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SANTA FE

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

DECEMBER 18, 2001

Paul Duran, Chairman
Paul Campos
Jack Sullivan
Javier Gonzales
Marcos Trujillo

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This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Vice Chairman Marcos Trujillo, in the Santa Fe City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll Call indicated the presence of a quorum as follows:

Members Present:

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

Members Absent:

None

III. APPROVAL OF THE AGENDA

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B. Tabled or withdrawn items

COMMISSIONER TRUJILLO: Are there any change to the agenda?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, we do have a couple of items that we'd like for you to consider tabling. The first item is noted on the agenda as tabled and that's under Matters from the County Manager, VII. B. That was the resolution relating to the proposed County Improvement District for Rancho Viejo. That's been tabling as of the posting of the agenda.

Second, we got, just yesterday, an e-mail from Ms. Lynn Frost requesting that item VI. A, CDRC Case #V 01-5270 be tabled. She said she didn't know about the scheduling and she would like to attend when this is being acted upon and requested it be tabled. Those are the two items. I'm also being notified that the Sedillos, item VI. B are present and have requested that that item be tabled as well, although they have not submitted anything in writing.

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COMMISSIONER TRUJILLO: So we have items VI. A and VI. B. tabled as per the desire of the Commission. Is that—

COMMISSIONER GONZALES: Move for approval as amended.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Seconded. All those in favor? [Unanimous] Opposed? The ayes have it. [Chairman Duran was not present for this action.]

MR. LOPEZ: Mr. Chairman, that's it as far as amendments or tablings but I do want to do one clarification on this agenda. Under the Consent Calendar, item IV. B, we've listed that as cost reimbursement agreement. The actual title of that agreement is a collection agreement. The memo and the agreement that are in the packet correctly reflect that. However, the agenda misstated the title of the agreement. So I'd just like to clarify the status. It's not a cost reimbursement agreement. It's entitled a collection agreement.

COMMISSIONER TRUJILLO: Okay. Is that it, Estevan?

MR. LOPEZ: That's all, Mr. Chairman.

IV. CONSENT CALENDAR

- A. **Request authorization to enter into a cost reimbursement agreement among Santa Fe County, Las Campanas de Santa Fe, Limited Partnership, and the Bureau of Land Management**
- B. **Request authorization to enter into a collection agreement between Santa Fe County and the Forest Service**

[Chairman Duran joins the proceedings at this point.]

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Lopez, the breakdown is 60-21-19. Could you just explain that briefly to us and how you arrived at—how the agreement was arrived at as far as the breakdown?

MR. LOPEZ: Mr. Chairman, Commissioner, those percentages are based on the short-term projected needs of the three entities, the three proponents for this project. As we began working on the scope of work for the NEPA compliance, we determined that we needed to specify a time frame which we would have this agreement fill our needs for. We went to 2010. On the basis of our demand projections, we thought that we needed about 1700 acre-feet. Las Campanas believes that they need 1800 acre-feet and the City has said they needed 5230 acre-feet. That breakdown is 60-21-19.

COMMISSIONER CAMPOS: Is that based on the City's contention that they own this much San Juan Chama water, the 5230 acre-feet?

MR. LOPEZ: Mr. Chairman, that 5230 does equate to what they contend that they own as San Juan Chama water, but in the pact we're silent on ownership of San Juan Chama in this agreement.

COMMISSIONER CAMPOS: What is the time line situation right now as far

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as getting this project moving?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, we have been working diligently with the City and Las Campanas and also the Forest Service and BLM and at present, we feel that once the holiday season is over in early January we'll be ready to issue a solicitation of engineering services. Once that's done and we select a contractor our expectations are that that process [inaudible]

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: We had an agree with Las Campanas to pay the County's share of our participation in this. Is this included in that agreement?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, yes it is. The memo reflects that.

COMMISSIONER SULLIVAN: So whether it's 19 percent of 21 percent is immaterial. They're in essence paying the balance of the cost that the City is not picking up.

