

COUNTY OF SANTA FE)
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BCC MINUTES
PAGES: 67

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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

November 30, 2004

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

SFC CLERK RECORDED 02/04/2005

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

November 30, 2004

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:00 a.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

IV. Invocation

An invocation was given by Deputy County Manager Roman Abeyta, remembering previous County Manager Samuel Montoya.

V. Approval of the Agenda

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

CHAIRMAN CAMPOS: Okay, Approval of the Agenda, Mr. Gonzalez. What do you have?

GERALD GONZALEZ (County Manager): Thank you, Mr. Chair, members of the Commission. Recommendations for changes to the agenda, we have proposed to add,

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under Section VIII, Matters from the Commission, item B, Consideration of a joint powers agreement with the Eldorado Area Water and Sanitation District. And then in Section XII, Staff and Elected Officials' Items, on page 3 of the agenda, subsection C, Project and Facilities Management Department, we've added dollar amounts to items 1 and 2, and requesting the tabling of item 3.

And finally we have also added subsection E. Land Use, Request authorization to publish title and general summary of an ordinance amending Ordinance No. 2003-2. This item had previously mistakenly been placed at the very end of the agenda as a public hearing; it's actually just an authorization so we've moved it up into the Staff and Elected Officials' Items as the request we're making. That's all I have, Mr. Chair.

CHAIRMAN CAMPOS: Commissioners, any other requests? Okay. As far as Consent Calendar withdrawals, any withdrawals? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, two. Items B and M.

CHAIRMAN CAMPOS: For discussion?

COMMISSIONER SULLIVAN: For discussion.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'd like to discuss items C and H.

CHAIRMAN CAMPOS: C and H. Anything else? Okay. Is there a motion to approve this agenda as amended and with the Consent Calendar withdrawals as suggested by our Commission?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

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

VI. Approval of Minutes: October 20, 2004

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I have a few, several typographical corrections to those minutes.

CHAIRMAN CAMPOS: They don't change the substance? Just corrections?

COMMISSIONER SULLIVAN: Correct.

CHAIRMAN CAMPOS: Anything else? Okay, is there a motion to approve the October 20th minutes with the typographical corrections suggested by Commissioner Sullivan?

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COMMISSIONER SULLIVAN: So moved.
COMMISSIONER MONTOYA: Second.

The motion to approve the October 20th minutes as corrected passed by unanimous [5-0] voice vote.

October 26, 2004

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I also have a couple of typographic corrections on those minutes and if there aren't any others, I would move for approval with those corrections.

COMMISSIONER ANAYA: Second.

COMMISSIONER MONTOYA: Mr. Chair, I have some as well. And Mr. Chair, I also – I don't know if anyone else was missing pages 50 to 54.

COMMISSIONER SULLIVAN: Of which one?

COMMISSIONER MONTOYA: On October 26th, the ones we're –

CHAIRMAN CAMPOS: Yes, they're missing here too in my packet. Do you want to table the approval on these minutes until we get the complete set or would you just like to defer action until later in the meeting until you have an opportunity to review them? Do you have them?

COMMISSIONER SULLIVAN: No, I don't.

CHAIRMAN CAMPOS: Okay, so they're missing from the packet, Mr. Abeyta, pages 50 to 54.

ROMAN ABEYTA (Deputy County Manager): Okay, we'll track those down, Mr. Chair.

COMMISSIONER SULLIVAN: I'll withdraw that motion, Mr. Chair, until we get the full set.

CHAIRMAN CAMPOS: Okay, we'll defer action on that if there's no objection until we get the pages. Okay, so we have to come back to that.

VII. Matters of Public Concern – Non-Action Items

CHAIRMAN CAMPOS: Is there anyone in the public who would like to address the Board of County Commissioners on any matter of public concern? Okay, none coming forward.

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VIII. Matters from the Commission

A. Resolution No. 2004-146. A Resolution in Support of Amending the Public Record Act (Commissioner Duran)

COMMISSIONER DURAN: Thank you, Mr. Chair. I was actually asked by our GIS Department to support this resolution and after I read it, I'm a little concerned about some of the statements that it makes. Are you familiar with it, Tony?

TONY FLORES (PFMD Director): Yes, Mr. Chair.

COMMISSIONER DURAN: Could you outline for us what this does?

MR. FLORES: Mr. Chair, members of the Board, this is a follow-up piece of legislation out of last year's session. The County attempted to change the Public Works Acts, excuse me, Public Records Act to include counties and municipalities in protection of its databases. The current statutes allow protection of State of New Mexico government databases; it does not provide the same type of protection for counties and municipalities. As many of you know or as most of you know, we have invested quite a deal of money in our orthophotography project, close to \$1.6 million and because of the information that we've been receiving or we have prepared, we are getting numerous requests from private practice or private sectors to be able to utilize those topographic surveys for engineering purposes. We are taking and we are charging customers and they are paying a nominal fee if any for our database.

So legislation was presented to the session last year. It was found non-germane because of the financial and fiscal part of the legislation so we are rerunning the piece of legislation through this session. The session or the legislation will provide the inclusion of counties and municipalities into that Public Records Act, specifically providing the counties and municipalities protection of their databases and to observe the right to charge a reasonable cost for the production of those databases. In essence, that's what the legislation is.

COMMISSIONER DURAN: Mr. Chair, Tony, my concern is this orthophotography, slope analysis capability and topography that is available to the public right now is helpful not only for those that are going through the land use process, but if we don't provide that to the community or to the public then what happens is that the private sector starts charging \$3000 to \$4000 to perform, to provide that kind of information. The public has already paid for this. We've used public dollars to use it and I don't understand what the damage is if this information is made available to the public. We used their money to do it. Where are actually be hurt or what's the damage here?

MR. FLORES: Mr. Chair, Commissioner Duran, I would agree with you that it's beneficial to have the public have the ability to view and to utilize the information. The issues revolve around the fact of private sector firms, professional engineering or surveying firms, using the information to set up what we're basically paying them for. We've had many instances on County projects where we've hired out professional engineering firms. They've gone to the GIS section. They've retrieved the information for free, and that information was included in the professional services agreement that we paid for. So in essence, in some cases we've been tried to be billed twice for the same information.

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The second point is liability. The information has been prepared by an engineering firm. The information is extrapolated by an individual. It is not to be used for engineering purposes. And in many cases they are relying on our data to establish that engineering base for their development. So those are two big issues that I see as hindrances in the program right now.

The second part is that my understanding is that the way this was presented to the Commission almost 3 1/2, 4 years ago was that there would be a revenue stream generated by these products, by the deliverables that we get out of the ortho project. We still have debt service payment that we're paying on this because we did get some of the equipment or a loan from NMFA, so there is still some debt service on this product that we are paying for. So in essence, to charge a reasonable cost, and that's something that if this legislation goes forward we would be prepared to prepare. We'd be able to establish a reasonable price for this deliverable of this product.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, if I could simply add to that there's one other point. In a number of instances we have had private firms take County data, simply repackage it and then begin to market it at a profit for the private firms. And without having the abilities that the proposed language would give us we have no ability to prevent that action. If the act is passed as being proposed we would have the ability to license the data use in a way that would allow us to prevent other private firms from exploiting County data that way.

COMMISSIONER DURAN: So let me ask you a question. I own a piece of property in the Special Mountain Review District. And I'm dealing with slopes and topography. I have a survey. The surveyor is going to charge me \$4000 to do a topo and slope analysis so that I can submit to the County for a building permit. My concern is that this resolution, and if it's passed at the state, would prevent me, I own a piece of property, to be able to come to the County, get that data, have it superimposed on the survey so that I can make my submittal to the County to get my building permit. Do you see that this resolution would prevent that from occurring?

MR. FLORES: Mr. Chair, Commissioner Duran, no. This resolution and if the legislation moves forward provides the County with the ability to maintain the integrity of the databases. It's not to prevent you or I coming in and trying to look at that information or access that information. All it does is allows us to maintain the integrity also to set up a fee schedule that is reasonable to the deliverable that we're providing.

COMMISSIONER DURAN: Okay. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair, I think this is a good resolution. I know this is something that the Association of Counties through its board of directors and different affiliates have also supported and I would move for approval of this resolution.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Motion and second, any discussion?

The motion to approve Resolution 2004-146 passed by unanimous [5-0] voice vote.

VIII. B. Consideration of a joint powers agreement with the Eldorado Area Water and Sanitation District providing assistance to the EAWSD in the amount of \$4.5 million

COMMISSIONER SULLIVAN: Mr. Chair, we wanted to bring this forward today for information and general, any discussion that the Board might like to have with regard to this. I think probably, to put it in context, would start off by just simply asking Ray or one of the board members to give us a summary of where this is. And let me just say though that the intent that we've discussed before is to come up with a mechanism by which we can partner with the Water and Sanitation District in the furtherance of our 40-year water plan and the district's plans to provide public water service to approximately 5,000 to 6,000 residents of Eldorado.

This is a work in progress but I felt it was important to bring this forward now because the district is beginning to confront some court-mandated deadlines. Ray, could you add to that for us?

RAY NICHOLS: Mr. Chair, Commissioners, my name is Ray Nichols. I'm currently president of the Eldorado Area Water and Sanitation District. And you probably are aware, the district has been trying to acquire the water system since our inception back in 1997. We have not been successful in the past in trying to get agreement on the price of the water system with AMREP the current owner. However, market price was established three years ago when a contract was announced between El Dorado Utilities and Utilities, Inc. We felt then, since we had a market price that we could work into the ownership of the system. As it turned out, that is by condemnation. But the process at least we've been going through.

But we did fashion a financial package which would allow us to meet the market price and we felt that with the revenues from the sale of water in the system that we would be able to pay down the bond issue that had to be issued to get us the money to buy the system. The revenues from the system would pay down the bond issue and would allow the taxes on the residents of the district to be dropped down to a minimal level. As it turns out, the jury trial for the determination of the market value of the system came out significantly higher than we had anticipated, significantly higher than what should have been recognized as a market value, and as a result we have had to consider additional funding to pay for the system. It went from roughly \$6 million that the contract between the two utilities was for to \$11 million, which is what the jury awarded.

Now, in order for us to meet that requirement, that financial requirement, we would have to arrange for other financing, revenue bonds, quite possibly and in doing so, the revenues from the system would pay down the revenue bonds, but we would still need a heavy tax burden on the district residents to pay down the GO bonds. As a matter of fact this year's taxes, just for the Water and Sanitation District are at the third highest level on the number of items in the tax bill. We would like to find a way to reduce that tax burden and we would like to find some kind of a formula to work with the County on working with your 40-year plan, your

plans for a regional system, which we think is ultimately the right way to go and we're trying to find at this point some way in which we can collaborate with the County to meet those requirements. I'd be happy to respond to any particular questions. Mr. Appell here our attorney is here to respond to legal questions. Feel free.

CHAIRMAN CAMPOS: Any questions.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Let me just add to that that what you have in front of you is just a draft of some concepts that the staff and the district have been working on. Some of those concepts include the fact that with some assistance to the district from our bond issue, and again I would point out that the recent bond issue that was passed by the community included some 7,000 Eldorado area voters who voted on it too. So we have a substantial tax burden to the Eldorado people in that new bond issue, which people in the Eldorado area won't realize any benefit from as a result of the San Juan/Chama project. The San Juan/Chama project, which will consume the great portion of that bond issue will benefit development in the extraterritorial zone and commitments that the County has in those areas initially but won't benefit Eldorado for some years to come if at all, in that bond issue.

So I think this is a good way of partnering with Eldorado and the question comes, what's in it for the County? In addition to being part of a regional perspective and a regional water initiative, I think Eldorado has come up with some specifics that are useful for us to think about, and one is that they have about 2,200 acre-feet of unperfected water rights. And we're now taking a look at those, John Utton is, our water rights attorney to see what that means. And I'm not the expert by any means on what that means but my understanding of what it means is that they are water rights that need a home. And they need a home somewhere. And they need to be perfected and transferred somewhere. And they need to be evaluated by the State Engineer and by the experts to determine what their effectiveness and value might be. So we don't know what that means, but they're offering that 2,200 acre-feet of water rights to Santa Fe County and if there's one thing Santa Fe County needs it's water rights.

They are also agreeing to adopt water conservation measures. They're also agreeing to construct a waterline from Eldorado to tie into the Santa Fe County system, at their expense. They're also agreeing to allow the Eldorado system to be used as necessary in the future for wheeling purposes. That is to say, if we need to get to Galisteo, to provide Galisteo with water, we'll have to go through Eldorado to get there and that Eldorado system would be available to provide the piping to get us there.

So they've come up, I think, with some innovative ideas and they're further, at my suggestion, agreeing to cooperate with Santa Fe County in a re-use initiative. We have only a couple of areas in Santa Fe County where effluent re-use is really going to be viable. And that's where there's substantial concentrations of population. But we need wastewater systems to make those viable. And ultimately, there's a good potential for possibly connecting from a wastewater standpoint Eldorado and Rancho Viejo together, and then having the County participate in a re-use project of some sort as the initiator that would provide the return-flow credits.

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So there's just a whole lot of really good partnering initiatives that we could move forward on with the district. Not all of them we can finalize right at this point in time. Ray, did I miss any of the components of the agreement there?

MR. NICHOLS: That's essentially what we think would be appropriate and we'd be glad to discuss any other considerations.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER DURAN: Ray, can you tell me why the El Dorado Utility is opposed to granting any ownership, equity position in the system to the County?

MR. NICHOLS: Why El Dorado Utilities is opposed to -

COMMISSIONER DURAN: My understanding is that the \$4.5 million would not give us any ownership in the system.

MR. NICHOLS: Oh, you're talking about the district. Excuse me. The people in the area have worked pretty hard as well as the district to try to attain local control. This is a major issue for the residents in our area. Local control and the residents have been willing to put up quite an amount of money. They have pledged their property taxes to ownership of the system and we think that is probably the right way to go for the community to own the system. And of course the district was formed to give the community that opportunity.

COMMISSIONER DURAN: Would you agree though that our community's water really isn't a regional resource. What I'm really interested in doing - I don't have a problem giving the district control over the way the - how the water is used, or you'd have control over it but I really think the County needs to have an ownership interest in it, because in the long run, I think that that system, like Commissioner Sullivan mentioned, would be part of a regional system. So I'm really opposed to just giving the \$4.5 million without any ownership.

MR. NICHOLS: Well, I think in the long run, the regional system makes sense. Until we have the clear view of what that regional system consists of and what it means to the individual communities, I think our community would be reluctant to give up its ownership, per se, but certainly we're willing to work with the County to develop that regional system as we go along.

COMMISSIONER DURAN: And my last question is, several years ago, Eldorado tried to withdraw from the County and create its own municipality. Is there anything in this document that would prevent you from doing that if we did give you the \$4.5 million?

MR. NICHOLS: That would prevent us from incorporating?

COMMISSIONER DURAN: Right. Because you contribute a considerable amount of money to our general fund, and if you're incorporated then you would be your own municipality. So I'm concerned that if we gave you the \$4.5 million that you would next year try to incorporate again.

MR. NICHOLS: It's interesting, Commissioner, that has never come up in our discussions. The incorporation failed in 1999, as you know, and I haven't heard word-one about reinstating anything along those lines.

COMMISSIONER DURAN: Well, you never know.

MR. NICHOLS: You never know. I have to agree.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Are we simply – is this just for discussion or are we acting on this.

CHAIRMAN CAMPOS: Discussion only.

COMMISSIONER ANAYA: Discussion. Okay. I know we just recently passed a bond, \$51 million. Is that where we intend to take the \$4.5 million out of?

CHAIRMAN CAMPOS: I have no idea.

COMMISSIONER MONTOYA: I think that's what Commissioner Sullivan was suggesting.

COMMISSIONER SULLIVAN: Out of the quarter percent.

