the funding that the state agencies get and the funding that the County gets. In other words, every time they add an FTE, the legislation doesn't say, well, the County gets 200 additional square feet so we're going to pass that on so that they can provide this saving. It just goes right along.

Something else that's real interesting is the legislation that goes way back and that legislation is that the County is required to provide space for these agencies, whether it's the County, the Judicial or the DA. Right now, the County is housing the district managers for the Health Department. I think it's Region I, if I'm not mistaken. I think it's in your book, which includes Rio Arriba, Los Alamos, Taos. So you're basically housing them here at this facility without, I don't believe, any compensation.

So my recommendations in this outline went beyond just the desk of, do we give a clerk 200 square feet or what is going on. It looks like there are some untapped resources out there that I'm recommending that the County look at and try to obtain additional funding so that the burden doesn't just lay directly with Santa Fe County.

The other thing is scheduling at these facilities is something else that is not controlled well. In other words, at the Public Health facilities, they may schedule all appointments on Mondays and Tuesdays. Consequently, it's packed. Their lobbies and their waiting areas are full to capacity, yet you can go in there on a Wednesday and it's quiet. And the same thing is happening at the Judicial Complex and that was with some of the judges. And the judges, for the most part, I should say in all parts, they're happy with the areas that they have in terms of their offices and their quarters.

Now, obviously, there are areas that are lacking for juries, the public, etc. But because they do have full dockets, they have a tendency to schedule on Mondays and Fridays so that facility is full on those days and that compounds it with parking and bathrooms and everything else that goes along with it.

This document that I talk about that the County really should work on has to go beyond just the assignment of space and equipment and it has to go into their uses in a cooperative effort to try and minimize and better utilize these buildings.

The other thing, and I'll close and leave it for questions. Storage. Storage is huge and to be using downtown facilities for storage is probably not the best use given the high cost of real estate in Santa Fe, particularly downtown Santa Fe. But the Judicial Complex has a huge amount of square footage that's assigned to storage that can be better utilized by

knowing what they're storing and where they're storing it, for what periods of time. The Sheriff has quite a bit of storage, the evidence rooms, etc.

Now, with the opening of the new Sheriff's Office, that will help alleviate a lot of the need for space. However, I do need to say that the DA's Office is really cramped and they really do need to expand and my recommendation is that the County really look at their areas. Right now they're double-booking. Attorneys are talking with their clients, are double-booking in the same little area. And they're talking confidentially and that's probably not good. So I would strongly recommend that the County really look at that.

With that, I know you're pressed for time. I was trying to rush through.

CHAIRMAN DURAN: Well, I have a couple questions, and maybe Corky, you can answer this for me. But first of all I'd like to say that I think this is a good start. I think that what we have, once the new Sheriff's facility is built we're going to have the building there on Sandoval, a considerable space vacated there. And is the Leo Gurule Building also going to be vacated?

MR. OJINAGA: About $\frac{3}{4}$ of that building will be vacated.

CHAIRMAN DURAN: Who will stay?

MR. OJINAGA: The State Probation Office.

CHAIRMAN DURAN: The State Probation Office. Because we are really—I understand the DA being a little cramped. We're pretty cramped here too, and I'm not sure that the DA needs to be downtown as much as we do—as the Land Use, the Assessor, the County Clerk. I would like for us to consider that building—maybe finding a new place for the DA so that we can then take over that whole building and maybe talk about putting the Assessor, the Clerk, Finance, Human Resources, somehow get this building so it's not so packed with people and business so that it works better and those people are working in a better environment.

I don't know. For me it's a good thing to refer to, but I really think we're going to need to have another meeting with your to discuss it after we've had a chance to review it.