MR. LOPEZ: That's correct.

COMMISSIONER TRUJILLO: Estevan, what this tells me then is that this is the answer to the Board regarding a diversion, working together on a diversion point for a sustainable source of water for the region.

MR. LOPEZ: Mr. Chairman, that's correct. And again I want to emphasize that all three entities believe that this is probably what can carry us through the interim to about 2010 when we can look at additional funding.

COMMISSIONER SULLIVAN: Mr. Chairman, one other question. This agreement is only for monies that the three parties have to pay to the Bureau of Land Management for their personnel time. Is that correct?

MR. LOPEZ: Mr. Chairman, that's correct with respect to the BLM agreement. The Forest Service agreement includes the costs of them helping us through the NEPA compliance and also talks about the NEPA contractor, our share of the NEPA contractor's costs is incorporated in that agreement.

COMMISSIONER SULLIVAN: This agreement for \$68,626 doesn't get any environmental consulting. It just pays the application fee to the BLM.

MR. LOPEZ: Mr. Chairman, it's more than just the application fee. As you correctly mentioned, it's the BLM staff time to review all those things and to keep the process moving.

CHAIRMAN DURAN: Estevan, I have a question. You said there was 1700 acre-feet that goes to the County. You're projecting that out of this diversion project we're going to require 1700 acre-feet to meet our gross demands?

MR. LOPEZ: Mr. Chairman, that's correct. Over a ten-year time frame.

CHAIRMAN DURAN: Over ten years?

MR. LOPEZ: Correct.

CHAIRMAN DURAN: Depending on how the San Juan Chama issue turns out, it would be that 1700, plus whatever proportionate amount, whatever amount that we are

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entitled to under the San Juan Chama diversion.

MR. LOPEZ: Mr. Chairman, what this 1700 acre-feet reflects is how much water we could take from this diversion project. It's not tied to a specific set of water rights.

CHAIRMAN DURAN: Right.

MR. LOPEZ: It might be San Juan Chama water rights. It might be other water rights that we acquire, Native rights. It might be a combination of those two. It's not tied to a specific set of water rights.

CHAIRMAN DURAN: Well, included in this 1700 acre-feet is whatever percentage we own of the San Juan Chama.

MR. LOPEZ: Mr. Chairman, that's correct. And to the extent that it doesn't reach 1700, then it could be other water rights.

CHAIRMAN DURAN: So you did this—why did we allocate 1700 acre-feet? Was it based on how the design of the project—was this part of the design of the project?

MR. LOPEZ: Mr. Chairman, no it was not based on the design or the expected capacity of the project. Rather, in order to do what might be a fairly focused EIS and look specifically at the Buckman site as a short-term, interim solution, we felt like we had to—we couldn't be looking at our overall, long-range demands for the area. If we were going to be doing that, we'd have to look at all other options. So rather, so that we can move quickly on getting short-term supply in here, and the City has termed it their emergency needs, we defined what we need over the next ten-year time frame, and we said for purposes of this project, that's what we want to target.

CHAIRMAN DURAN: Okay.

MR. LOPEZ: Our long-range needs, we'll try and deal with in another process.

CHAIRMAN DURAN: Okay, I understand. Thank you. Any other questions?

COMMISSIONER TRUJILLO: That does not rectify, that does not address the issue of the distribution of the San Juan Chama water rights. It does not address that at all.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, that's correct. That's not addressed at all in this.

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

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

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

Next on the agenda is item IV. B Request authorization to enter into a collection agreement between Santa Fe County and the Forest Service.

MR. LOPEZ: Mr. Chairman, we basically just discussed this. We discussed both contracts together, so if there are any other questions—

CHAIRMAN DURAN: Any other questions of Estevan?

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MR. LOPEZ: I would clarify again it's a collection agreement as opposed to a cost reimbursement agreement.