COMMISSIONER ANAYA: So right now we have \$51 million. We're going to take \$31 million and put that toward the Buckman Direct Diversion project, and then if we take another \$4.5 million out – am I figuring this right? Is this where we're planning on getting the money out or is it coming out of the GRT? Will we have to decide that later on?

CHAIRMAN CAMPOS: I think we have to decide that at some point.

COMMISSIONER ANAYA: Because I know that there's been communities out there, for example, Cañoncito, La Cienega, Chimayo, I think we have to really put it in the big picture and see if we can help out all these communities. I think this is a really good idea by the way, but we've got to remember that those other towns, those villages that are out there are in desperate need of systems themselves, and expanding their system too. So I think before we act on this we need to somehow come together and figure out where we're going to spend the \$16 million that's left over, if we are to give the \$4.5. So that's my concern. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Any other comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I agree with Commissioner Anaya and I also would just like to add that I too am concerned that this is a significant investment. \$4.5 million is a lot for us. We're really not getting anything guaranteed out of it other than possible inchoate or unperfected water rights. And I would suggest and recommend to the staff that however we could look at whatever type of ownership that the County may be able to work in partnership with the district, that would be my suggestion in terms of how I would feel about spending that much money on something that the County really has no ownership in.

MR. NICHOLS: If I could make a comment, Mr. Chair.

CHAIRMAN CAMPOS: Are you done?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Any other comments?

COMMISSIONER DURAN: Just one.

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CHAIRMAN CAMPOS: Let me make a comment. My concern too is Commissioner Anaya's. We have to act comprehensively. There's a lot of needs out there. And there's a lot of issues that – you come here. You have a risk, you go to court. You must have taken this into consideration. I know it's not what you expected but it's part of the risk that you were taking when you did what you did. And also I think it may be a good idea down the road. I know your feeling is that it's urgent. That we have to act today or this week or you're going to go somewhere else. Also there are major zoning issues out there in my mind. There's a lot of sprawl out there and for the County to invest significant amounts of money in a water system I think we would have to have significant anti-sprawl, an agreement as to that. I can't – it would be against my thinking to invest in a water system when there's so much sprawl going on out there in Eldorado. Those are my concerns. It has to be comprehensive. I think it may be a good idea but we have to take a long of other factors into consideration, and there's a sprawl concern. We may be able to work something out in the future. I just don't feel like the arguments are compelling enough to me to act in an emergency basis. Those are my thoughts. Commissioner Duran.

COMMISSIONER DURAN: Yes, I just wanted to say, the last bit of information I got on this is that the district was willing to give us or transfer over to us the unperfected water rights. And my understanding is that that may be impossible to perfect. So my feeling is that I really think that you need to come back to us with some ownership. I think that ownership doesn't mean that we have complete control over it. You can still develop a water utility out there that has the needs of the Eldorado area in mind, provided that it's tied into a regional plan. Thank you.

CHAIRMAN CAMPOS: Mr. Nichols, do you have some comments?

MR. NICHOLS: Yes, a couple, if I might. Certainly we'd be willing to consider your suggestion, Commissioner Duran. A couple of other comments, though. I didn't want to imply that we needed a decision right away. It's important that we move out and get our funding in some fashion but I recognize that the kind of money we're talking about here is the something the Commission needs to consider not quickly but in due time. So I would like to suggest that we can do what we have to do but would like for the County or the Commission to consider it over what period of time you may wish.

One other point is on the inchoate water rights. During our condemnation trial, there was considerable discussion about water rights, including inchoate water rights and one of the expert witnesses did testify that in that area, the Eldorado area, the inchoate water rights would be valued at between \$3,000 and \$4,000 per acre-foot, which is a significant amount of water if you consider that we're talking about 2,200 acre-feet. Now, where we go from there is something we have to consider but I did want to bring that up.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think, Mr. Chair, again, just to put this in context, we had proposed and had scheduled a gross receipts and bonding meeting but it was snowed out last week and in a work session we were going to bring up a lot of these concepts of how we approach all of our bonding concepts and suggestions in that meeting. I think the

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County still needs to have that meeting and will be having that meeting and we need to discuss all of this. But I think what we're getting in front of you here to think about is that as we establish a policy on it, let's say if the Commission's policy is that they want ownership rights before they will provide any financial assistance, then that policy should be across the board, so that if we're going to provide assistance to a mutual domestic water association or another city, say, Edgewood, that we would make that same demand upon them as well.

So I think when we're looking at these monies and we're looking at the fact that many voters voted for those water bonds who won't benefit from the San Juan/Chama project, ever, possibly, from that bond issue. Edgewood might be an example. Eldorado is an example. The question is how do we equitably distribute that money and yet keep it in a regional water system context that we have a plan that ultimately this will be part of a regional plan. And that's a big challenge and I think it's one that we're looking forward to working on, and that work session will be a start in that. But I just want to make the comment that as we set up guidelines let's be sure that what's good for the goose is good for the gander and what we ask of Eldorado we also ask of the others who we want to help improve and expand their water systems as well.

CHAIRMAN CAMPOS: Two final comments. One, I think Eldorado will benefit from the Buckman diversion in a big way, because that's the only area we're drawing surface water. So I disagree with Commissioner Sullivan on that; you will benefit from it. And as far as comprehensive, I'd like the Commissioners, we should not be looking at this in a way that we're dividing the pie up into five Commission districts. We have to look at this comprehensively and we have to have standards. I agree with Commissioner Sullivan that we have to have standards that are equitable, that do lay out the rules. But I think comprehensive, community-wide is what we need to be looking at, not district-wide. I think that's where we'll get stuck. Thank you, sir.

MR. NICHOLS: Thank you.

CHAIRMAN CAMPOS: Any other matters from the Commission?

COMMISSIONER SULLIVAN: Mr. Chair, I do want to add that it's certainly, I would hope, the direction of the Commission to have the staff to continue to work with the Eldorado Water and Sanitation District to hammer out some of these issues and to bring it forward into the work session. When you look at 6,000, 7,000 people, you just can't ignore that part of the county, regardless of what district it's in, notwithstanding it's in your favorite Commissioner's district. But aside from that I just want to be sure that there's no Commissioners that have problems with us continuing to move forward on this concept. Is everyone okay with that?

CHAIRMAN CAMPOS: No one has said that they're closing the door on this idea.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN CAMPOS: We're not ignoring Eldorado.

COMMISSIONER SULLIVAN: I'm not ignoring it.

CHAIRMAN CAMPOS: You're implying that we are. Okay, other items, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. First of all, I want to reiterate what Roman Abeyta said about Sam Montoya and I'm sure some of the other Commissioners are going to talk about Sam. But Sam was a good man who we lost last week and laid him to rest yesterday. It was a beautiful ceremony in Taos, a beautiful funeral in Taos, but I'd just like to maybe, Mr. Chair, if I could, maybe a few minutes of silence for Mr. Sam Montoya.

On November 15th a fire destroyed a home in La Cienega. The members that lived there were Nicholas Gutierrez, his wife, brother-in-law and three daughters. They lived in that home. They lived there for the past three years. The family did not have any fire insurance. They do not know the cause of the fire and it was a total loss. They will have to sell their cars to be able to buy a new home. Red Cross put the family in a hotel for three nights and will help them purchase new clothes and then they will stay with relatives. I'm asking the listening audience, the people at home that if there's anything that they could contribute to this family we would greatly appreciate it. Any contributions would go to Naomi here at the courthouse and you can give Naomi a call at 986-6200. So if there's anything that we can do, the County, I know that I've contacted Robert Anaya with the housing to see if we can help, but if you can think of anyway that you can help this family out I'd greatly appreciate it. And again, that number is contact Naomi at the County at 986-6200. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two things, Mr. Chair. First of all I wanted to remind people that a very worthwhile non-profit organization, the Delancey Street organization is once again selling Christmas trees and wreaths in the Santa Fe area at the vacant lot at the corner of Guadalupe and Cerrillos Road and also at the Villa Linda mall. Many of us know of the work that they do. Delancey Street is a nationwide organization. We're fortunate in New Mexico to have one of their facilities up in the San Juan Pueblo area and they've received national acclaim for their ability to provide residential treatment for substance abusers and to have a success rate that's far above what some other programs have experienced.

This is an organization that receives no funding from Santa Fe County and no funding from the state of New Mexico and no funding from the federal government whatsoever. All of their work to reduce the substance abuse problems in our area are funded through their initiatives, the enterprises that they have such as Christmas tree sales and a moving company, furniture repair and that type of thing. So I'm very impressed with the kind of work they do in our community and would encourage you to visit their Christmas tree lots and see if you can find a tree or a wreath that you might like for this season.

Secondly, I wanted to ask Gerald, where are we on the status of our water, our five water agreements with the City of Santa Fe? Or Steve?

MR. ROSS: Mr. Chair, Commissioner Sullivan, we have met three times with the City people and we've been exchanging drafts of two agreements. One is a formulation of the old wheeling agreement that's now been retitled the water resources agreement. And the other is a joint powers agreement that established the BDD board and governing operation that governs operation of the Buckman Direct Diversion and allocates the water rights amongst the

parties. Those agreements are set to be finalized tomorrow morning. We're going to have a meeting in my office with the City representative and see if we can agree on drafts that then can be circulated to everybody. So I expect tomorrow afternoon we'll be circulating drafts.

The City has a schedule that they'd like to adhere to to approve the agreements. I think they're having a meeting in early December. They'd like to have some sort of a draft by then so that they can explore it in a workshop session early in December and then they plan to actually vote on the actual agreement in January. I think the theory is the City Council members will want some time to absorb the details of the agreement and request any changes that might be made and I'm sure the same would be true of the Board of County Commissioners.

That's the plan. The first two agreements we think are critical to be approved at the same time, the water resource agreement, of course, benefits the County because it establishes the wholesale water deliveries to the County, and the joint powers agreement is of course critical to moving forward with the Buckman Direct Diversion project. So those are the first two that we planned to bring forward.

The other agreements, the operational agreement, the fiscal agency agreement and the actual operation of the Buckman Direct Diversion project, we figure need to be drafted only when we have the BDD board established. So we'll wait a few months until the board is actually appointed and operating before we begin that task. Because that actually is a contract between a board and Sangre de Cristo Water Company. That's kind of the methodology we're operating under at this point.

COMMISSIONER SULLIVAN: Was there a request, and I guess it may have had to do with the City's pursuing more funding for the Buckman project, was there a request that we in some way sign off on the principal agreement that was passed on in joint session?

MR. ROSS: In a sense, the Mayor sent over a little memorandum that he asked the chairman to sign that basically said these are the principles of agreement that we've agreed to. That has not been signed.

COMMISSIONER SULLIVAN: Is that something that they need or will these two agreements that you're talking about tomorrow essentially serve that same purpose?

MR. ROSS: I think they will put to doubt any notion that the principles are not binding. Once those documents are signed they will be binding commitments between the City and the County. I think the principles were really a guide for staff to go forward and should be treated as such. They're maybe not as binding as we would like but they certainly guided our discussions at the staff level. And you'll see when you see the agreements that the principles are adopted verbatim and there's not a whole lot of extra stuff that we've had to grapple with in drafting the agreement. They're very clean.

COMMISSIONER SULLIVAN: Okay, then so those two documents will be hopefully ready to go to the respective governing bodies after your meeting tomorrow. Is there a time period when this BDD board begins?

MR. ROSS: There's nothing stated in the joint powers agreement. And of course we have to get it approved through DFA before it even becomes effective. And that will take 30 to 60 days and my thought was that as soon as it became effective we would put it back

on the agenda and have you appoint your members so that the board can get constituted and start operating. We'd have to establish a joint budget between the two entities. It will take some time to get it fully operational.

COMMISSIONER SULLIVAN: Okay.

MR. ROSS: But there's nothing in the agreement right now, to answer your question that specifically says when it will start. Perhaps it's something we should consider.

COMMISSIONER SULLIVAN: Okay. But we are close. And there is one other thing that kind of goes with that, Mr. Chair, is that we had to cancel our last RPA meeting because of the weather and because of City Councilors that didn't show up. We're going to need to reschedule that. And we're kind of in a hiatus here because we don't have a director and we're relying on our Metropolitan Transportation Authority person at the City to set up the RPA meetings, so each of these meetings is coming forward with a lot of MPO agenda items on it and we really have to get to the core of the issue which is one we discussed at our retreat and that is what is the role for the RPA, the Regional Planning Authority and what do we agree in the City and County that that role should be, and if necessary, are there amendments needed to the joint powers agreement and so forth.

So Roman, or whoever, I would ask that you help out there and as soon as possible get another meeting set up for the RPA. Then we can address that issue without being encumbered by the Metropolitan Transportation issues. Because we really need to get some direction on that and I think the City's annexation issues have inserted themselves into that discussion and I really don't think they should be a part of the discussion. They should be a part to the extent that annexation is an issue in the joint powers agreement but we should not have to agree or disagree with the City's annexation plans as a condition of continuing the joint powers agreement for the Regional Planning Authority. I think that's the forum that we want to talk about things like annexation and zoning. And that's what was envisioned in the joint powers agreement.

So we're at a critical junction here and I just want to point that out to the four Commissioners who are on the RPA that we need to keep focused on that. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. A couple of items. I'd like to thank Frank Jaramillo and Jennifer Jaramillo for attending as well as Stan the Cundiyo meeting where there were a number of issues that were discussed regarding the building and road and I want to thank him for being there. The residents really were grateful as well. I'd also like to report that the New Mexico Municipal League and the New Mexico Association of Counties met almost two weeks ago to discuss issues of legislative concern that both the Municipal League and the Association of Counties will support and all of the initiatives set forth by the Association of Counties will be supported by the Municipal League. So that was good to have that discussion.

The graffiti in the area where I represent, Pojoaque and that whole area continues to be a huge problem and I would like to see that we set up some sort of a graffiti response team or

something so that we deal with these issues immediately. I know that this has been something that we've discussed but we haven't really addressed. So I'd like for that to be something that we address as a point of discussion. I don't know if other portions of the county in the rural areas are experiencing this but we sure are and I'd really like to see that we do something about it and do it immediately.

And then lastly, I'd just also in remembering Samuel Montoya. I know that he touched a lot of people's lives and we have to be thankful and grateful to our creator, to the great spirit, to God for him having allowed us to share moments with Samuel, and those of you who knew him knew the type of individual he is, what he was. Those of you who didn't know him, we know a little bit about him now just in terms of everything that he did, not only for the citizens of Santa Fe, for Taos, but throughout this state and throughout this country as well as he was well known throughout this country. We just need to remember when we're born we're born to die and we die to live and may Sam live in eternal peace and just keep him in your prayers.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Nothing.

CHAIRMAN CAMPOS: Okay. Thank you, Commissioners.

IX. Presentations

A. Presentation of New Mexico Economic Development Department Certified Communities Initiative (CCI) Program by NMEDD and Regional Development Corporation and Request for Direction to Submit CCI Application

ROBERT GRIEGO (Planner): Mr. Chair, Commissioners, Santa Fe County has been involved in several economic development activities including participating on the City of Santa Fe Economic Development Advisory Committee. The Planning Division is also developing a study for an economic development study for the Airport Redevelopment District. That study should be completed within the next couple of weeks.

The Planning Division has also identified a program through New Mexico Economic Department. It's called the Certified Communities Initiative. This program is an economic development program that the County could engage in for economic development in the future. The County has also identified a partner, Regional Development Corporation. They're staffed here. They're a potential partner with the County to participate in the program.

So we have Kathy Keith here; she's a director for the New Mexico Economic Development division to talk a little bit about their program. As she's talking I'll hand out some brochures of the program. [Exhibit 1]

CHAIRMAN CAMPOS: Mr. Griego, how long will the presentation take?

MR. GRIEGO: She said it would be a pretty brief presentation, about a five-minute presentation.