MR. ALEJANDRO: Mr. Chairman, I appreciate that because there is a lot of information there. As a matter of fact, there's a lot of information that I didn't even put in there as back up documents that I was sharing with staff only because it becomes too voluminous. I agree with you wholeheartedly that there are a lot of agencies that don't have to be downtown. Probation and parole, I've asked them, Do you need to be here? They're at the Gurule Building. They said, No, not at all. We're on the road. We could be anywhere. And that's the point of one of the recommendations is that there are entities, for example, you are absolutely right. There are agencies that need to be downtown. Some of these don't.

As a matter of fact, I even asked some of the judges, do you have to be here? And they said, Well, not really. But that's what I'm saying. A five-year plan would actually identify that. So you're absolutely right, Mr. Chairman.

CHAIRMAN DURAN: So I think what I'd like for you to do, Corky, is talk to us and find out what departments are critical to stay here in this building. What the

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other elected officials' thoughts are relative to perhaps moving elsewhere. If they are willing to even discuss that. If not, then we need to try and work around that. But we really are busting out here. The Land Use Department needs room to move into. And I'm not sure, the Anaconda Building is so close we can definitely, I think, move some of our departments there. You could go there.

MR. OJINAGA: Mr. Chairman, we'd be more than happy to sit down with each Commissioner and go over the entire report with you individually and then get your comments and recommendations or suggestions and then we'll bring it back.

CHAIRMAN DURAN: But I don't want you to make a commitment for me, maybe for another Commissioner, but I don't want you to make a commitment to the DA that he's going to be able to move into that vacated space until we've completed our analysis.

MR. OJINAGA: No, we won't make any kind of commitment to anybody at this point.

COMMISSIONER TRUJILLO: Very good.

CHAIRMAN DURAN: Any other questions or comments?

MR. ALEJANDRO: Thank you, Mr. Chairman. Thank you, Commissioners.

XI. H. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission on any issue?

[None were presented.]

XI. PUBLIC HEARINGS

A. Ordinance No. 2001-__ . An ordinance adopting the Santa Fe County redistricting plan, repealing Ordinance No. 1992-7 and amending Ordinance No. 1989-10 (second public hearing)

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: My understanding was that this was a non-action item tonight. I'd just like clarification from Mr. Montoya.

CHAIRMAN DURAN: It's the second public hearing of an ordinance. Where's Mr. Kopelman? Did he leave? Steve, if we decided to vote on this tonight, we could do so. Is that correct?

MR. KOPELMAN: Mr. Chairman, members of the Commission, you can vote on it tonight. If you decide not to vote on it, you need to table the decision then to a date certain. So you have the option of voting tonight or if you don't vote, table it to a date in the future.

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CHAIRMAN DURAN: Okay. Thank you. I'd like to hear some reasons why we wouldn't want to vote on it tonight, if anybody has any.

COMMISSIONER CAMPOS: Mr. Chairman, I was informed that this was going to be just a public hearing, non-action. So that's the reason I would think it should be tabled. After we have public input.

MS. LOVELY: Mr. Chairman, it was my understanding also that this was just going to be a hearing tonight and that there was going to be a special meeting set to actually adopt the ordinance. And one reason for not doing it tonight is because the ordinances are not actually drafted yet.

CHAIRMAN DURAN: That's a pretty good reason. Okay, well, then we'll open it up for discussion. Anybody have any comments on the proposed redistricting plans? Would anyone from the public please come forward that would like to address us. State your name for the record. You need to come to the microphone.

CONNIE SALAZAR: Good evening, County Commissioners. My name is Connie Salazar as you all know. And first of all, I want to thank you, or whomever was responsible for fixing the sound system for your County Commission meetings. I listed to you every month and I tell you what. We couldn't even hear you on TV. And I did call several times for your last meeting and I want to thank whomever took care of that for me. I do wear a couple of hearing aids, so that's the reason why I'm bringing this to your attention.