COMMISSIONER CAMPOS: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is a similar agreement to the BLM that we just approved. Is that what you're saying, Estevan?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, that's correct. I would add that this one also contemplates that this will be the share of the NEPA contractor's cost that will be collected through this agreement. In other words, if we select a NEPA contractor and that contract comes in at a million dollars, we will pay, under this agreement, our obligation would be to pay 19 percent of it. The City would pay—well, under this agreement, it only addresses our 19 percent. The City and Las Campanas have independent agreements.

COMMISSIONER SULLIVAN: And that's under the assumption that the NEPA contract will cost \$650,000.

MR. LOPEZ: Mr. Chairman, there's no set assumption as to what the NEPA contract will cost.

COMMISSIONER SULLIVAN: That's what it says in Attachment A.

MR. LOPEZ: That was the Forest Service estimate based on the City's prior solicitation, which we've opted not to go with. On the basis of that solicitation we thought that that might provide some order of magnitude of what the cost would be. And that's what the Exhibit A is.

COMMISSIONER SULLIVAN: So our share might be more than that.

MR. LOPEZ: Mr. Chairman, that's correct, but again, I would emphasize that Las Campanas will cover the costs.

COMMISSIONER SULLIVAN: Tell me, how do we select the NEPA contractor. Do we each have an equal say in that? Or do we have a 19 percent say? How does that work?

MR. LOPEZ: Mr. Chairman, the actual selection process hasn't been clearly defined. All discussions to date have been that all of the proponents, plus the lead agencies, that is the Forest Service and the BLM will have a say in this and not proportionate to our ownership interest.

COMMISSIONER SULLIVAN: So it's kind of a five-person—

MR. LOPEZ: Ultimately, I think that the Forest Service will have—they've assured us that all of us are going to have a say in this.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

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V. PUBLIC HEARINGS

A. **Ordinance No. 2001-13. An ordinance adopting the Santa Fe County Redistricting Plan, repealing ordinance No. 1992-7 and amending Ordinance 1989-10 (third public hearing)**

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, I believe it's amending Ordinance 1989-10, as opposed to appealing.

CHAIRMAN DURAN: Let the record indicate that.

COMMISSIONER CAMPOS: It's replacing it, isn't it?

MS. BUSTAMANTE: Mr. Chairman, according to our attorney yesterday, she said, No, that it would be just amending it, because this was the—Ordinance No. 1989-10 is the one that created the five districts.

ANNE LOVELY (Assistant County Attorney): It repealing 1992-7 and the earlier ordinance, No. 1989-10 was the ordinance that originally created the five different districts. And so we're keeping that in place and what we're doing—it identified in that ordinance the precincts. And what we're doing with this ordinance is amending that to show the precincts that you select today.

CHAIRMAN DURAN: Thank you. Okay, Erle.

ERLE WRIGHT (GIS Coordinator): Mr. Chairman, Commissioners. The last public hearing, I don't know if we need for the public to speak. We do have some statistical information on basically the breakdown of the existing districts which we were asked to prepare. [Exhibit 1] It's just a reference to see how the districts look in terms of Hispanic, non-Hispanic ethnicity as of the Commission Districts to date. There is a slight—it is an approximation, the spreadsheet I'm going to hand you out, because we did have new precincts created and also at the request of the Secretary of State and Census Bureau, we had some precinct boundary line adjustments, which caused the precincts to move a little bit.

I think it's a fairly good approximation, but these certainly aren't dead-on numbers. With your permission I'll hand these out.

CHAIRMAN DURAN: I was wondering, Commissioner Sullivan actually brought forward an option, 8-E, which I don't think we have had any discussion on. Is that correct?

MR. WRIGHT: That is correct.

CHAIRMAN DURAN: So you should probably at some point tell us what 8-E is all about.

MR. WRIGHT: I could proceed with that now if you'd like.

CHAIRMAN DURAN: Whatever you think is appropriate. It doesn't matter to me.