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CHAIRMAN CAMPOS: Okay. Thank you very much.

KATHY KEITH: Good morning and thank you for having me here this morning to address the Certified Communities Initiative. The first thing that I need to tell you this morning because I figure that you guys probably had four or five other telephone calls before 6:00 am this morning to the contrary, but I am a resident of the county. I'm in Commissioner Montoya's district, and my roads were in great shape this morning. Thank all of you for that.

About a year and a half ago the department put together the Certified Communities Initiative. It was in response to communities across the state of New Mexico put together the Certified Communities Initiative. It was in response to communities across the state of New Mexico saying to us We're here to be active in economic development but we're not sure how to do that. Help us. Give us a road map. So we sat down to design an initiative that would provide a road map to our communities. Looking at communities across the state who have been successful and communities across the nation who had been successful in economic development. So there are a list of seven criteria that we have asked communities across the state to basically check the box on their task list to make sure that they have these things in place. We then certify them as being ready for economic development.

I'll very briefly run through those things. A local economic development organization, a two-year business plan, a land and building inventory, an expansion and retention program, passing a local economic development ordinance, which is something that falls to this body. The New Mexico Economic Development Department program community profile, completing that profile, and then the department uses that to market the county.

And two elective requirements - which are basically a laundry list of economic development activities that the county can choose to participate in. Many of you may know Steve Gonzales, who's the department's regional representative for northern New Mexico and works hand in hand with Santa Fe County on economic development. You know we give out big bonuses at the state and Steve gets one of those at the end of this year if he can get you guys to come in and apply to be a certified community as the County. So he'll be knocking on your door all year long to get your buy-in on this.

We would love to be your partner and help you in any way that we can. If you have questions regarding the Certified Communities Initiative, we as the state put resources into marketing the community and provide you \$5,000 a year for the first two years of the program to enhance your economic development activities in the County, if you are successful in competing and becoming a certified community. Thank you, and I'll stand for any questions that you have about the initiative.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I just have one question. It's the two elective requirements. What are those? It can be anything?

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MS. KEITH: They're a laundry list that are not the core requirements but electives that a community can chose to buy into. For us, Steve you may help me. I don't have all of them in front of me but Steve does.

STEVE GONZALES: Good morning, Commissioners. This could include a marketing plan. It could include a facts book that has all the resources identified for the County, it could develop a retention/expansion program. It could have a special response team, if you will. You get a company that's looking to come in and you need an answer in 48 hours and this team can come together, somebody from Land Use, somebody from Finance, somebody from incentives. As the director said, there's plenty of items that can be picked from and we just picked two so that the County can have a well rounded application.

COMMISSIONER MONTROYA: Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In your attached materials, your flier, you indicate that a certified community says to the world, "We're open for business and we're investing in our success, and we will do whatever it takes to make your business successful." I don't know that we can do whatever it takes. We're limited in Santa Fe County, not the least of which is water. So I'm not sure that we could be quite that promising to any business but I think it's important to get the information out to businesses as to the type of environment Santa Fe County has and the type of businesses it can support as a result of that environment and a shortage of water is just one of our natural delimiters that we have to work with.

The question I had is you mentioned that 15 communities have already been certified, such as Belen and Carlsbad and Rio Rancho and San Juan County and so forth. As a result of having been certified, has their economic development activity increased?

MS. KEITH: We have seen increased economic development across the state. For these counties, what we specifically do in communities that have been certified is offer them additional marketing services. A lot of them, and I know Santa Fe County is one of those, have sites that are available around the county. I know that you all have an industrial park that you've been looking for businesses to relocate into that park. So it allows us to work with you to do a better job of marketing those sites that are available. And Commissioner Sullivan, it's a great point about the limitation in resources. Every one of our communities across this state has limitations in one way or another, and what we want to do is market the assets that you have and Santa Fe County definitely has assets to offer to businesses.

COMMISSIONER SULLIVAN: Perhaps, gentlemen, they could help us in marketing it to the Department of Finance and Administration. I think that's where we need out marketing. But you don't have a follow-up program where you go back into these communities or anything of that sort and really evaluate whether this certification does in fact provide some additional economic activity in the community.

MS. KEITH: The program is new, so we've certified our first batch of communities. And I think we're going to have to give them a little bit of time to be up and operational in the program, but we definitely will do that.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: My comment would be that we're financially strapped as a county as Commissioner Sullivan suggested and if you want us to really get in there and make a huge investment in this it's going to take more than \$10,000 over a two-year period. I think that has to be the message to the governor. If you're really serious about this it takes more resources and we're really strapped. So that's something to look at seriously.

MS. KEITH: We understand that and the \$10,000 is our way of being a partner to you. Our communities across the state feel being strapped also and economic development is one of those things that obviously you invest in so that your resources increase the pie for everyone. The state is here to be a partner to you in that investment.

CHAIRMAN CAMPOS: No, I understand what the gist of your presentation is but it seems more symbolic than real. If you're just extending \$10,000. Thank you.

COMMISSIONER MONTOKA: Mr. Chair, I just have one last comment. I would just encourage that I think this has been something that we've been struggling with forever in terms of what Santa Fe County is going to do or are we going to do anything in terms of serious economic development, and I think we've gotten stuck at a certain point. I think developing this, at least the certification process would give us at least some sort of direction in which way we'd need to go. And I agree, \$10,000 is not a lot, but it's \$10,000 we don't have to do this process right now. So I would encourage us to move forward and then see what are the opportunities that may come before us in the future. I think that would definitely be good. And I think partnering with the RDC, with the Regional Development Corporation, I see Christina McCandless. Hi Christina. I think they're a great partner and they can help us in developing what needs to be done here. I would just suggest that we move forward on this, Mr. Chair.

CHAIRMAN CAMPOS: This is just a presentation.

COMMISSIONER DURAN: Mr. Chair, I have a question.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Have you made the same presentation to the City Council?

MS. KEITH: No, we have not.

COMMISSIONER DURAN: Do you plan on doing that?

MS. KEITH: If we are invited to do so.

COMMISSIONER DURAN: Do get the municipalities involved in the economic opportunities program throughout the state?

MS. KEITH: Yes.

COMMISSIONER DURAN: Or do you just deal with the counties?

MS. KEITH: Throughout the state. And let me mention that about 60

percent of the communities have been certified so far have been cities and about 40 percent have been counties.

COMMISSIONER DURAN: So are you waiting for an invitation from the City?

MS. KEITH: As you probably know, Commissioner Duran, they have recently hired an economic development director. It's a position that has been vacant for about two years, so we are working with them now that they have someone in place and are ready to move forward. They have expressed interest. So we will be working closely with the City and Steve has it on his laundry list that every community in northern New Mexico will someday pass the Certified Communities Initiative. So far Las Vegas has and the City of Española has.

COMMISSIONER DURAN: Well, I think this is a good start to a unified effort for economic development. So I would support this effort. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think economic development is very important for Santa Fe County and for \$10,000, that's not very much money in order for us to get on this list. We've got a business park out there that I know we're trying to get some businesses in. This would really, I think would really help us out in Santa Fe County, so I strongly support this whenever it does come before us. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Thanks very much.

MR. GRIEGO: Mr. Chair, Commissioners, we were asking for direction from the Board on how to proceed with this project, if we wanted to go forward and do the application submittal to the New Mexico Economic Development Department, we'd like direction for that.

CHAIRMAN CAMPOS: I think there's positive direction here.

COMMISSIONER ANAYA: Go for it.

CHAIRMAN CAMPOS: Maybe one thing you should bring us is how much it's going to cost. They're putting \$10,000 on the table, but when you start talking about personnel costs, you may be talking about \$50,000, \$100,000.

MR. GRIEGO: That's why, in this packet material, we had identified the Regional Development Corporation who would partner with the County in the submittal process. We don't have a cost associated with it at this time but we will be bringing that information to you as we proceed.

CHAIRMAN CAMPOS: I understand.

IX. B. Presentation by the CARE Connection

COMMISSIONER MONTOYA: Mr. Chair, I'd like to ask for members of

the CARE Connection, if you'd please come forward, any members that are here. Mr. Chair, the CARE Connection project asked for my assistance this morning in recognizing key person who provided the vision and leadership which led to the formation of the CARE Connection project. At this time I'd like ask Robert Anaya to please come forward. The CARE Connection as you all may know is a consortium of different members from throughout the community, which include behavioral health providers, consumers, advocates, local government officials, law enforcement and policy and planning groups, including the Health Policy and Planning Commission and others who have come together to better coordinate mental health and substance abuse services in Santa Fe County.

When community collaboration was floundering, Robert Anaya was there, and he's the director of the Santa Fe County Community and Health Development Department who stepped in and said, Let's start again. So he brought people back, brought them to the table and more than anyone during those years provided the leadership and vision for the CARE Connection. CARE Connection members know him as a man who knows how to make things happen. Robert's vision and leadership in developing a centralized assessment and intake program have made it possible for Santa Fe County to participate in the federal Access to Recovery grant program, which through the CARE Connection we'll be able to access a little over \$4 million over the next three years for substance abuse treatment and support services.

And I can attest that definitely our county is in need of these additional services. So these treatment funds are going to be greatly appreciated. Before I present Robert with a little something I'd like to ask the other members of the CARE Connection if you all would like to say something.

FRED SANDOVAL: Good morning, Mr. Chair, Commissioners. How are you? It's good to see you once again. Fred Sandoval. Recently, the Governor appointed me as the Executive Administrator for the New Mexico Behavioral Health Purchasing Collaborative and I noticed folks sat down because they think I'm going to talk for a long time, but I promise to keep it really short. Mr. Chair, and just real quickly here, this has been quite a journey and you know I've been here in the past before the County Commission about how the City and the County will partner together and certainly my role in state government, it's a very exciting time to really be able to partner up with counties and we look very much so to doing that with Santa Fe County in particular.

And of course today it's about the work associated with the CARE Connection and so it was an honor to be able to work with folks who as you said, Mr. Commissioner, get things done and Robert has certainly done that in ways that I think speak loudly to the kinds of work that's important to the business that we're in at the State of New Mexico Department of Health, and that's the public health and the public safety of the residents of our communities throughout the state.

There have been many, various groups throughout the years that have surfaced around behavioral health issues, the Coalition of Emergency Service Providers and Crisis Response Task Force, the community roundtables. There was a Crisis Response Oversight

Committee, the list and the litany of groups that have come together over the years really speaks to how important the issue is, speaks to how impactful it is to our communities, but more importantly it really talks about what's important and that's protecting the residents of our community, those individuals who are incapacitated by either mental health or substance abuse problems. You need to be applauded for all the work that you've done over the years. It's very strenuous work, but I think CARE Connection has really come a long ways and under Robert's leadership it really speaks to press hard, work hard, and good things will come of that. And I wish you well and I want to thank Robert for all the hard work he's done over the years. We get to partner up here and there but I know during my time at the City we had a chance to work very closely together and my congratulations to you, the CARE Connection, to Robert, for all that hard work. Gracias.

CHAIRMAN CAMPOS: Thank you, Fred.

COMMISSIONER MONTOYA: Anyone else?

DAVID SIMS (DWI Coordinator): The CARE Connection has been integrally intertwined with the DWI program over this period of time and I'd just like to present Robert with a little clock that has the Santa Fe County DWI program emblem engraved in it to remind him of the time, and to thank him for the time that he's invested in the CARE Connection project.

GINNY WILSON: I'm Ginny Wilson with the Alliance for the Mentally Ill, and for 20 years in Santa Fe with the Alliance for the Mentally Ill, and appreciating that poco a poco estamos mejorando el sistema. And appreciating what happened nearly ten years ago after Pancho Ortega died, and the efforts through the Robert Wood Johnson Foundation, that Fred Sandoval got, that we were able to begin to really make an intervention with people, training for the police.

And then as the Crisis Response Team. But there was one part of that that didn't even happen and that was some place to go instead of the jail and that was the whole idea, wilting away because no one could decide how it was going to be continually financed. Then new grants became available and Robert stepped up to the plate and it's made all the difference in the world. Particularly his graceful and respectful consideration for people that let him work steadily to get place and to pull together all the parts of the community to make this happen. This is an exciting time. Thank you.

COMMISSIONER MONTOYA: Thank you, Ginny.

CHAIRMAN CAMPOS: Anyone else?

COMMISSIONER MONTOYA: Mr. Chair, I'll go ahead and make this presentation now. On behalf of Santa Fe County, Santa Fe County thanks Robert Anaya in appreciation for your vision, dedication and years of leadership that you've given to the CARE Connection. Mr. Anaya.

ROBERT ANAYA (CHDD Director): Mr. Chair, they got me but good. I just, I want to say that the staff at the County, many, many people, Steve Shepherd, Linda Dutcher, Tony Flores, Finance, everybody, worked together on this project with the Manager and everybody else for a long time, and this Commission, the previous

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Commission, worked hard and had we not been given the support from you and the direction and the approvals, things don't happen. You have to finish. And you as the Commissioners have finished and allowed that project to move forward. And I appreciate every single member of the CARE Connection very much with my heart. They're friends, they're hard workers and they mean well for this community.

But I thank you, Mr. Chair, the staff and everybody that's worked on this project.

CHAIRMAN CAMPOS: Thank you, Robert. I'd like to suggest we move the presentation by Public Works for the retirement of Steve Encinias before item C. Is there any objection?

IX. D. Presentation by the Public Works Department for the Retirement of Steve Encinias

JAMES LUJAN (Public Works Director): Thank you, Mr. Chair, members of the Commission. At this time we'd like to commend Steve Encinias for his retirement. Steve started with the County in 1980 as fleet gas mechanic and he moved on, working in the parts room, ordering parts, installing them, multitasking with his work and he went on to take on other projects. He also, through his years took schooling to further his knowledge in the service area as well as learning what was needed to run the parts room and service supervisor while Tom Baca was out.

He excelled into electrical troubleshooting and we know we have many Sheriff's units and he pretty much took care of all that for the Sheriff's Department with all their electrical issues and stuff. So he worked very, very hard over the years. We're going to really miss him. He was a good technician there and the staff there really liked him. One of the things that staff said this morning is he whistled while he worked and created a pleasant atmosphere when he shared his songs. He's also a musician. The technicians also want to know, Steve, how much your tool box is worth because I guess you still have it there, so you better go claim it and we'll really miss Steven. Steve Encinias, I'd like to really thank you for your years of service.

STEVE ENCINIAS: When I first started there, the Sheriff's Department had maybe seven units. With the other departments included, there were maybe 30 units total. Personnel was maybe a handful. Now, there's about 130 Sheriff's units, 260 all together with the other departments. Personnel has really grown like ten times over. It's grown a lot. I'm proud to be part of it. It's been a lot of years. People ask me how did you last there so long, same department for so many years. Day at a time. But I'd like to take the opportunity to thank you all for this presentation. It's been a lot of fun. I want to thank my family, coworkers. Thank God for getting me this far. Thank you.

COMMISSIONER ANAYA: Steve, you look too young to retire.

IX. C. Presentation on the 2004 - 2005 Senior Staff Retreat

MR. ABEYTA: Thank you, Mr. Chair. In the interests of time, I'll just direct the board to the information in their packet rather than giving a full presentation and I'll just go through the highlights. We did have a staff retreat on November 4th and 5th. There were 40 members of senior staff that attended, County Commissioners and elected officials. The agenda for that meeting included a celebration of success, theme building exercise, review of interview results. In the context of the staff retreat we went into break-out sessions over the two days in which we discussed the jail, water issues related to the County water utility and the bond project prioritization, facilities, future project areas, regional planning, intergovernmental cooperation and processes, innovative funding sources, including creating a two-year budget process, customer service, internal operations and processes, and then implementation of the action plan.