Secondly, and most importantly, my comments are: After looking at all your different options I decided that the best option for me and the area where I live is Option 8-C. And why do I want this? It keeps me—and I'm saying the Jemez Road people, Airport Road, Agua Fria and those surrounding areas in District Three. It is also a minimal change to the current District Three. And it's a good balance for the City and for it to be a rural district. It maintains a Hispanic representation and it also allows the Commissioner to have only a few communities other than several communities. So I ask you to please consider option 8-C and I know that this will be the best solution for all of you. I thank you and God bless you and thanks for the great job that you're all doing.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission?

REBECCA FRENKEL: Chairman Duran and Commissioners. I'm here representing the League of Women Voters and as you can imagine, the League of Women Voters has a historical interest in this subject. You as members of the Board of County Commissioners have a unique opportunity that is available to political bodies and citizens only every ten years as you join with others throughout the United States in the process of redistricting. How the lines are drawn can affect your re-election and the opportunities of future candidates.

Sometimes this process involves fierce battles and can bring out political gamesmanship at its most extreme. Redistricting can become a free-for-all when each incumbent wants to protect his or her seat, as we have seen in attempts to arrive at new

state legislative districts. The principle of one person/one vote requires the districts be roughly equal in population. The ideal population of each Commission district would be the population of the entire county divided by the number of districts in it.

The League has submitted the proposals submitted previously by Mr. Wright and notes that the plans in general meet this requirement. Usually, the sitting political body redraws its own district lines but in some cases appoints a redistricting committee to redraw the new lines. The County chose to do the work in-house by appointing County employees to design several alternatives. Even though there were no citizens asked to participate in the process, the GIS Office has shared the information with the League of Women Voters, and I assume others who have requested it.

The voting rights act of 1965 is designed to prevent discrimination against minorities. Under Section 2, jurisdictions are forbidden to adopt election procedures that would result in denying voters an equal opportunity to participate in the political process because of their race, color or membership in a minority group. This means that the people drawing the lines must avoid creating plans that result in diluting minority voting strength.

In Santa Fe County there is an almost equal division between the major cultural and ethnic groups, with 49 percent of the population Hispanic, and 45.5 percent other whites. The other minority groups combined total 5.6 percent of the population. During the last public review of the submitted plans, there was a concern expressed that the rural areas should have strong representation on the Commission. Commissioners are elected to represent all of the citizens in their district and I have not observed that there has been any discrimination against rural residents in the four years I have been attending these meetings.

In the last US Supreme Court decision issued last April, the decision spelled out that when drawing new maps, traditional principles should be considered. Traditional principles include districts that are compact and contiguous, respectful of political subdivisions and preserve communities of interest. The decision allows local jurisdictions to meet political goals, even if the result is the creation of majority/minority districts. The plans submitted to you appear to meet these criteria. All of the plans have at least three districts with a majority of Hispanic population. Plan 8-D has four districts with Hispanic majorities.

I've not discussed this yet with the County Clerk, but since the League, during general elections, does open their office and receive calls from people asking where they go to vote, we have a lot of calls from people who have not a clue as to what precinct they're in because most of them have either misplaced or lost their voter registration card. So growth and population shifts in the county have necessitated a redrawing of precinct boundaries. The League urges the Commission to facilitate the notification of residents by mail of precinct changes. This can be both a time and financial burden on the office of the County Clerk and additional funding should be considered if it's needed.

Thank you for the opportunity to address this important issue. Redistricting is a

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way which you can give true meaning to the right to vote, by creating plans that afford all voters equal opportunity to take part in the process.

CHAIRMAN DURAN: In your letter you say Plan 8-D has four districts with Hispanic majorities, and if I look at Option 8-D, the pie charts really indicate the Hispanic versus white or the way it's distributed are pretty equal.

MS. FRENKEL: Well, if you look at the numbers of the people in each district, up above, I don't have them right in front of me but it's like 13.5 to 11.

CHAIRMAN DURAN: Erle, isn't the pie chart representative of the percentage Hispanic and the percentage Anglo?

MR. WRIGHT: Yes, they are, on the graphics that you're looking at. The maps.