MR. WRIGHT: Okay. I think it's in your packets. It should have been—

CHAIRMAN DURAN: Where do you have that?

MR. WRIGHT: [Speaking away from microphone] We have a large version here that has precinct counts, population counts. Ahead is all these 8 options, options A through

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E. In a nutshell, 8-E basically compressed District Five, made it much more compact. District Five, again travels down the east side of the county and takes the entire south, including the Edgewood area and up into Cedar Grove. In option 8-E, in order to accommodate the request of trying to create La Cienega as a rural population and the southern county in general, it has a cascade effect on how the districts shift.

Eight-E has taken another approach to this and basically, it goes a little further out west in lower Agua Fria. Lower Agua Fria basically includes Precincts 64 and 67. Districts Two and Three are pushing District Five towards the city. We've also got, in order to accommodate [inaudible] these areas right around Cerrillos and Airport Road are the highest population increases in Santa Fe County, particularly at the point of Airport and Cerrillos Road.

District Five has to lose other population, essentially Precinct 63 to District 4. That's the east side of Highway 285 going south towards Lamy. They also pushed out into Precinct 81, which is one of the new precincts that I spoke of. The current Precinct 81 is made up of parts of 68 and 70. This is just under the bend of Interstate 25 there, the Old Agua Fria east and west and the end of St. Francis and the Rabbit Road area. It also pushes District Four a little bit up north of the river, which was not the case before. These stay in District Four in this option and also Precinct 30 remains in District 4.

District One in this scenario actually pushes across St. Francis to the west, just in between Agua Fria and Cerrillos. In a nutshell, that's what's happening with this option. We have here the plus or minus five percent population criteria and I stand for any questions.

CHAIRMAN DURAN: So Erle, all of the options pretty much meet the criteria.

MR. WRIGHT: Essentially. There are variations. They all meet the five percent, the deviation. They are all contiguous. Of the options before you, one of the criteria was the compactness. We do have I think in every one of these options an issue that at least one of the districts isn't compact. One of the problems is that we do have enough population south of I-25 to create its own Commission district. So in order to—either that entire area goes into one district or we end up kind of like in Option 3 there where the southern county gets split in half between two districts. It's an all or none proposition there. It either ends up being split or it ends up being essentially one district. And that creates, in 8-D and 8-E here, a very large district that is more than half the area of the county. But it does meet our population criteria.

CHAIRMAN DURAN: That's 8-E?

MR. WRIGHT: Both 8-E and 8-D create this. It's over 1000 square miles in one Commission district.

CHAIRMAN DURAN: Are there any questions of Erle? Do you want to go into the public hearing process?

COMMISSIONER GONZALES: I have a quick question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: The area of Caja del Rio and the new MRC—what district is that in now and what district would it fall into under the D and E scenarios?

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MR. WRIGHT: Commissioner Gonzales, the MRC is—it should be in Precinct 80 I believe. I believe it's right in the southern part of Precinct 80.

COMMISSIONER GONZALES: And currently?

MR. WRIGHT: Currently, it's in District Three, in your district. It would, under options 8-A, 8-C, 8-D and 8-E go into District Two.

COMMISSIONER GONZALES: Okay. I have another question of the County Attorney again for the record. I understand that 8-D, if it's adopted today would basically take me out of District Three. Is that right? And I know we've brought this question to you before. Have you had an opportunity to thoroughly examine existing law and case law that determines what happens to my status as a Commissioner if I'm—if boundaries are drawn up so that I'm removed from District Three, my residence.

MS. LOVELY: Yes, that's correct. You would be out of your district in 8-D. And our analysis of whether you would be out of your district if the districts changed and you didn't reside in your district after the new districts was that you would still be able to be a Commissioner until the expiration of your term. The definitive factor is that you reside in the district when you're elected.

COMMISSIONER GONZALES: Okay.

COMMISSIONER SULLIVAN: Just in case, Commissioner Gonzales, you might want to consider 8-E.