As far as implementation goes, the senior staff is proposing to create teams or committees to implement some of these plans and the designation of committee chairpersons for each of these teams and committees. The committees include a housing committee, satellite office committee, economic development, public safety, water, facilities, contracts, RPA, interdepartmental relations, jail, capital outlay, legislative initiatives, customer service, employee benefits, information technology and middle management.

Because there are so many committees and projects, Mr. Chair, we identified some priorities to work in immediately which include the jail, legislative initiatives, capital outlay, water, contracts, public safety, customer service, middle management, employee benefits and actually item number ten needs to be corrected to read a two-year budget process. The time line for implementation includes this information overview that we're presenting to you today. In January we'll receive a final report from Southwest Planning and Marketing. In March we will have an update that we'll provide to the BCC based on a progress report that we receive from the senior staff members. Again, in May, we'll come back to the Board with another update. In August, update the Board again and a final update in November.

That concludes staff's presentation, Mr. Chair, and I'm available for any questions the Board might have.

CHAIRMAN CAMPOS: Questions or comments? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Roman, regarding the satellite offices, I wasn't able to be there for that day when that discussion took place. Is that in line with what was discussed last year in terms of maybe setting up satellite offices throughout the county as opposed to maybe centralizing everything the way we've actually kind of been discussing regarding a new facility?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, no. We'd still continue to work towards one central facility but even if we were successful in creating one facility, we still would want to have offices throughout the county in which we can provide information to the public so they wouldn't have to travel all the way to the central facility. And what we'd like to start with is maybe identifying a location in the northern area of the county and the southern area of the county where we can start providing information that's here to the public, again, so

they don't have to come all the way down to the County.

COMMISSIONER MONTOYA: I think the fire station and Pojoaque might be a good location for a satellite office for the northern part of the county.

MR. ABEYTA: Okay.

COMMISSIONER MONTOYA: Just as a suggestion. And then the other one, on number ten you said, under the priorities. You said it's a two-year budget?

MR. ABEYTA: Yes, Mr. Chair, Commissioner Montoya, we'd like to present a two-year budget to the BCC this year, in 2005. We'd like to come forward with a budget that would be for two years rather than what you're used to seeing, a one-year budget. We'd like to start that this years.

COMMISSIONER MONTOYA: So elected officials aren't a priority then.

MR. ABEYTA: They're always a priority.

COMMISSIONER MONTOYA: Thank you.

MR. ABEYTA: They are the priority, Mr. Chair.

CHAIRMAN CAMPOS: Okay, any other questions or comments about the report? Okay. Thank you, Mr. Abeyta.

MR. ABEYTA: Thank you, Mr. Chair, and again, we'll be back with periodic updates to the Board as to our progress.

CHAIRMAN CAMPOS: Well, did you feel that this was a beneficial, positive discussion that you had over those two days?

MR. ABEYTA: Mr. Chair, yes. It was very beneficial. I think we laid a good foundation last year, so that allowed us to build on it this year.

CHAIRMAN CAMPOS: Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I attended the first day and I felt it was useful. I certainly learned a lot from the staff that were there and was able to interact on a lot of the issues that are important to me and I feel the County. So I think it was very good and I think Southwest Marketing, Bruce Poster, who's been doing these, and his assistant also did a good job in preparation. It's not just conducting a meeting; you have to prepare ahead of time for these meetings and meeting with the Commission and staff to focus the issues because you have a limited amount of time. So I felt they did a really good job and as we continue to work and grow on these it goes faster and we gain more from it and I'm glad to see the follow-up. That of course is what is always missing from these workshops and retreats is people forget about it until the next one. I'm glad to see that staff is focusing on that.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I attended the retreat part of the morning on the first day and all day of the second day and I was very excited and happy to see staff there and them participating as much as they did and I know that these things are going to get taken care of. Everybody was excited and I'm glad to see that the committees are already formed and

you've already presented us the first briefing. Thank you.

CHAIRMAN CAMPOS: Thank you very much.

X. Committee Resignations/Appointments/Reappointments

A. Reappointments to the Road Advisory Committee

ROBERT MARTINEZ (Deputy Public Works Director): Area 11 of the Road Advisory Committee encompasses the Eldorado Subdivision which is in Commission District. Mr. Jim Lightner has been the alternate committee member for this area for the last three years and his appointment expires this month. He has volunteered to serve on the committee for an additional term. Public Works is recommending the reappointment of Mr. Jim Lightner to the Road Advisory Committee as the alternate member for this area.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

The motion to reappoint Jim Lightner as alternate to the Road Advisory Committee passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

X. Consent Calendar

- A. Resolution No. 2004-147. A Resolution Requesting Approval of the 2005 Employee Calendar (Administrative Services Department)**
- B. Resolution No. 2004 - A Resolution Requesting an Increase to the Property Valuation Fund (203) to Budget 1% Administrative Fee Revenue for Expenditure in Fiscal Year 2005/\$36,895 (Assessor's Office) ISOLATED FOR DISCUSSION**
- C. Request Approval of Letter to Chief District Court Judge James Hall That Serves as the Semi-Annual Report on the Inspection of the Santa Fe County Adult Detention Center (Corrections Department) ISOLATED FOR DISCUSSION**
- D. Request Authorization to Enter into Amendment #3 to the Professional Services Agreement with Anthony W. Mayfield, D.D.S. to Provide Dental Services for the Youth Development Program/\$8,914.50 (Corrections Department)**
- E. Resolution No. 2004-148. A Resolution Requesting an Increase to the General Fund (101)/Finance Department to Budget Reimbursement Revenue Received for Expenditure in Fiscal Year 2005/\$4,018 (Finance Department)**

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- F. **Resolution No. 2004-149. A Resolution Requesting an Increase to the General Fund (101)/Hazmat Grant to Budget Prior Fiscal Years 2002, 2003 and 2004 Cash Balances for Expenditure in Fiscal Year 2005 (Fire Department)**
- G. **Resolution No. 2004-150. A Resolution Requesting an Increase to the Fire Protection Fund (209)/ Eldorado and Stanley Fire Districts to Budget Forest Fire Reimbursement Cash Balances for Expenditure in Fiscal Year 2005 (Fire Department)**
- H. **Resolution No. 2004 - A Resolution Requesting an Increase to the Fire Impact Fund (216)/Hondo, La Cienega and Agua Fria Fire Districts to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005 (Fire Department) ISOLATED FOR DISCUSSION**
- I. **Request Authorization and Acceptance of a Collaborative Fire Restoration Project Grant (3 Years) Awarded through the U. S. Department of Agriculture - Forest Service/\$360,000 (Fire Department)**
- J. **Resolution No. 2004-151. A Resolution Requesting an Increase to the EMS Healthcare Fund (232)/Fire Department - CFR Project to Budget a Collaborative Forest Restoration Project Grant Agreement Awarded through the U. S. Department of Agriculture - Forest Services for Expenditure in Fiscal Year 2005/\$120,000 (Fire Department)**
- K. **Resolution No. 2004-152. A Resolution Requesting a Budget Decrease to the Housing Capital Improvement Fund (301)/Housing CFP 2001 to Realign the Fiscal Year 2005 Budget with the Remaining Grant Balance/\$10,963 and an Operating Funds Transfer from the Capital Improvement Fund (301)/Housing CFP 2003 to the Housing Enterprise Fund (517) for Expenditure in Fiscal Year 2005/\$44,351 (Housing Department)**
- L. **Request Authorization to Apply for a Grant from the Environmental Protection Agency for Mine Waste Remediation at the Proposed Mount Chalchihuitl Open Space Project Site/\$247,532 (Project & Facilities Management Department)**
- M. **Acceptance of Offer Regarding, IFB #25-, Sale of Used Road Maintenance Equipment with Tractor Service for Two (2) Champion 730-A Motor Graders/\$50,200 (Public Works Department) ISOLATED FOR DISCUSSION**
- N. **Request Authorization to Accept a Grant Awarded through the New Mexico Department of Transportation for DWI Operations/\$22,680 (Sheriff's Office)**
- O. **Resolution No. 2004-153. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff to Budget a Grant Awarded**

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**through the New Mexico Department of Transportation for Expenditure
in Fiscal Year 2005/\$16,200 (Sheriff's Office)**

CHAIRMAN CAMPOS: Is there a motion to approve all items except B, C, H,
and M?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Okay, there's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

**The motion to approve the Consent Calendar with the exception of items B, C, H,
and M passed by unanimous [5-0] voice vote.**

**X. B. Resolution No. 2004-154. A Resolution Requesting an Increase to the
Property Valuation Fund (203) to Budget 1% Administrative Fee
Revenue for Expenditure in Fiscal Year 2005/\$36,895 (Assessor's Office)**

COMMISSIONER SULLIVAN: Mr. Chair, my question on this item was,
and perhaps Mr. Baca you can help me out with this, the reason for this \$36,895 budget
adjustment is unanticipated merit increases and increased starting pay for receptionist
position. So we're moving a position over to the valuation fund from the general fund to
account for that. My understanding was that each department did merit increases within the
vacancy savings that they had. Did you go beyond the vacancy savings which each
department works within or could you explain what's happening there?

BRIAN BACA (Deputy Assessor): Mr. Chair, Commissioner Sullivan, we
had no vacancy savings and we received recommendations from supervisory staff for merit
increases for certain individuals in our general fund. Therefore what we're requesting is
that we transfer one appraisal position out of general fund into the valuations fund which is
directly associated with our appraisers and our reappraisal projects in order to facilitate not
only merit increases but some changes in staffing that we will be making in our general
fund budget.

COMMISSIONER SULLIVAN: I just was curious because I know that for
example, Finance and some other departments, the Clerk's office has complained that
they've had inadequate vacancy savings. I don't think they have any options. They have to
live within that. And you're saying that within the Assessor's office during the entire fiscal
year there were no vacancy savings whatsoever?

MR. BACA: Mr. Chair, Commissioner Sullivan, there was very little. We
did have one FTE position that in fact we're currently attempting to fill that at this
moment. And some of this savings that we will receive by transferring one individual from
the general fund to the valuations fund will allow us to compensate that position a little bit
better than what we have been in the past. The position is an appraiser position and it is

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going from general fund to valuation fund which is a restricted fund, just for appraisal staff and reappraisal needs.

CHAIRMAN CAMPOS: Any other questions?

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

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: There's a motion. Is there a second? I'll

second it.

The motion to approve item X. B passed by majority 2-1 voice vote, with Commissioner Sullivan voting against, and Commissioners Campos and Duran not present.

X. C. Request Approval of Letter to Chief District Court Judge James Hall That Serves as the Semi-Annual Report on the Inspection of the Santa Fe County Adult Detention Center (Corrections Department)

COMMISSIONER MONTOYA: Mr. Chair, my question on that was actually I didn't have the rest of the story, as Paul Harvey would say.

COMMISSIONER SULLIVAN: It's missing the rest of the pages after the first page. Is that what you're missing? Me too.

COMMISSIONER MONTOYA: I was just wondering -

COMMISSIONER ANAYA: Is there anyone here that can answer that?

COMMISSIONER SULLIVAN: The rest of the letter is private. I'm sorry.

MR. ROSS: Mr. Chair, I reviewed a complete letter before it went into the packet. It was two or three pages. So we'll try and get the rest of the pages to you. You might want to pass over that item for now while we search for the remainder of the pages.

COMMISSIONER ANAYA: Okay, so we'll come back to that.

X. H. Resolution No. 2004-155. A Resolution Requesting an Increase to the Fire Impact Fund (216)/Hondo, La Cienega and Agua Fria Fire Districts to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005 (Fire Department)

COMMISSIONER MONTOYA: Mr. Chair, the question that I had on this, Stan, and actually even on the previous one where we're talking about an increase to the fire protection for Eldorado and Stanley fire districts. And the question that I have is specific to what if any increases in budget to let's say, Cundiyo, which has come up, Chimayo, which has come up. La Puebla. Are they being considered and from where or what source in addition to these ones?

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STAN HOLDEN (Fire Chief): Mr. Chair, Commissioner Montoya, I think I understand your issue and the concern. Specific to these funds, these are funds in reference to G, for the Eldorado and Stanley fire districts. These are funds that are specifically reimbursed to the Eldorado and Stanley fire districts for fires that occurred within their fire districts. So their actual expenses that they incurred and then they're reimbursed from the state for those fires. So the fire has to occur within those fire districts in order to be reimbursed within those fire districts.

In H, these are fire district impact fees, fire and rescue impact fees and these funds are a result of development within these fire districts, and they're collected as a result of development in these fire districts and the funds can only be spent in the fire district which they're gained. So they can't be spent in other areas or other fire districts. So in that sense, Mr. Chair, Commissioner Montoya, they are specific, specialized funds for the fire districts themselves.

However, in our five-year plan and in the capital improvement plan that the Commission has approved, we do have special projects utilizing the general obligation bond monies and fire protection funds, and we will also be using revenue funds when we come back to the Board in January with a plan to go forward with a revenue bond where we pledged the quarter cent gross receipts to pay those bonds off. That's when you'll see these other projects throughout the county. So we have not forgotten Cundiyo, or Chimayo or any of the other smaller fire districts in the county.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I move for approval.

COMMISSIONER ANAYA: There's a motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

COMMISSIONER ANAYA: Any discussion?

The motion to approve item X. H. passed by unanimous [5-0] voice vote.

X. M. Acceptance of Offer Regarding, IFB #25-, Sale of Used Road Maintenance Equipment with Tractor Service for Two (2) Champion 730-A Motor Graders/\$50,200 (Public Works Department)

COMMISSIONER SULLIVAN: Mr. Chair, the question I had on M was I understand this is a routine sale of some graders that the department had, but we apparently felt that they were valued enough that we would put them out to bid as opposed to surplussing them or auctioning them off in state auction. And we got an appraisal, of a court certified appraiser of \$42,500 for each of these grader and yet the bids came in at \$25,100. So I guess my question is, of what value was the appraisal and why were they so far apart.

MR. LUJAN: Mr. Chair, members of the Commission, Commissioner Sullivan, this appraisal was done in January of 04 and he appraised them but I don't know that he ran them or anything. He did start them up and stuff, and we have since - what we thought we would do is try to sell them or get rid of them in some manner other than through the

auction to try to get a little bit more money out of them, which didn't work out. Over the course of the year we put them back into operation and other things have gone wrong with them. So we put it out to bid one time and no response. We had a lot of people coming and looking at them. Essentially they're no value to a Champion grader. They're ten years old, so we put it out to bid again. And finally this was the bid that came in. We've looked at it. There are multiple items that need repair on them again so we felt we're probably not going to do any better. The next closest auction is down in Lea County. I felt that it wasn't even worth transporting them down there and no guarantee how much we'd get for them there.

I can't really answer why the distance between them. I did call some other areas. We looked in Trader magazines. Three have been sold this year, Champion graders of that year, three in the whole nation. So we felt that this is probably the best we're going to do out of them.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, James, are these graders, are they being replaced or have they already been replaced?

MR. LUJAN: Mr. Chair, Commissioner Montoya, they have already been replaced. These were kept on the fleet for some reason. I don't know. Way before I came here. And they have been replaced. Each one of the road maintenance crews, each district has three graders. So we do have plenty of graders.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER SULLIVAN: Move for approval, Mr. Chair.

COMMISSIONER DURAN: Second.

The motion to approve item X. M passed by unanimous [5-0] voice vote.

X. C. Request Approval of Letter to Chief District Court Judge James Hall That Serves as the Semi-Annual Report on the Inspection of the Santa Fe County Adult Detention Center (Corrections Department)

COMMISSIONER MONTOYA: Mr. Chair, except for C, we just got the rest of the letter, second page.

CHAIRMAN CAMPOS: The letter to Judge Hall. Who were the Commissioners who visited this time? Commissioner Montoya, Commissioner Duran?

COMMISSIONER MONTOYA: Mr. Chair, I would move for approval.

COMMISSIONER ANAYA: Second.