MS. FRENKEL: Yes, but if you look at this, Commission District One has 13,545 Hispanics, 10,014 White. Number Two 13,657 Hispanic, 10,444 White. Three, 12,717 Hispanic, 11, 450, and so on. You can read them.

COMMISSIONER GONZALES: Mr. Chairman, Ms. Frenkel, does the League bring that up because you're concerned about four districts having a majority of Hispanics? Or what was the point in bringing that to light?

MS. FRENKEL: Well, I think we think that minority voters should certainly be recognized in all communities.

COMMISSIONER GONZALES: So I guess my point is, is it a positive statement in effect that you brought up the fact that 8-D has four districts that are represented by the Hispanic community?

MS. FRENKEL: Well, no, it's just a fact that all your other plans have three and 8-D has four. I'm just bringing you what we read as the facts.

COMMISSIONER GONZALES: So it's not an issue of the League being concerned about another district having more Hispanics.

MS. FRENKEL: We hope and we pray that everybody votes for the candidate they think best qualified regardless of what the ethnic or cultural background is.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Commissioner Sullivan, you had a comment?

COMMISSIONER SULLIVAN: Yes, while Ms. Frenkel is still—8-D is one that we have not discussed previously and I wondered if you had any thoughts on Hispanic representation other than the numbers of precincts, because the one thing I noticed that was very different in 8-D from all, almost all of the others was that as it currently sits, District Three has about 66 percent, give or take, Hispanic representation. And I think, and correct me Erle if I'm wrong, one of the criteria is not to break up voting blocs, to break up any ethnic character if at all possible.

And as we get into D, then that district goes down to 48 percent Hispanic and the others are around 50, 54, 30, 40 and 52. So it seems to kind of homogenize all of the districts in terms of Hispanic representation, but it in fact seems to dilute the higher Hispanic representation that traditionally has been in La Cienega and it what's been District

Three for the last ten years. Do you have any feelings one way or another on that?

MS. FRENKEL: I guess I would approach Option 8-D from another point of view, and this is my personal opinion, because the League hasn't—we work as a group and we have not had an opportunity to sit down and study Option 8-D since I just picked it up yesterday afternoon. But District Three there covers a large area. And I guess I would be concerned about the Commissioner and his availability of time to service such a large area. Whereas the other districts are much more compact.

COMMISSIONER SULLIVAN: I understand. And the only other comment I had, Mr. Chairman, was that I think—well, two other comments. One that concerns me on D is that it puts a finger out into the Airport Road and I knowing doing fingers or islands is discouraged in the districting process. And the other is that I think we want to keep the districts that are the most rapidly growing at this point in time, as low in population as we can, because they're the ones—and my understanding, and again, Erle, correct me if I'm wrong, is that the ones that are the most rapidly growing are Five and Three. The southern Five, which is Eldorado, Community College District, and Three, which of course is La Cienega and Airport Road and that area, the southwest.

Yet in 8-D, District Five has a population of 26,500 which essentially equals the maximum of any other district. So we're maxing out District Five already in that option. So we're not giving ourselves much flexibility. We know that that district is going to grow. So it's going to grow in a disproportionate manner I think to the other districts. And actually, we want to give ourselves a little bit of flexibility to grow in that district and stay within the five percent guidelines. So just mathematically, those are some things that popped out to me and certainly the issue that you bring up of being able to represent such a large area is one. And the issue has been debated here before as to whether there should be rural districts and urban districts and that's an issue of course which is subject to debate.

MS. FRENKEL: I would just like to comment on your concern as to whether or not you're going to have another hearing. It was my understanding that you had already decided to do the final vote in December. And I would urge you to consider to narrow down the options to two or three so that your constituents can have an opportunity to look at those and get back to you. It's kind of hard for them to follow five or six different options. Thanks.