COMMISSIONER GONZALES: But 8-E doesn't include where I currently live in District Three. That's why I'm trying to determine, has this been tested before? Do we know of a time when someone has been able to hold their seat when they were drawn outside of their district, or they've lost their seats?

MS. LOVELY: It has been tested. It hasn't been tested as far as I know in counties or in municipalities in the state, but it has been tested in other, in senate districts and it's—I can't tell you that that's the law but I can tell you that that's the direction that we've been given by the Attorney General's Office and by other practitioners.

COMMISSIONER GONZALES: So you've discussed it with the Attorney General's Office?

MS. LOVELY: Yes.

COMMISSIONER GONZALES: And my next question that came out of the public hearing is to the Clerk. Do any of these, does redistricting have an impact on the elections at all and how you administer the elections, or will it have? Can you describe to me briefly how that will have an impact on your administering of the elections?

MS. BUSTAMANTE: Mr. Chairman, Commissioner, yes, we're waiting because we need to go ahead and put everybody, once we know what you've decided, we will put everybody in these new districts and it will impact the primary election. And what people will run have to live in the districts that are adopted.

COMMISSIONER GONZALES: So what will your office be doing to notify the residents who are falling out of districts or finding themselves in new districts? Have you been budgeted for money to do that?

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MS. BUSTAMANTE: Yes, we have money allocated to send out every voter a new voter card as soon as this redistricting is adopted and also waiting to see what's going to happen with the state because that has an impact also on legislative races. So as soon as we know that and it's been adopted, it will be putting all the people in the right district and then sending everybody a new voter card. Hopefully, it will get to them.

COMMISSIONER GONZALES: Is there a process with the new technology where people can go on line and register?

MS. BUSTAMANTE: Mr. Chairman, Commissioners, no. The Secretary of State has not authorized that.

COMMISSIONER GONZALES: So they have to fill out a card and mail it back in?

MS. BUSTAMANTE: Mr. Chairman, Commissioner, yes. What we do is on our e-mail, a lot of people write us, write our office on e-mail asking for a voter registration card and we mail it out to them immediately. That is a great tool.

COMMISSIONER GONZALES: Okay. Thank you

COMMISSIONER TRUJILLO: I see that the two biggest districts in option 8-D and option 8-E in area are District One and District Three. You're saying that District Three has about 1000 square miles in area? My conjecture is that both of those being rural districts if you will, District Three will be the bigger area district, but District One from a rural district perspective will be denser in population. And those are the two biggest districts, both in option C and in option D. One in area rural, the other in density also rural. Is that—

MR. WRIGHT: Mr. Chairman, Commissioner Trujillo, yes. That is correct. Again, they're essentially equal population so District Three is going to be a lower density district, but District One is again predominantly rural. It is in most of these options taking on the northeast quadrant of the city. Again, that's a fairly low density area, at least relatively speaking. So it is going to be a higher density rural district. But it's also the nature of the communities there. They along the river so population is denser in there.

COMMISSIONER TRUJILLO: And the two biggest districts in both options are rural districts.

MR. WRIGHT: That is correct.

CHAIRMAN DURAN: Any other questions? This is a public hearing. Is there anyone out there that would like to address the Commission concerning this matter? Please step forward and state your name for the record please.

CONSUELO SALAZAR: Honorable Chairman, Commissioners, other distinguished guests and citizens, my name is Consuelo "Connie" Salazar, 459 Jemez Road here in Santa Fe, formerly known as Acres Estates, a rural area in our community. I'd like to give a philosophical background on redistricting. Redistricting is a decisive process by definition and application. It divides one government entity from another by a district boundary line. It divides incumbents' power bases from one another. It divides rural from urban and minority from non-minorities.