The motion to approve item X.C passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: What about the minutes? Has anybody come up with

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the missing minutes yet?

MR. ABEYTA: Mr. Chair, we haven't. Apparently the packet that was delivered to us was incomplete and so we need to get that from the recorder and I think we'll have it after lunch.

CHAIRMAN CAMPOS: Okay. Keep it on your do not forget list.

MR. ABEYTA: Okay.

XII. Staff and Elected Officials' Items

A. Administrative Services Department

1. Approval of Collective Bargaining Agreement between CWA and Santa Fe County

BERNADETTE SALAZAR (Human Resources Department): Mr. Chair, members of the Commission, the Human Resources office is requesting approval of the CWA Union contract for our deputies. I stand for any questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: It says the remaining items negotiated. What were the remaining items negotiated here that we didn't have previously?

MS. SALAZAR: Mr. Chair, Commissioner Montoya, what was approved back in September was the salary schedule for the deputies. All other articles that were negotiated were not approved at the prior meeting. So the rest -

COMMISSIONER MONTOYA: Okay, so this entire document is the remaining items.

MS. SALAZAR: Correct. Yes, sir.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Go ahead.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had a few questions. Mr. Chair, I just wanted to point out and ask a couple of minor things here. On page 16 I think in Section 25 B, you mean or helmet and not of helmet. A typo. The last line should be or. See where I am? I've got another one. Go to page 19. On III. C.4, I believe where it says truck it's supposed to be trunk. But I did have a question on III. B. 2, and this is part of Section 29, which is the vehicle take-home policy for Sheriff's vehicles. Is it my understanding that deputies are allowed to take vehicles home if they were hired on or before June 30, 2002, but they have to live within the county or no further than 15 miles outside the county. Is that correct?

MS. SALAZAR: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: No is that 15 miles one way or round trip?

MS. SALAZAR: One way, sir.

COMMISSIONER SULLIVAN: One way.

MS. SALAZAR: Yes.

COMMISSIONER SULLIVAN: It doesn't say that in here, but everybody understands that except me, right?

COMMISSIONER DURAN: Yes.

COMMISSIONER SULLIVAN: Good. That's good. And in the policy for take-home vehicles, and I understand in looking at this policy that they can't be used for personal use and that the radio has to remain on while they're using vehicles to go home and so forth. It says, It's the policy of the Sheriff's Department to assign vehicles to individual deputies when possible on a permanent basis other than for just cause. What does that mean?

CHAIRMAN CAMPOS: Where is that?

COMMISSIONER SULLIVAN: Section 29, I. Our policy for assigning vehicles for take-home use.

CHAIRMAN CAMPOS: Other than for just cause.

COMMISSIONER SULLIVAN: What does that mean?

MS. SALAZAR: Mr. Chair, Commissioner Sullivan, this was not one of the items - it was not on the table so it wasn't changed and I'm not quite sure what the meaning of that is.

COMMISSIONER SULLIVAN: I'm not either.

MS. SALAZAR: I believe the Undersheriff is not here right now.

COMMISSIONER SULLIVAN: This hasn't been signed yet. Perhaps it will be clarified when we get there is somebody knows what it means. Other than for just cause. Does that mean that everyone's entitled to take home a vehicle unless they in some way abuse that privilege? Is that what that means?

RON MADRID (Undersheriff): Commissioner, I'm not real sure what it means to tell you the truth. This was something that was in the contract before. It was not negotiated. It was already in the contract and I couldn't answer that question right now.

COMMISSIONER SULLIVAN: Okay, but to clarify, the policy is that all deputies are entitled to take vehicles home. Is that correct?

MR. MADRID: Yes, sir. They're entitled to take the vehicle home. The privilege could be taken away by the Sheriff at any time.

COMMISSIONER SULLIVAN: Because the policy is to assign when possible on a permanent basis, other than for just cause. So maybe what we're getting at here is if in some fashion the Sheriff feels that that privilege has been abused then the Sheriff could deny that privilege.

MR MADRID: Yes, sir.

COMMISSIONER SULLIVAN: And he has in the past.

MR. MADRID: Yes.

COMMISSIONER SULLIVAN: Okay. So that would clarify that.

CHAIRMAN CAMPOS: Yes, that has to be clarified.

COMMISSIONER SULLIVAN: I guess that's what that means. I wasn't quite

sure. I had a question on page 28.

CHAIRMAN CAMPOS: Give us a line.

COMMISSIONER SULLIVAN: It's H, paragraph H on page 28. When there's an Internal Affairs investigation and the Sheriff completes the investigation, he classifies the case either being sustained, the allegation as being sustained, non-sustained, unfounded, or exonerated. And it was really unclear to me what the difference between unfounded and exonerated was. Unfounded says no basis for the complaint, and exonerated says the incident complained of was lawful or proper. So it seems like you either – the complaint is dismissed or it's sustained. If I had a complaint filed against me as a deputy, if I were exonerated, and that's the fourth alternative, then that would mean what I did was lawful or property. If, however, the basis was found to be unfounded, does that mean that it was unlawful but there was no basis for the complaint? I'm really unclear as to what that means. The difference between unfounded and exonerated in terms of the decision being rendered against me.

MR. MADRID: Mr. Chair, Commissioner Sullivan, it would depend on the complaint. Unfounded complaint could be a complaint that was issued by a citizen in which we, the investigator found that the complaint was unfounded, there was no grounds for the complaint. The exonerated complaint could be an incident in which excessive force complaint was filed while the deputy was conducting his daily duties. Do you understand what I mean?

COMMISSIONER SULLIVAN: Okay. So in terms of the effect on the deputy, the only one of those classifications that would move the complaint forward would be sustained. Is that correct?

MR. MADRID: Yes, sir.

COMMISSIONER SULLIVAN: Because there's three other categories: non-sustained, unfounded and exonerated. Whatever the Sheriff deems is the proper category, if it was sustained then other actions would take place.

MR. MADRID: Yes, sir.

COMMISSIONER SULLIVAN: Okay. That was unclear to me. It just seems like it would either be dismissed or not dismissed. Fairly confusing.

MR. MADRID: Commissioner Sullivan, there are several complaints that we receive by citizens that turn out to be unfounded because there was no basis for the complaint. Now, the exonerated complaints are – actually, it's not a complaint. It's an investigation which is issued by the Sheriff because somebody might have taken force above a reasonable force, which is the Sheriff is actually the one who has filed a complaint and that's where it would be exonerated because the deputy took lawful action. I don't know if you understand that.

COMMISSIONER SULLIVAN: Exonerated would basically be an investigation that the Sheriff himself initiated.

MR. MADRID: Exonerated would be – yes, sir.

COMMISSIONER SULLIVAN: And unfounded would normally be a result if it were a citizen complaint that the Sheriff found was unfounded.

MR. MADRID: There was no basis for that.

COMMISSIONER SULLIVAN: No basis for that. Thank you. Then the last

questions I had had to do with pay. On page 36 we have the pay scale, and my understanding is that that goes for two years. Is that correct? That scale is in effect for three years.

MR. MADRID: Three years. Yes.

COMMISSIONER SULLIVAN: So in the three-year period there will be no change to that pay scale per this agreement with the union.

MR. MADRID: That's correct.

COMMISSIONER SULLIVAN: Then on page 37, on shift differentials, and specialty pay, so in addition to this pay, anyone working from 2 pm to 12 am gets five percent more. Anyone who's working from 9 pm to 7 am gets ten percent more, and everyone who's working in between those two shifts get 7.5 percent more. Is that correct? Isn't that everybody?

MR. MADRID: No.

COMMISSIONER SULLIVAN: No? What am I missing here?

MR. MADRID: This shift, on the split shift are traffic enforcement people or DWI people, which is three. They are the only ones that are covered by that split shift.

COMMISSIONER SULLIVAN: Okay, that wasn't clear to me. So that's only for traffic enforcement.

MR. MADRID: Yes. They're the only ones that work that split shift. The rest of the deputies, the only other incentives are swing shift and graveyard. Swing shift is the 2 to 12 and graveyard is the 9 to 7 am.

COMMISSIONER SULLIVAN: Okay. So that's about half the time, right? Or more?

MR. MADRID: They'll work this shift for three months. They'll be assigned to the graveyard shift. The graveyard people for three months, then they'll rotate shifts.

COMMISSIONER SULLIVAN: What I'm getting at is from 2 pm to 12 am, that's ten hours and from 9 pm to 7 am, is ten hours. That's 20 hours out of 24 in the day. So 20 out of 24 hours in the day we are paying our deputies either five or ten percent more than the pay schedule. Is that correct?

MR. MADRID: That's correct.

COMMISSIONER SULLIVAN: I wasn't aware of that. Is that a standard of the industry?

MR. MADRID: Yes, it is. It's standard throughout the country.

COMMISSIONER SULLIVAN: And this is something we had in the agreement. This is something that was not negotiated this particular time.

MR. MADRID: This was in the agreement before. We did not negotiate this.

COMMISSIONER SULLIVAN: Okay, and then the last question was on specialty pay. In addition I guess to those shift differentials, there's also additional pay if you're a canine handler, a detective, a field training officer, a SWAT team member, a traffic accident investigation unit member or in the warrant and fugitive division. Just roughly, how much of the department do all of those categories represent?

MR. MADRID: There's three canine handlers in the department, there's 12 detectives, there is I believe 6 FTO officers, there's 2 warrants officers, and there's, SWAT

team members, I believe at this point there's 12. Traffic investigation, fatal officers, there is 4.

COMMISSIONER SULLIVAN: Well, on the detectives, it's those who are assigned to criminal investigations, narcotics + in these six categories, the SWAT teams I can see as a former military person, a hazardous duty type of pay, is there something hazardous or more intense than the risks that the normal deputies and officers take?

MR. MADRID: They're considered specialized divisions, Commissioner Sullivan. They have to go through specialized training to be on the fatal team, to be reconstructionists of accidents, to be detectives, they also have to take advanced training. Also, all these divisions are on-call 24 hours a day. They can be called out in the middle of Thanksgiving dinner. That's why they get their incentive pay.

COMMISSIONER SULLIVAN: So if I'm on the traffic accident investigation unit, fatal team, I'm on that full time or is that just on an on-call basis?

MR. MADRID: They work on the regular patrol division. Their specialty is the fatal team. If there's a - they're on call 24 hours a day to come out and handle that fatal accident.

COMMISSIONER SULLIVAN: Okay, so they get that incentive pay, but it's not a great deal, \$75 a month. They get that whether they're called out or not. They're on that full time.

MR. MADRID: Correct.

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

CHAIRMAN CAMPOS: Okay, any questions or comments?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Any discussion?

COMMISSIONER MONTOYA: Good agreement, Mr. Chair. Thanks for all your work.

The motion to approve the agreement with CWA passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Okay, let's break for lunch and if there's no objection, come back about 1:30 and hopefully we can finish it up by three. How did it look? You guys in the mood or not?

[The Commission recessed from 12:00 to 1:30.]

CHAIRMAN CAMPOS: We're back in the meeting. We're all set. Everybody's here.

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XII. B. Health & Human Services Department

**1. Approve Amended and Restated Memorandum of Agreement
between Santa Fe County and St. Vincent Hospital**

CHAIRMAN CAMPOS: Who's going to present?

MR. ABEYTA: Mr. Chair, I think Steve Shepherd was going to present but I don't see him here.

CHAIRMAN CAMPOS: How about item 2? Why don't we go there?

**XII. B. 2. Recommend Qualified Persons to St. Vincent Hospital
Governance Committee for Nomination to St. Vincent Board of
Trustees**

CHAIRMAN CAMPOS: We talked about that a little bit earlier at the Indigent Fund meeting, and there was a recommendation for two persons, Jerry Jorgenson and Ms. Ernestine Ivy Lawrence. Is there any objection to going to B. 2? No objection. Is there a motion to approve Jorgenson and Lawrence as per the recommendation?

COMMISSIONER ANAYA: So moved.

COMMISSIONER DURAN: Second.

The motion to recommend Jerry Jorgenson and Ernestine Ivy Lawrence passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XII. C. Project & Facilities Management Department

**1. Recommendation to the Board of County Commissioners from
the County Open Land and Trails Planning and Advisory
Committee (COLTPAC) Regarding Acquisition of One Property
Including 22 Acres in Chimayo as Part of the 2004 Acquisition
Phase**

PAUL OLAFSON (Open Space and Trails Division Director): Mr. Chair, Commissioners, before you you have a recommendation from the Open Land and Trails Planning and Advisory Committee for purchasing 22 acres in Chimayo behind the Santuario. If you look in your packets there's a map. It's one of the last large areas. It's a conservation easement purchase from the Bal family, a 17-acre tract and a 5-acre tract. And this is a recommendation for staff to proceed with negotiations.

CHAIRMAN CAMPOS: Mr. Olafson, you're saying it's immediately to the north?

MR. OLAFSON: It's generally to the north. If you look at your map -

CHAIRMAN CAMPOS: What lot is it?

MR. OLAFSON: On the third page of your memo it's lots 2 and 3. And they're marked the Alma Bal Trust and Raymond Bal.

CHAIRMAN CAMPOS: Okay. And we're talking about the purchase of the property?

MR. OLAFSON: We're talking about purchase of a conservation easement. And that would allow for agricultural use only, agricultural and educational use only.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: And this is in Chimayo, correct, Mr. Chair?

CHAIRMAN CAMPOS: Yes. Okay, is there a discussion? Questions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN CAMPOS: Okay, this is a recommendation to proceed with the negotiations?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER DURAN: Second.

The motion to proceed with negotiations on the Bal Chimayo properties passed by unanimous [5-0] voice vote.

XII. C. 2. Request Approval of Land Purchase Agreement between Santa Fe County and Commonweal Conservancy for Approximately 168 Acres of Land Near in the Village of Cerrillos for Inclusion in the Santa Fe County Open Space and Trails Program

MR. OLAFSON: Mr. Chair, Commissioners, this is a project that was brought before you in August. It's the acquisition of a 168-acre conservation easement directly adjacent to the County's existing, what we call the Thornton Ranch property which also contains Petroglyph Hill. The purchase will allow for better access and development of a facility center there. I've handed out a letter of support from a former committee member who's involved in the project. [Exhibit 2] The purchase if for \$400,000 for the easement. The property was valued - it's one parcel valued at \$1 million; the easement area was valued at \$510,00 and the discounted sale price is \$400,000 and out of that, \$20,000 will be put back into the five percent maintenance and operations fund.

CHAIRMAN CAMPOS: Basically the Commonweal is a conservation organization. They own the property.

MR. OLAFSON: Correct.

CHAIRMAN CAMPOS: And they want to sell it to us.

MR. OLAFSON: They want to sell an easement over the property for us, for trails, visitors center and parking lot.

CHAIRMAN CAMPOS: They're going to maintain the basic ownership.

MR. OLAFSON: Yes, the lot will be sold as an individual lot to a homeowner and there's a development site outside of our conservation area that will be used for one homesite. And then within the conservation area we have I guess full control over the development and we plan trails, two parking lots and a potential visitors facility.

CHAIRMAN CAMPOS: Any questions or comments? Commissioner Duran.

COMMISSIONER DURAN: Paul, what was the direction we gave you at the last meeting concerning this?

MR. OLAFSON: Mr. Chair, Commissioner Duran, you'd asked specifically to look into a fee purchase. And again, the landowner, Commonweal felt it was - they were unable to do a fee as well as the cost was higher, \$110,000 higher. So we did look into the option of a fee and it didn't seem to fit the project. And basically, the easement allows us to leverage our monies a little better, still acquire the interest in the property and the uses that we need are deemed appropriate there.

COMMISSIONER DURAN: Okay.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, on your map, the 168 acres, the map that says existing County open space, is the green on this map already purchased or that's the area that we're talking about?