CHAIRMAN DURAN: Thank you. Okay, is there anyone else out there that would like to address the Commission? Okay, if not, that concludes the public hearing. We're now going to go into executive session, item XI. I, where we're going to be discussing pending or threatened litigation—do we need to table this? The redistricting?

MS. LOVELY: Yes, Mr. Chairman, that's correct. You need to table it to a date certain. So you need to decide when the meeting is going to be for the final approval.

CHAIRMAN DURAN: Well, let's do it at the next Commission meeting.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

Trujillo's suggestion, I'd make a recommendation that we narrow it to 8-C and 8-D. It seems that 8-C is something, to be fair to Commissioner Sullivan, it seems that one Commissioner Sullivan is wanting to bring forward for consideration.

CHAIRMAN DURAN: Eight-D?

COMMISSIONER GONZALES: Eight-C. So we make sure we keep that alive on the table. And 8-D is something that's been discussed as well. Is that appropriate to just narrow it to those two?

CHAIRMAN DURAN: Unless someone else wants to bring any other one forward.

COMMISSIONER CAMPOS: I have a question. Mr. Montoya, this is non-action. Do we have the authority to take action to pare down the number of options?

MR. MONTOYA: Mr. Chairman, I think that is appropriate at this point, because during this public hearing process, I think the intent has been to actually provide options and now to narrow them and to be more specific about the decision. So I believe that's appropriate, Mr. Chairman.

CHAIRMAN DURAN: Are there any other plans besides 8-C and 8-D that the Commission would like to bring forward?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I have a question for Mr. Wright. Mr. Wright, last time we met did we reduce the number basically to three or four that we were really looking at? Which were the ones that we identified?

MR. WRIGHT: Mr. Chairman, Commissioner Campos, the last paring down of the options, we pared it down to Option 2. There was this sheet handed out, or actually, let me correct that. The ones that are kind of grayed-out here were sort of eliminated. Actually it was option 1, 3, 6, 8-A, 8-C and 8-D were still under consideration, although my understanding is that none had actually been eliminated but those were the ones that were still open for discussion. But again, that's at the discretion of the Board.

COMMISSIONER CAMPOS: I would like to include 3 and 8-A.

CHAIRMAN DURAN: Commissioner Sullivan?

COMMISSIONER SULLIVAN: Do we each get one to put on here? Is that the way it works?

CHAIRMAN DURAN: Bear in mind we're trying to narrow it down.

COMMISSIONER SULLIVAN: I think 8-C is a good one. I think if we're trying to narrow it down, I don't think 8-D meets a lot of the goals that are required so that would be the one that I would eliminate of those that were mentioned.

CHAIRMAN DURAN: Well 8-D's going to be on there, 8-C's going to be on there, number 3 and 8-A. Is there another one you might want to put on there?

COMMISSIONER SULLIVAN: No, that would be fine.

COMMISSIONER TRUJILLO: I agree with 8-C and 8-D.

CHAIRMAN DURAN: Okay. Do you have any others, Commissioner Gonzales? Okay, so we narrow it down to 8-C, 8-D, 3 and 8-A.

MR. MONTOYA: Mr. Chairman, 3, 8-A, 8-C, 8-D? Four, correct?

CHAIRMAN DURAN: Yes.

MR. MONTOYA: Okay. Thank you.

CHAIRMAN DURAN: Okay. So we're going to go into executive session now. Do we need a motion for that?

COMMISSIONER CAMPOS: Roll call.

CHAIRMAN DURAN: Okay, so there's a motion to limit the discussion to 8-C, 8-D, 3 and 8-A. Do you make that motion?

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Do we need a roll call on this.

MS. BUSTAMANTE: I don't know. I need a clarification from Legal. It's an ordinance, but it's just direction to reduce it. We're not approving the ordinance, so I need to know do we need to take roll call?

MR. KOPELMAN: No, Mr. Chairman. No, that's not necessary.

MS. BUSTAMANTE: I didn't think so.

CHAIRMAN DURAN: Okay. Thank you.