MR. OLAFSON: I'm sorry sir. I'm looking at a black and white copy here. The area that kind of has dots - yes, the green area is the 168 we're getting the easement on.

COMMISSIONER SULLIVAN: And what's the yellowish color?

MR. OLAFSON: The yellow is the remainder of the lot. The lot is 263 acre and we're getting easement across 168 of those.

COMMISSIONER SULLIVAN: And so on the remainder of the lot they can build only one house, you're saying?

MR. OLAFSON: Correct. Within that kind of a square there. That's the development envelope that's permitted as part of the conservation marketing approach for Commonweal.

COMMISSIONER SULLIVAN: Okay, and all of those other lots that are shown there, those development envelopes, have those already been approved by the County?

MR. OLAFSON: Mr. Chair, I'm not sure the envelopes are approved per se, but I think the envelopes are part of the conservation approach to siting the lots so that they have appropriate scenic views as well as kind of isolation protection and vistas, etc. But the lots themselves, the individual parcels have been approved through the County.

COMMISSIONER SULLIVAN: And where it says Tract 8, Tract 9, etc., these are part of a subdivision that has not yet been approved?

MR. OLAFSON: It has. Those lots are legal lots of record. The building envelopes within them are an additional constraint that the developer, the Commonweal, is

putting on the lots themselves.

COMMISSIONER SULLIVAN: Okay, then within the County conservation easement, 168 acres, as you and I discussed the other day, no homes will be allowed to be built in there.

MR. OLAFSON: That's correct.

COMMISSIONER SULLIVAN: So we will have control. What about mineral rights?

MR. OLAFSON: The easement puts restrictions on all types of uses. So they only uses that would be permitted are for County open space purposes. So there couldn't be mining, there couldn't be anything, other than there's an option for well-sharing if the lot owner and the County agreed to that at a future date. That's not up right now.

COMMISSIONER SULLIVAN: So what's - we then have essentially total control of this site. What's the advantage to the seller to do this, as opposed to selling it outright, which would generate more money?

MR. OLAFSON: I believe the seller is interested in working with the County and helping allow this access and improvement to the Thornton property.

COMMISSIONER SULLIVAN: So they have some financial interest in the Thornton property also.

MR. OLAFSON: Not in the County's Thornton property, but Commonwealth has an agreement with the Thornton family for the development of the remainder of the Thornton Ranch, of which these five lots you see there are part of. The entire development is approximately 13,000 acres and they're looking at trying to conserve over 10,000 of those acres as a conservation-focused development.

COMMISSIONER SULLIVAN: Okay, so they wouldn't be allowed to build a road across this easement to get to other properties that they want to develop.

MR. OLAFSON: No, sir.

COMMISSIONER SULLIVAN: Only the road that you show here, which would go for parking.

MR. OLAFSON: Correct. And then outside of that easement area they're also granting us a maintenance road into the Petroglyph Hill area.

COMMISSIONER SULLIVAN: That's all I had, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Any other questions? Commissioner.

COMMISSIONER DURAN: Paul, the property that we are considering acquiring today is still owned by the Thornton Ranch, correct?

MR. OLAFSON: It's under contract through Commonwealth. I believe the Thorntons own it but the Commonwealth has it contracted and is marketing it and they have - this is then the first kind of phase of their development and then the next phases will move to the north and east.

COMMISSIONER DURAN: It seems, my understanding is that the County has been the only purchaser of any of the property that the Thornton Ranch has.

MR. OLAFSON: Mr. Chair, Commissioner Duran, my understanding is

that there have been other lots sold and Ted Harrison is here from Commonweal if you'd like to ask him directly. I don't know an exact number, but I know several -

COMMISSIONER DURAN: Maybe a few small ones. But I think the County has been the biggest contributor to the Thornton Ranch's marketing program. They have the whole ranch for sale right now and I know they have an agreement to develop a community out there with - it used to be with the Santa Fe Conservation Trust.

MR. OLAFSON: Mr. Chair, I don't know if the Conservation Trust was involved. I know that they've been discussing conservation ideas with the Conservation Trust.

COMMISSIONER DURAN: Okay. So my question in looking at this map is the Thornton Ranch or Commonweal Conservancy going to be able to develop these building sites that are on the property that we're leasing?

MR. OLAFSON: Mr. Chair, Commissioner Duran, they are developing them as we speak. They've been putting in the infrastructure.

COMMISSIONER DURAN: To these lots.

MR. OLAFSON: Not on our easement area, but on the other lots, yes, and the other building envelopes.

COMMISSIONER DURAN: So looking at this, what we are purchasing under an easement arrangement is this green and the yellow?

MR. OLAFSON: The green only.

COMMISSIONER DURAN: Just the green.

MR. OLAFSON: The yellow remains the parcel. It's all part of one 263-acre parcel and we're buying the easement on 168 of the 263.

COMMISSIONER DURAN: And so tell me again why they were opposed to selling it to us.

MR. OLAFSON: I believe that it was part of their marketing. They felt it didn't fit and Ted can speak to this directly. And secondly, the purchase price is higher for us. We're getting the same thing we wanted for \$110,000 less.

COMMISSIONER DURAN: So there are a lot of people that want to buy this property? I mean, just because someone establishes a price for a piece of property doesn't mean that we have to pay for it. I think what's happening is that we're buying this conservation easement. We're giving them x-amount of dollars and then they're able to take advantage of the tax benefits under that conservation easement. So they're getting the best of both worlds in my opinion. I think that we could negotiate a price with these people for an outright purchase, and we own it, like we own all our other properties. Do we own any other property under a lease arrangement?

MR. OLAFSON: We did just purchase a property in Chimayo under an easement. I think that Commonweal as a non-profit I don't think benefits from the taxes. I'd have to ask Ted.

COMMISSIONER DURAN: The owner does.

MR. OLAFSON: Okay. Because they'll do it first. So the owner will come

in and it will already be done. It won't impact them. They'll only be paying whatever remainder value is on that. So the owner isn't donating; Commonweal is. Commonweal is the owner at this point and as a non-profit they don't get the taxes.

COMMISSIONER DURAN: So nobody benefits from the establishment or creation of this conservation easement?

MR. OLAFSON: Mr. Chair, Commissioner, under the tax benefits, my understanding is no one is benefiting.

COMMISSIONER DURAN: Could you answer that for me, Mr. Harrison? I'm just concerned that we're not purchasing the property, that we're just leasing it. And it seems to me that not only is the property owner benefiting from the process of acquiring open space out there, because I don't know of any other land out there that's selling in that neighborhood, such a large tract.

TED HARRISON: I can speak to that.

COMMISSIONER DURAN: So they're benefiting from our open space acquisition program and then in addition to that they're being able to take advantage of the tax benefits under a conservation easement. Maybe you can dispel all my paranoia.

MR. HARRISON: I'll do my best. I'm Ted Harrison, the president of Commonweal Conservancy. Mr. Chair and Commissioners, it's not a lease. It is a purchase of a conservation easement. And I was approached by members of COLTPAC to see if Commonweal, who does have a contract to purchase the entire Thornton Ranch, which is about 13,000 acres, if we would be willing to consider a sale, either of fee or conservation easement to improve the utility of the County's existing ownership in the Petroglyph Hill area.

Right now the feeling was, the perception is that the County's land is very useful for its cultural resource protection purposes but not as useful in terms of its public recreation value. So members of COLTPAC asked me to come out and look at a possible trail alignment that would also give them the right to develop a parking lot and a visitors center. This is part of a larger discussion that I know COLTPAC and County staff are having with the state that may in the grander scheme some day in the future create a facility that would support a federal program of a Galisteo Basin cultural resource protection area of the whole Galisteo Basin area.

So it was at their request that I went out there with them and we looked at a possible alignment of an additional acquisition of land and as we went through the discussion it quickly came apparent that the most cost-effective way for the County to acquire more land that would give them the recreation and then facility development opportunity on Thornton Ranch would be through a purchase of a conservation easement.

So that's the path we headed down. At COLTPAC, I'm not remembering actually whether there was an interest among COLTPAC members as to whether they wanted to pursue a fee acquisition. I think Paul is correct that the real interest is to try to get all the use rights that the County could possibly acquire at the lowest possible price, so the easement was judged the most cost-effective approach. Jack Donnell, with the County's

approval did an appraisal of the property as you heard in Paul's presentation. The full 263-acre tract which this easement overlays a portion of, and valued that tract at a million dollars. That was based on comparable sales throughout the Galisteo area. It's about \$3800 an acre.

That's fairly consistent with prices that the County paid through appraisals that the County had acquired some years ago when the first two transactions of Thornton Ranch were completed. So we're tracking, I think, pretty well with the change in the market out there.

In terms of other sales there have been at least seven other sales of Thornton Ranch property. They've ranged in size from as small as 40 acres to as large as 300 acres. And so you're correct that the County is the largest single owner of Thornton Ranch property over these past four years, but there have been at least seven other sales.

COMMISSIONER DURAN: Are those sales about the same price per acre?

MR. HARRISON: They've ranged from \$4200 an acre to a low of \$3200 an acre. So depending on the topography and views and sort of drainage issues, they've been priced differently.

COMMISSIONER DURAN: So we're paying how much per acre on this under a conservation easement?

MR. HARRISON: I think it's \$3000 - I don't know that off-hand. But we're talking 168 acres at \$400,000. So believe - I thought it was \$3081 or something like that.

COMMISSIONER DURAN: \$2380.

MR. HARRISON: \$2380. Okay, so again, Paul is speaking accurately in terms of the fee acquisition was certainly not an enthusiastic direction of COLTPAC, particularly because of the dwindling resources of that fund. So the approach to buying a conservation easement was the most cost-effective approach. Commonweal had the opportunity to sell it to the County for less than its fair market value. It was appraised at \$510,000 and we had the opportunity to sell it at \$400,000 which we were intending to be a gift to the County of additional value. So the question of how does it benefit us or how does it benefit the Thornton family - the Thornton family in their larger conveyance, is taking a tax deduction on their lower than fair market value price to Commonweal. So there's a tax benefit that they get from the larger transaction but not from this transaction.

COMMISSIONER DURAN: And who can extinguish this conservation easement? Anyone?

MR. HARRISON: It's a perpetual easement.

COMMISSIONER DURAN: Forever and ever.

MR. HARRISON: Forever and ever. Yes. So the County has the right in the easement to convey it on to another qualified conservation entity if it chose to do that. If it didn't have the capacity to manage it.

COMMISSIONER DURAN: Okay. Thank you. Thank you, Mr. Chair,

CHAIRMAN CAMPOS: Any other questions or comments? Commissioner

Sullivan.

COMMISSIONER SULLIVAN: Paul, it seems like the primary purpose for this is trails and trail connections and so forth, and roads. Is this being taken out of the trail money?

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, part – it's a 60-40 split, 40 from trails and 60 from the land acquisition. In the debate in COLTPAC, the discussions there, it was determined that it is a large fee area, or it is a large acquisition area but the main purpose of it would be to facilitate better trail access, so that was the split, 60-40.

COMMISSIONER SULLIVAN: Don't we have quite a bit more money left in the trail pot than we do in the fee acquisition pot?

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, we do.

COMMISSIONER SULLIVAN: So why don't we buy this with trail money?

MR. OLAFSON: That's an option. It was determined that the focus of the trail fund is to really provide direct trail linkages and our over goals for trails in the county will consume the remainder in the trails fund quite easily so it was felt, let's not take all from the trail projects.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir,

COMMISSIONER ANAYA: They've been looking at this piece of land for a long time and they've discussed it with Commonweal. I personally rode this property on horseback with Rick Dotson, who's in the audience back there. And this is an important piece of property, not only for the open space and trails, but to get to the piece of property as we show here, the existing County open space. This is a little flatter. We can put parking there. We can connect our trails there for the hikers. And then for the big picture, and maybe Gerald can speak to this a little better than I could, but we're trying to do a cultural resource center in that area and maybe this piece of property would eventually tie into it because of all the petroglyphs and the things that we're doing in that area. Correct, Gerald?

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, it is a potential draw that we have looked at as a possibility for creating a broader open space, trails and cultural resources development plan for the southern part of the county, particularly the Galisteo Basin.

COMMISSIONER ANAYA: So with that, Mr. Chair, if there's not any more discussion, I'd like to make a motion to approve.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Any discussion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir,

COMMISSIONER SULLIVAN: Paul, going back to the map that says

existing County open space, the green and yellow map. What defines the boundary between the area that they can build on and the area that they can't build on? Is that a ridge line along there?

MR. OLAFSON: Mr. Chair, Commissioner Sullivan, yes, that's generally a high ridge area.

COMMISSIONER SULLIVAN: It's not a fence line or anything that's surveyed right now?

MR. OLAFSON: No. We went out and walked it and staked it. It's basically a ridge. It's not a big, massive ridge; it's a rise.

COMMISSIONER SULLIVAN: Okay, so 168 acres hasn't been surveyed yet.

MR. OLAFSON: No, that's in the process right now. We're doing that. And that's part of this agreement that it gets finalized and surveyed before closing.

COMMISSIONER SULLIVAN: Okay. I'm just thinking from a drainage standpoint then, our easement is not going to be receiving any drainage from the other strip that they're going to develop.

MR. OLAFSON: No.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Mr. Chair, Paul, just regarding the contract, is this our template?

MR. OLAFSON: Mr. Chair, Commissioner Montoya, this is based on a contract we've used with other projects and it's modified of course for this project. We don't have a zero set contract but this is similar in form to most of our recent purchases.

COMMISSIONER MONTOYA: Okay. I would just suggest that we correct the pagination, because it starts 1 of 15 then it ends up 17 of 17, I believe. It's just pagination.

MR. OLAFSON: Okay. I understand.

COMMISSIONER MONTOYA: On the bottom. Just so that we have a correct version of it.

MR. OLAFSON: We can make that correction.

CHAIRMAN CAMPOS: Mr. Olafson, are you suggesting we approve the purchase subject to conditions, or approve the purchase period?

MR. OLAFSON: The conditions were already brought forward when we asked you to approve the project and those are incorporated into this project, so I'm recommending that you approve this purchase agreement and the easement attached.

COMMISSIONER DURAN: One last question. Paul, on the western boundary of the conservation easement, there appears to be an ingress and egress easement. Is that on the - is any of it on the conservation easement, and if so, would the County have the right to use that?

MR. OLAFSON: On the very edge of the easement area is your question, sir?

COMMISSIONER DURAN: Right along the western boundary of the property. These are building sites, I assume.

MR. OLAFSON: Correct.

COMMISSIONER DURAN: And these appear to be driveways to the building sites. So it's my understanding or assumption that there's going to be an easement along this boundary so that people can access these building sites. So my question is, does the County, will the County have the right for ingress and egress along that easement?

MR. OLAFSON: We do up to the point where there's a dotted kind of S-shaped line. That's marked as a maintenance road and that we're being granted access into our Petroglyph Hill site. Through vehicle access.

COMMISSIONER DURAN: And that easement is for what purpose?

MR. OLAFSON: For maintenance and programming at Petroglyph Hill, research, archeology study. But it's not for the general public. The general public would come in on the eastern side where the parking areas are marked.

COMMISSIONER DURAN: Around here?

MR. OLAFSON: Correct.

COMMISSIONER DURAN: And these are hiking trails, correct?

MR. OLAFSON: Correct.

COMMISSIONER DURAN: So vehicular traffic ends right here.

MR. OLAFSON: For the general public. However, we do maintain an access for maintenance and programming.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, there's a motion and a second, I believe.

The motion to approve a conservation easement purchase from the Commonwealth passed by unanimous [5-0] voice vote.

XII. B. Health & Human Services Department

1. Approve Amended and Restated Memorandum of Agreement between Santa Fe County and St. Vincent Hospital

STEVE SHEPHERD (Health and Human Services Director): I apologize for being late. Mr. Chair, Commissioners, in your packet you have an amended memorandum of agreement between Santa Fe County and St. Vincent Hospital. This memorandum of agreement went to the Health Policy and Planning Commission at their November 18th meeting and they've recommended this amendment to the Board of County Commissioners. Staff also recommends this agreement and I would stand for any questions.

CHAIRMAN CAMPOS: Any questions or comments? Is there a motion?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

COMMISSIONER SULLIVAN: Question.

CHAIRMAN CAMPOS: Okay, let's go to the question.

COMMISSIONER SULLIVAN: We discussed this of course at the Indigent Fund meeting this morning. But on page 9, regarding health services in Santa Fe County, down at the bottom, it says See Attachment 1. What is Attachment 1? I don't have Attachment 1.

MR. SHEPHERD: Attachment 1 is this spreadsheet right here.

COMMISSIONER SULLIVAN: And is that at the beginning of the packet? Oh, okay. I see it. It does say Attachment 1 there. So that attachment becomes a part of the memorandum of agreement?

MR. SHEPHERD: Mr. Chair, Commissioner Sullivan, that's correct. It was recommended this time that we include a spreadsheet like this just so that the funds are actually detailed.

COMMISSIONER SULLIVAN: I think that was the only question I had. Thank you.

CHAIRMAN CAMPOS: Okay, we have a motion, we have a second.

The motion to approve the restated MOU with St. Vincent Hospital passed by unanimous [5-0] voice vote.

XII. D. Public Works Department

1. Request Approval of the 2004 - 2005 Co-Op Program Funding Agreement, for Various County Road Improvements Projects, from the New Mexico Department of Transportation (NMDOT)/\$328,372.13

MR. LUJAN: Mr. Chair, members of the Commission, this is a - a resolution was passed in October. We received the money and this is just authorizing us to accept the funding for this year's program.

CHAIRMAN CAMPOS: Where are these road, Mr. Lujan?

MR. LUJAN: County Road 88 is in District 1, Corral Blanco and County Road 58 are in the southern part down here by the racetrack, in that area, off the frontage road. And that's it. Taylor Road is - I'm not certain where that one's at. I think it's down toward the Edgewood area.

CHAIRMAN CAMPOS: Okay. Is there a motion?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

The motion to approve road funding passed by unanimous [5-0] voice vote.

XII. E. Land Use Department

- 1. Request Authorization to Publish and Title General Summary of an Ordinance Amending Ordinance #2003-2, Article V, Section 5.2.2g 8 and Section 5.2.2g 9 (Master Plan Procedures), and Ordinance #1996-10, Article V, Section 5.4.2 (Final Plat Submittals), and Article VII, Section 6.4 (Water Availability Assessments) of the Land Development Code to Specify at What Stage Water Rights are Required**

WAYNE DALTON (Special Projects): Thank you, Mr. Chair. The Land Use Department is requesting authorization to publish title and general summary of an ordinance amending Ordinance #2003-2, Article V, Section 5.2.2g 8 and Section 5.2.2g 9 (Master Plan Procedures), and Ordinance #1996-10, Article V, Section 5.4.2 (Final Plat Submittals), and Article VII, Section 6.4 (Water Availability Assessments) of the Land Development Code to specify at what stage water rights are required.

On November 9, 2004 requested staff to bring forward an ordinance amendment to specify at what state water rights are required. The proposed amendment is scheduled to be heard by the CDRC in December and in January and February by the BCC. Thank you.

CHAIRMAN CAMPOS: Do you have any draft language or proposed concepts or anything that staff is looking at right now?

MR. DALTON: Mr. Chair, staff is in the process right now of drafting the ordinance.

CHAIRMAN CAMPOS: Just to get to the concept level, or have you gotten to the concept level and you're at the drafting level now?

MR. DALTON: Mr. Chair, we're actually doing both at this time.

CHAIRMAN CAMPOS: Any questions or comments? Go ahead.

COMMISSIONER DURAN: I guess I'm a little confused on why we are bringing this up for a possible amendment. I thought at the last meeting we had there was a consensus amongst the Commissioners that water rights, under the existing Code that water rights were not required prior to submittal of master plan approval, that the ordinance was clear in that if that was a condition of approval that that was sufficient to protect the public welfare.

CHAIRMAN CAMPOS: I don't remember that.

COMMISSIONER ANAYA: Could you say that again?

COMMISSIONER DURAN: My understanding was that at the last meeting we had about this, because it got a little confusing towards the end, but I thought that we had all agreed that the ordinance as it exists today was sufficient – it was clear in that a master plan submittal did not have to have proof of water rights at the time of master plan

approval because as a condition of approval, those water rights would have to be transferred and conveyed – I'm sorry, transferred and available at the site prior to final development plat approval. So the public's interest is protected at this point because before any development can occur, those rights have to be there.

So my question is, does this authorization to publish title and general summary, my question is is it really necessary to publish this when in fact I thought at the last County Commission meeting that we all agreed that the ordinance was clear in that a master plan could be submitted and a condition that those water rights be transferred was sufficient to protect the public's interest.

CHAIRMAN CAMPOS: My recollection is that we gave staff direction to do what they're doing today and I don't remember it happening exactly as you state.

COMMISSIONER DURAN: Well, then if that isn't the case then how was it that staff allowed that Suerte del Sur Subdivision to go forward in the process?

CHAIRMAN CAMPOS: I have no idea.

COMMISSIONER SULLIVAN: They requested it be tabled.

COMMISSIONER DURAN: Who requested for it to be tabled?

COMMISSIONER SULLIVAN: Staff.

COMMISSIONER DURAN: No they didn't. It got submitted to the CDRC and it was approve.

COMMISSIONER SULLIVAN: It was approved by CDRC, but my understanding is that the staff recommendation was that it be tabled.

COMMISSIONER DURAN: I don't think that's true. Was it staff's recommendation to table that?

MR. ABEYTA: Mr. Chair, in the packet there was no recommendation but it is my understanding that that was an option that was presented to the CDRC that they can table. And they chose not to.

COMMISSIONER DURAN: They chose not to because the ordinance as it exists today protects the public against development being approved without sufficient water rights, or the transfer of those rights.

CHAIRMAN CAMPOS: Okay, let's have some comment. Commissioner Anaya.

COMMISSIONER ANAYA: I think the way I remember it happening was that some of the Commissioners were unclear as to how the ordinance was read. The way I interpreted it was that during master plan, the developer doesn't have to transfer water rights in order to move forward. They just have to show where they're going to get water from, but they don't have to transfer them at that time. And I believe that we gave direction to the County to clarify the language so that all five Commissioners could see exactly what it read. That's the way I understood it.

CHAIRMAN CAMPOS: Commissioner Montoya, any comment?

COMMISSIONER MONTOKYA: No.

CHAIRMAN CAMPOS: Well, that's not the way I remember it.

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COMMISSIONER ANAYA: How do you remember it?

CHAIRMAN CAMPOS: I remember that we gave direction to look into the language. My suggestion was that we couldn't just interpret it as Commissioner Duran was suggesting. We couldn't simply just interpret it, that we needed some legislative changes if we indeed wanted to change it at all. So we gave direction to staff to propose some changes.

COMMISSIONER DURAN: What were those changes?

CHAIRMAN CAMPOS: Well, we wanted to look at certain language. There were a couple of word that perhaps could have been removed, and there was a requirement, we also suggested additional requirements could be imposed to show that the local impact of extracting water from that site would be, so that people would know exactly what the impacts were at that particular site up front. That's what the discussion was.

COMMISSIONER DURAN: Right. I agree with you. I think that there was some discussion that Mr. Wust brought up about impairment to existing users, but I think the real issue was Can a master plan be brought to the Land Use Department for consideration prior to transferring the water rights, and my understanding is that what we said at that last meeting was that based on what had been approved and based on the public comment when we approved that ordinance, we decided that a master plan could be submitted without having those water rights transferred to the site. And that's what the question is. Are we going to require water rights to be transferred to the site before they can even submit to the County for master plan consideration?

CHAIRMAN CAMPOS: That's how the ordinance seems to be drafted right now. That's what it seems to say right now. So they either have to comply with the ordinance as written or we have to make some amendments to it.

COMMISSIONER ANAYA: Mr. Chair, how is it written right now? That they don't have to transfer or they have to transfer?

CHAIRMAN CAMPOS: That they have to.

COMMISSIONER ANAYA: They have to transfer? That's the way it's written?

CHAIRMAN CAMPOS: It's probably the best interpretation of that language.

COMMISSIONER ANAYA: So right now, if we approve this and then we're just authorizing them to -

COMMISSIONER DURAN: To clarify it.

COMMISSIONER ANAYA: To clarify it for us.

COMMISSIONER MONTROYA: To clear up the language, basically.

COMMISSIONER DURAN: I'm fine with that. Thank you, Mr. Chair.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir,

COMMISSIONER SULLIVAN: I think in the notice of title and general

summary that you say to specify what stage water rights are required. I think the issue is to specify at what stage water rights are required to be transferred. I think there's no disagreement that with the developer, the applicant has to have proof that they have the water rights, whether it's by option, by ownership or by some legal mechanism that they have the water rights, but the issue that staff wants clarity on is when do those rights have to be transferred and if that is at a later state, like at the preliminary stage, which under the new Code is going to be kind of the major stage, then we talked with Dr. Wust about having some better understanding of the impairment issues, which he said could be done with the hydrologic studies that are currently being done. It's just that they're not being interpreted with regard to impairment. They're just being interpreted with regard to water supply. That was my remembrance of it.

So I would suggest that clarification as to when the water rights are going to be transferred. I would also suggest that the staff look at the issue of what level of subdivisions, and we can discuss this when it comes back, require water rights to be transferred. I've been an advocate all along that we shouldn't limit the requirements for our transfer for subdivisions of 25 and more. I've been an advocate all along that it should include what we call Type III subdivisions, which are those that come up to 24, 5 to 24 homes. Certainly there'll be discussions pro and con to that in the development community, and I think we have two public hearings scheduled. Is that right?

MR. DALTON: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: So my suggestion would be to have staff look at that and give us some alternates with that as well at least to review and discuss.

CHAIRMAN CAMPOS: Are you suggesting, Commissioner Sullivan, that we expand this title and general summary to include the 5 to 24?

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN CAMPOS: Is there a problem, Mr. Ross, to doing that?

MR. ROSS: No problem.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir,

COMMISSIONER DURAN: Commissioner Sullivan, you made this attempt to have water rights transferred to any subdivision. You want to have it apply to Type III subdivisions? And Type III starts at what number? How many lots?

COMMISSIONER SULLIVAN: Five lots. Is that correct, Roman?

MR. ABEYTA: Mr. Chair, yes. Five to 24 lots.

COMMISSIONER SULLIVAN: With the lots under 2.5 acres, right.

MR. ABEYTA: With lots less than 10 acres.

COMMISSIONER SULLIVAN: Less than 10 acres. For larger lots it doesn't -

COMMISSIONER DURAN: I think that that's a different issue. And you brought that forward once and we didn't approve it.

COMMISSIONER SULLIVAN: It was never voted on.

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COMMISSIONER DURAN: Well, we didn't approve it.

COMMISSIONER SULLIVAN: It was never taken to a –

COMMISSIONER DURAN: Well, I think to attach that to this particular issue is not the proper way of doing this. If you want to publish title and general summary to require water rights on Type III and above subdivision, I think that's another issue. So I'm opposed to incorporating that into this title and general summary and I'm also opposed to changing the language. I think that when you add at what point they need to be transferred it adds another element to this thing. I think what we need to do is to specify at what stage water rights are required. That was the original discussion and the confusion is that the ordinance that we have in place right now is not specific as to when it should be transferred. I think that we should keep it the way it is, move forward with the discussion and if you want to add other changes to the Code that you should do that under a different heading so that the public isn't confused and it's given the opportunity to understand exactly what it is we're doing and comment on it.

CHAIRMAN CAMPOS: Okay, before a motion, any other questions or comments?

COMMISSIONER ANAYA: I agree with Commissioner Duran. I think we ought to just deal with this issue right now.

COMMISSIONER SULLIVAN: Mr. Chair, I want to make a motion we approve title and general summary with the change to specify at what stage water rights are transferred, are required to be transferred, because they're already required, and to amend the water rights requirements pertaining to Type III subdivisions.

CHAIRMAN CAMPOS: Okay. I'll second that. Discussion.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: You stated your position.

COMMISSIONER DURAN: This is for discussion. I have the right to discuss it.

CHAIRMAN CAMPOS: You've already stated your position. Could you be brief?

COMMISSIONER DURAN: No. I'm going to take as long as I want. As long as I need. But thank you for asking. I'm in favor of this request to publish title and general summary. I'm opposed to the amendments that Commissioner Sullivan has suggested.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I agree with the need to, as Commissioner Sullivan has suggested, bring forth the Type III, but I do think that it is different from what we've been discussing and would like to see this brought up at a different point than at this time for this particular discussion that we've had for about the last month or so.

COMMISSIONER SULLIVAN: Okay, then are you okay with the clarification at what stage the water rights are required to be transferred? Okay. I'll amend

my motion then -

CHAIRMAN CAMPOS: You made a motion.

COMMISSIONER SULLIVAN: I can amend the motion.

COMMISSIONER DURAN: It's water rights required.

COMMISSIONER SULLIVAN: To be transferred.

CHAIRMAN CAMPOS: How does that work, Mr. Ross. We have a motion, we have a second. The maker wants to amend the motion. How does that work?

MR. ROSS: I think the maker can amend his motion but then he might lose his second.

CHAIRMAN CAMPOS: What do you want to do? Delete that language on Type III?

COMMISSIONER SULLIVAN: Well, if we have a majority that isn't going to vote for that, I figured we could save time and I would delete it at this point in time. I agree we still need it and I would just add that clarification to specify at what stage water rights are required to be transferred.

CHAIRMAN CAMPOS: Okay, I'll agree with that.

The motion to authorize the publication of title and general summary on master plan procedures passed by unanimous [5-0] voice vote.

XII. Matters from the County Manager

MR. GONZALEZ: Thank you, Mr. Chair, members of the Commission. Two items. First, in terms of rescheduling and scheduling, we need to reschedule the GRT/bonding/ICIP study session, and second of all, we have a pre-legislative study session that we also need to schedule before we get too close to the legislative session itself. So I didn't know if you wanted to try to schedule something this afternoon or whether you wanted us to try to poll the Commission to set that up, but I do know that we're running on a tight time frame in terms of some of these issues.

Tony and I have talked about the need to get at least to the ICIP/bonding/GRT discussion sooner rather than later. Tony, you may have some thoughts about it.

MR. FLORES: Just real briefly, Mr. Chair, because of the way last week we were unable to hold the last legislative session, and some of the issues that came up today under the water bond portion of that would have been addressed at that study session. So I think we need to reschedule that one as soon as possible, as well as the pre-legislative, because we'll have a second one in January. So those are the priorities for right now. I know you do have study sessions scheduled on the 6th and the 7th, I believe, of this month.

CHAIRMAN CAMPOS: Right. The GRT, is that study session of greater priority than the wastewater? Could we substitute, or do you want them all?

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MR. FLORES: Mr. Chair, I love it all.

COMMISSIONER DURAN: What's the 6th?

COMMISSIONER MONTOYA: The 6th is water/wastewater.

MR. FLORES: And the 7th is the housing special study session.

COMMISSIONER DURAN: What time on the 6th?

COMMISSIONER MONTOYA: One thirty.

CHAIRMAN CAMPOS: And how much time do you think we're going to need on the 6th for the water/wastewater?

MR. FLORES: I guess maybe a couple of hours at a minimum.

MR. GONZALEZ: That's going to be a broad-brush general discussion of where we're headed for water, where we are at with water and wastewater as well, and what the future needs of the County will be.