XI. I. Matters from the County Attorney

2. Executive Session

- a. Discussion of pending or threatened litigation
- b. Discussion of possible purchase, acquisition or disposal of water rights
- c. Discussion of limited personnel issues
 1. Consideration of selection of County Manager

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

[The Commission met in executive session from 5:20 to 6:05.]

CHAIRMAN DURAN: The Chair will entertain a motion to come out of executive session where we discussed pending or threatened litigation and limited personnel matters and where the Board unanimously approved Estevan Lopez as the new County Manager,

effective December 8th.

COMMISSIONER TRUJILLO: So moved.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER GONZALES: Second.

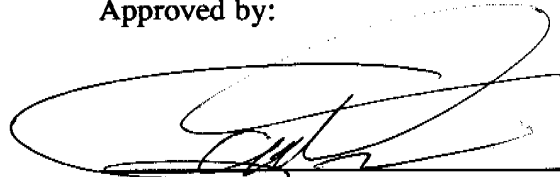
CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 6:07 p.m.

Approved by:



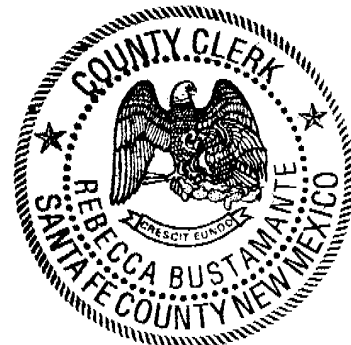
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1188.267

COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 9 DAY OF Jan A.D.
20 02 AT 10:57 O'CLOCK a M
AND WAS DULY RECORDED IN BOOK 2077
PAGE 739-229 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, NM

Marcella Salazar
DEPUTY



SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)

November 27, 2001 - 10:00 a.m.

2047828A

Amended Agenda

SFC CLERK RECORDING 08/17/2004

- 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 — *October 30, 2001*

VI. Consent Calendar:

184
A. Resolution No. 2001 — A Resolution Requesting Approval of the 2002 Santa Fe County Employee Calendar (Administrative Services Division)

185
B. Resolution No. 2001 — A Resolution Requesting an Increase to the General Fund (101)/DWI Program to Budget a Grant Awarded through the New Mexico Department of Health for Expenditure in Fiscal Year 2002 (Community and Health Development Department)

189
C. Resolution No. 2001 — A Resolution Requesting an Increase to the GOB Series Open Space Fund (385) to Establish a Budget for the General Obligation Bond 2001A Series for Expenditure in Fiscal Year 2002 (Finance Department)

186
D. Resolution No. 2001 — A Resolution Requesting an Increase to the Fire Protection (209)/Turquoise Trail Fire District to Budget Fire Protection Impact Fees for Expenditure in Fiscal Year 2002 (Fire Department)

187
E. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder for IFB #22-10 RB1 for Pumper Tankers (Fire Department)

188
F. Request Approval of Amendment Number One to the Memorandum of Agreement with the City of Santa Fe for Digital Ortho-Imagery Services (Project and Facilities Management Department)

189
G. Resolution No. 2001 — A Resolution Requesting an Increase to the Road Projects Fund (311) Avenida De Los Compadres to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Public Works Department)

186
H. Resolution No. 2001 — A Resolution Requesting an Increase to the General Fund (101)/Solid Waste Community Programs to Budget a Grant Awarded through the New Mexico Department of Tourism for Expenditure in Fiscal Year 2002 (Public Works Department)

*C, E, F, J, S
isolated
all other
approved
consent*

I. Request Authorization to Accept and Award an Indefinite Quantity Price Agreement to the Lowest Responsive Bidder(s) for IFB #22-17 for Uniforms for the Santa Fe County Public Works Department (Public Works Department)

J. Resolution No. 2001 - A Resolution Requesting a Transfer within the General Fund (101)/County Manager's Office to the Project Management Division for Expenditure in Fiscal Year 2002 (County Manager's Office)