CHAIRMAN CAMPOS: That's a big one then. So we've got to leave that one open maybe. How about Tuesday the 7th. We have a 3:00 Housing. Three o'clock, right?

MR. FLORES: I believe that's the time.

CHAIRMAN CAMPOS: You're going to need a couple hours at least.

MR. FLORES: I would assume that one's a two-hour.

CHAIRMAN CAMPOS: Three to five. And the GRT?

MR. FLORES: I believe the GRT we'll need a minimum of two hours because that covers GRT, bonds, and ICIP process. And the pre-legislative session, we may be able to accomplish that in less than two hours. What that would allow us to do is set up the priorities outside of the capital outlay for the session. I know we've brought a couple up already so we may be able to accomplish that one, at least set the framework for it in an hour, maybe an hour and a half.

CHAIRMAN CAMPOS: Mr. Gonzalez, do you have any dates that you would suggest? Just suggest something.

MR. GONZALEZ: I'd rather get to the legislative session portion before we get to the session. Now, we do have the 28th which would ordinarily be a Commission meeting but I think the Commission's consensus was not to have a regular meeting on that date. So we could either try and schedule some portion of this for the 28th as a study session, as opposed to a regular session and do it during the morning.

MR. FLORES: Mr. Chair, we could probably, if we were able to do both of them we could try to get them done within three hours for the combined study sessions.

COMMISSIONER SULLIVAN: How about the 14th?

MR. FLORES: Mr. Chair, you have a BCC meeting on the 14th and I believe that week the County sets up their mid-year budget reviews, so there may be a conflict there with other departments.

COMMISSIONER DURAN: That's my last meeting. So you guys are having a party on the 15th.

MR. GONZALEZ: If we did try and do a morning session on the 14th just to

get it out of the way before we get to the BCC portion we could do our best to do that.

CHAIRMAN CAMPOS: What about the 15th, Wednesday?

MR. GONZALEZ: The 15th is open.

COMMISSIONER MONTOYA: What's wrong with the 6th? Are we going to use all afternoon on wastewater?

MR. FLORES: Mr. Chair, I would assume the water/wastewater study session is going to be a lengthy discussion, longer than the chairman's mandate of two hours per study session.

CHAIRMAN CAMPOS: I think it's going to take a long time.

MR. FLORES: I believe that study session could last four hours.

COMMISSIONER DURAN: Why don't you do that in January? Maybe they'll be on your side.

CHAIRMAN CAMPOS: The 15th, how does that look?

COMMISSIONER SULLIVAN: Like 3:30 to 5:30. Late afternoon.

COMMISSIONER DURAN: On what day?

CHAIRMAN CAMPOS: The 15th of December, about 3:00. Three or 3:30.

COMMISSIONER MONTOYA: I need to be out of here by 5:00. I have another meeting.

CHAIRMAN CAMPOS: Let's say 3:00. How about that? Gives us two hours.

COMMISSIONER ANAYA: What meeting is that going to be?

CHAIRMAN CAMPOS: Special BCC GRT/ICIP. Or is this the legislative?

MR. FLORES: We would do the GRT/bond/ICIP. If I may, there may be an opportunity on the 6th for the water/wastewater that we bring forward some of the GRT and bonding issues so that we set the framework as far as dollars up front so that the Board may have that information available to them as they direct the future of the water and wastewater system. Not to the degree that we would come back and set up the priorities but at least it would give you an idea and I think you have all received the draft that we were going to present last week. That doesn't have the recommendations in it, but we could do that at the beginning, possibly, of the water/wastewater meeting to at least set the framework for the dollars that are available and the projects that are out there right now.

COMMISSIONER MONTOYA: At least for the water and wastewater.

MR. FLORES: At least for the water and wastewater.

CHAIRMAN CAMPOS: We could go back to the 6th and have an intro on the big picture because that correlates so closely to water and wastewater.

MR. FLORES: Yes.

MR. GONZALEZ: And if we can clear out some of the priority issues in terms of water and wastewater, then that could allow us to abbreviate somewhat the ICIP/bonding/GRT on the 15th and possibly begin to get into the legislative issues to the extent we have time available.

CHAIRMAN CAMPOS: Okay, so the 15th we're scheduling for 3:00. Is

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that right?

MR. GONZALEZ: Yes. So we'll do ICIP/GRT/bonding and intro to the legislative issues on the 15th.

COMMISSIONER DURAN: What time is the BCC on the 14th?

MR. GONZALEZ: Starts at 3:00.

CHAIRMAN CAMPOS: Okay. Does that settle the issues of scheduling? Anything else, Mr. County Manager?

MR. GONZALEZ: Just one last thing. We've all been talking about Samuel Montoya and I just wanted to make a few observations myself. Managing a county, I think is sort of like building a cathedral. It takes generations of builders to put it together and you're always working with the stones and the layers of construction that have been passed on to you by the builders who preceded you. When I became County Manager I was made aware of some of the stones and construction that my predecessors had passed on to me in order to create this edifice we call the County.

Samuel Montoya was one of those builders. I never worked under him, but I almost hired him at one point myself and had the opportunity to work with him when I was with the Town of Taos as the Taos Town Attorney, and was able to recognize the quality of his work and still recognize the quality of his work here. In particular I'm grateful not only for the issues that he dealt with successfully, but also for the sense of family he helped to nurture here at the County, and it's that recognition of family, of mutually supporting, building, and collaborating with each other that's been a personal gift for me and I know for all of our County employees.

While we've lost Samuel in the physical sense, we've not lost his spirit or what he's passed on to us. In appreciation of those I would ask us throughout this week to call to mind Samuel's presence. In closing, this moment in the business or the building that's been at hand before us today, I just ask that the movement of spirit that called this enterprise, the County, into being continue to guide our decisions and especially the decisions of you as Commissioners who are out construction managers, so to speak. And I would also ask that we surrender our self-will to the greater wisdom and the will embodied by that spirit which guided Samuel so well while he was here and continues to guide us here. Thank you.

CHAIRMAN CAMPOS: Thank you.

XII. G. Matters from the County Attorney

MR. ROSS: Mr. Chair, I don't have anything in particular that I need to discuss in closed executive session so unless the members of the Board have some information they'd like to get from me I don't see the need for it right now.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I just want to point out, was

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this piece of the County Commission minutes meant to be the missing ones?

MR. ABEYTA: Yes, Mr. Chair, Commissioner Sullivan. Those are the pages that were missing.

COMMISSIONER SULLIVAN: But they're off by about a year. What caught my eye was "Chairman Sullivan."

MR. ABEYTA: I suggest that that item be tabled and we'll carry it forward.

COMMISSIONER SULLIVAN: I'd move to table, Mr. Chair, item VI. B. the October 26th minutes until the next Commission meeting.


COMMISSIONER ANAYA: Second.

The motion to table the October 26th minutes until the next meeting passed by unanimous [5-0] voice vote.

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 2:35 p.m.

Approved by:

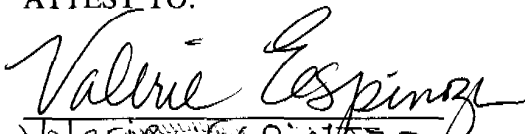


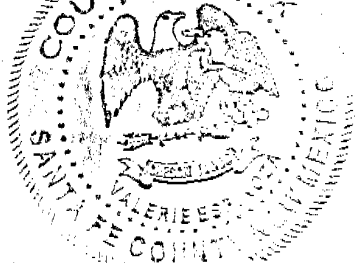
Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:

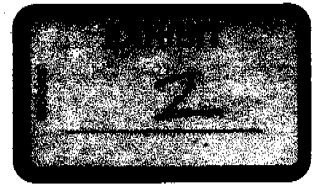

Karen Farrell, Commission Reporter

ATTEST TO:


Valerie Espinoza
SANTA FE COUNTY CLERK



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David R. Gold

Board of County Commissioners
Santa Fe County
Santa Fe, NM

November 30, 2004

Re: Item 12.C.2 Commonweal Conservancy Purchase

Dear Commissioners,

I am writing to **support** the purchase of 168 acres from Commonweal Conservancy as presented by staff (Item 12.C.2).

Background

- This request was originated from the COLTPAC Trails Subcommittee.
- Subcommittee members (including me) accidentally found out the land was being subdivided for immediate sale while going out to fix a well (we fixed the wells). We worked with staff and Commonweal Conservancy to develop this purchase.
- Commonweal currently has one of the five lots under contract and serious interest in two others, including this one.

Improves Existing County Holdings

- The existing county holding features a large canyon next to Petroglyph Hill. This purchase is for the northern part of the canyon, which is currently on private land.
- This will provide far better and safer recreational access to Petroglyph Hill than currently exists.
- Current access to existing property from Highway 41 is very limited and not well suited for safe public access. This purchase will correct that problem.
- This provides better support facilities for parking, maintenance, etc.
- Provides an excellent link to be used in a larger, county-wide trail system, and creates three trail loops that were previously unavailable.
- Note: Because the county bought 1000 acres in this area, BLM has set aside an adjacent 3300 acres. Commonweal is currently working to set aside over 10,000 acres as part of its long-term development plan that will be linked to this area.

Value for the county

- The appraised price for this property is \$3,793/acre. Using a conservation easement saves \$127,000 over a purchase: \$510,000 vs \$627,000.
- The terms of the conservation easement allow the county complete recreational use and provides flexibility for all foreseeable (and some unforeseeable) support infrastructure: parking, campground, information center, etc.
- Commonweal has placed a cap of \$400,000 on the price, just to be nice, saving the county another \$110,000 (over 20%).
- Total savings: about \$237,000. The county is getting full recreational use for 63% of the cost of a full purchase. The does not include the 5% maintenance contribution required from the seller.

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70 Sloman Lane

SANTA FE, NM 87507

505-471-3974

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David R. Gold

In summary, this purchase provides an excellent opportunity to complete the existing county holdings and correct existing deficiencies. Between the conservation easement and Commonwealth's discount the county is saving \$237,000 (37%). This purchase will provide an excellent link into a larger regional open space and trail system. I urge you to support this acquisition.

Thank you,



- David Gold -

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SANTA FE, NM 87507

505-471-3974

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It's an exciting time to be living and working in New Mexico. Governor Bill Richardson is determined to bring high-wage jobs to our state, supporting programs that encourage businesses to expand or relocate here, hire skilled New Mexicans, and train others for new careers.

NEW MEXICO



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Deming

Here at the *Arizona State Economic Development* Government, we recognize that in a small community like yours, a little change can have a huge impact.

That's why we created the *Small Business* initiative. First, we work with you on your submission. Next, we provide you with a grant and extra support through our co-op advertising program. Once that's done, we use publicity to put your community on the map and new business in your back yard.

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What's in it for you?

Money, recognition, media exposure, community empowerment, and local pride. Specifically, Certified Community benefits include:

- Contractual funding of up to \$5000 for two years to be used in special projects. For example, this money could pay for a workforce study, a grant writer, aerial photographs, or training expenses.
- Ten bonus points in the Cooperative Advertising Program. (Last year, awards ranged from \$1,500 to \$10,500 to communities promoting their economic futures through advertising.)
- An awards ceremony for your community
- Press releases/media exposure about your community's new status
- Recruitment materials
- Recognition in New Mexico Economic Development Department publications and Web site
- A Certified Community seal to be used in your promotions

Las Vegas



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Carlsbad

What's the goal?

Becoming a Certified Community is a process—but it's a process that's worth it. CCI encourages and supports your locale in its quest to create new jobs and take control of its future. To that end, the community must establish and document:

- 1) a local economic development organization
- 2) a two-year business plan
- 3) a land and building inventory
- 4) an expansion/retention program
- 5) a local economic development ordinance
- 6) a New Mexico Economic Development Department Community Profile
- 7) two Elective Requirements

Ultimately, all these things—along with the benefits of being a Certified Community—help bring prosperity to the place you live.

What have you got to lose?

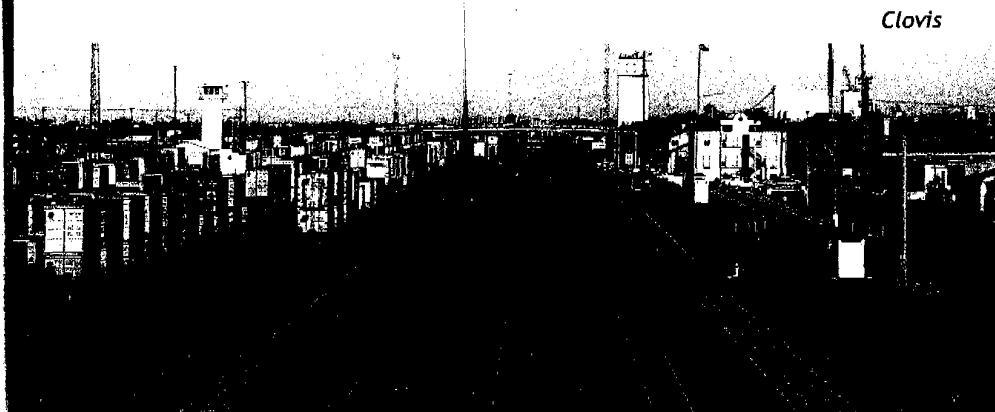
Nothing, really. The New Mexico Economic Development Department *wants* your community to win this certification, and we will help you in any way possible. Therefore, if you don't qualify for the award on the first try, our people will coach you until you do.

To download your application, go to www.goNM.biz/nmcci.doc. Or, contact Donnie Quintana at the Economic Development Department: 505-827-0089 or djq@edd.state.nm.us

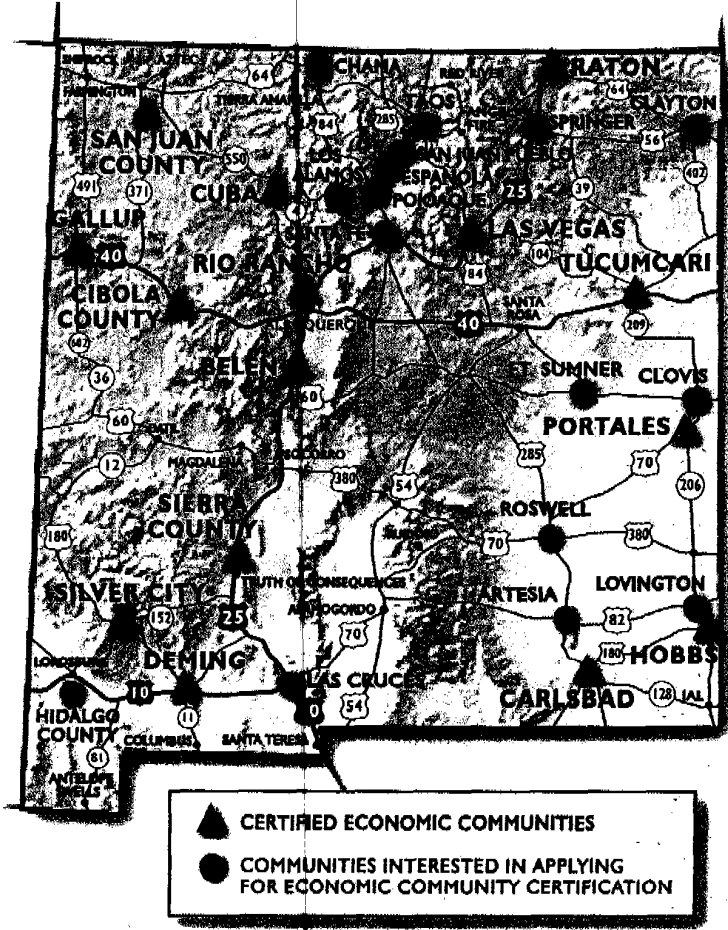


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New Mexico Economic Development Department
 Joseph M. Montoya Bldg. 1100 St. Francis Dr.
 Santa Fe, NM 87505-4147 (505) 827-0300 • 800-374-3061
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