VII. Presentations and Awards:

A. Presentation/Report by John Alejandro on the Countywide Space Analysis

B. Presentation by Rancho Viejo Regarding the Petition for Improvement District Number Two

C. Presentation and Discussion Regarding Voter Registration Program/ Secretary of States' Office

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

B. Committee Appointments:

1. Road Advisory Committee

2. Request Approval of Nominations to the Rio En Medio Community Center

3. CIP Advisory Committee - Kindel; Steve Flance; Roseanna Vasquez; Steve Dennis

IX. Staff Report

A. Report by the Project & Facilities Management Department

X. Matters from the Commission: - 6/21

XI. Staff and Elected Officials' Items:

A. Community, Health and Economic Development Department

1. Discussion Regarding Changing Ex-Officio Position on the Santa Fe County DWI Planning Council from Voting to Non-Voting Membership

2. Request Authorization to Enter into Amendment Number Two to Agreement #21-0064-CHEDD Between the Santa Fe County Housing Services Division and CDR Construction Inc. for Necessary Utility Improvements at the Valle Vista & Santa Cruz Subdivision Sites and for Negotiated Damages for Project Delays

3. Request Approval of Amendment Number Two to the Memorandum of Agreement between Santa Fe County and St. Vincent Hospital

4. Request Approval of Sublease Agreement with the Administrative Office of the Court Regarding the DWI Screening Program at Magistrate Court

5. Request Approval of the Memorandum of Understanding with the Administrative Office of the Court Regarding the DWI Screening Program at Magistrate Court

B. Finance Department

1. Resolution No. 2001 - A Resolution for Surplus Assets

2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent for RFP #22-01 Design Services for the Santa Fe County Public Works Department (Public Works Department)

*Valid - 2-2
Approved*

Approved

*Approved
Public Works*

Bob Tackett

Will not vote against

*4-1/2
Approved*

*Need
Approved*

Approved

Approved

*Approved
w/ amendments*

C. Fire Department

Approved 19/1

1. Resolution No. 2001 - A Resolution Replacing Resolution 2000-86 to Commission and Authorize Certain Land Use Department Staff, the County Fire Marshal and the County Fire Protection Specialists to Issue Citations of Violations of County Ordinances

D. Land Use Department

1. Discussion Regarding Master Plan Submittals in the Santa Fe Community College District
2. Request Approval of a Metropolitan Planning Organization Joint Powers Agreement with the City of Santa Fe

E. Project and Facilities Management Department

Approved
Approved
Approved

1. Request Authorization to Enter into a Electrical Line Extension Agreement #22-0116-PFMD with the Public Service Company of New Mexico for the Santa Fe County Public Safety Complex
2. Request Authorization to Enter into a Service Contract with Qwest to Provide Telecommunications Infrastructure to the Public Safety Complex
3. Request Approval of Memorandum of Agreement between the University of New Mexico Earth Data Analysis Center and Santa Fe County for Participation in the Affiliated Research Center Program

F. Public Works Department

Tabled
Approved
Approved

1. Resolution No. 2001 - A Resolution Requesting Funding through the 2002 New Mexico State Highway & Transportation Department Local Government Road Fund Program
2. Resolution No. 2001 - A Resolution Adopting a Speed Hump Policy for Local and Major County Roads
3. Request Approval of Grant Agreement #02-262-6001 with the New Mexico Department of Tourism for the New Mexico Litter Control & Beautification Grant

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

1. Recommendation to Enter Into a Host Agreement with PNM for the MicroTurbine Project

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the County Attorney, Steven Kopelman

1. Request Amendment of Franchise with Comcast Cable to Expand the Service Area and to Increase Franchise Fee
2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
 - c. Discussion of Limited Personnel Issues
 1. Consideration of Selection of County Manager

XII. Public Hearings:

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

XIII. 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).