The job of the County Commission is to account for these natural divisions without

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tearing apart the fabric of the Santa Fe County. You have been put in the position of King Solomon and must offer the choice of splitting the proverbial baby to the populace. Given that choice, Solomon must give something up in compromise to save the life of a child. I believe in the miracle of the redistricting process and that you will be able to achieve this in a fair and equitable manner to everyone involved. The most important thing to do at a county level is to divide the county into districts that are in equal population based on the latest census to preserve the principle of one man-one vote.

Beyond this, held up by the United States Supreme Court, minority communities should not be artificially divided in order to dilute their voting power. The traditional redistricting principles that guide the creation of plan in terms of priority incurred. Number one, ensuring that districts are compact and contiguous. Number two, respecting political subdivisions. Number three, preserving communities of interest and fourth, protecting incumbents and meeting political goals.

What is a community of interest? A community of interest is a region which is divided, divided as defined by actual shared interest or by common thread of social, economic or political interests. Let me read a little bit about the proper planning for communities of interest. In seeking to preserve communities of interest, district line drawers should be careful not to divide populations or communities that have common or shared interests. What constitutes an interest for this purpose is varied. In defining a possible community of interest, you could refer to the census. Demographic studies, surveys or political information to assess what social and economic characteristics community members share such as income levels, educational background, housing patterns and living conditions, urban, suburban or rural, cultural and language backgrounds, employment and economic patterns which present questions like how are community residents employed? What is the economic base of the community? How are environmental conditions? Issues of concern raised with the elected representatives concerns about crime, education and so forth.

Now, a fact that we ought to remember is that districts are in direct competition with each other for funding. Oftentimes, limited funding, whether it be federal, state or local, for rural and minority districts, this funding becomes more important as it may be the only mechanism for developing a district infrastructure and economy. So the stakes of redistricting are immense and live up to the sales pitch of the United States Census, which advertised how important it was to be counted in order to be well represented.

The end product of redistricting for Santa Fe County must become a plan that restores the base of the electorate, gets them participating again in elections and governmental administration. We need a plan that can counter the effects of negative campaigning and big money politics, the two things most cited in registered voters' reasons for not voting. It must be a plan that ensures fairness and equity, a plan that is bipartisan and the most honest and the most totally democratic proposal of any ten-year redistricting plan that protects the interests of the people and the republic.

As we change boundary lines every ten years we have more confused and frustrated voters, taken out of districts and put back into districts. One issue we should remember that as

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we create majority/minority districts, unless they exceed 60 percent minority make-up, you probably won't see a 51 percent majority that goes out to vote with any consistency. The consideration might be to do combinations of Hispanics, Native American and black population to achieve the majority/minority districts.

In closing, I want to thank each and every one of you for hosting this forum and for taking the time to listen to concerns. I applaud your efforts and your dedication to representative government. I also want to tell you that I respect each and every one of your choices and I hope that whatever regions you come up with will be for the betterment of our community. Thank you and God bless you.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? If not, are there any other questions or comments from the Commission?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd just say again, the debate in trying to narrow down some of our focus, I want to state my continued support for the creation of very strong rural districts. As we know, in Santa Fe County, with 3000 square miles there are enormous diverse needs throughout the county. To the north, we have many traditional communities, not only Hispanic, Native American and Anglo populations, but traditional communities that have a variety of issues and remain very rural in substance.

And the south, we have enormous rural communities, or rural communities that are faced with enormous challenges from dealing with water issues to ranching and agriculture. I think it's important as the Commission goes forward that we have an opportunity to actually, in my hopes, narrow this down to what seems to be options 8-D and 8-E, two districts that ensure strong rural representation. Two districts that assure that the diverse needs of rural Santa Fe County will be continuously heard and advocated for.

I think that that's important and I'd hope that as we move forward that we don't find ourselves supporting a redistricting plan that would basically create the opportunity for five city residents to represent some of the rural areas of the county, that we would have this opportunity to assure rural representation. So I hope that as we begin this dialogue that that maintains, that the rural focus maintains its priority with this Commission and that we support one of those options.

CHAIRMAN DURAN: Anyone else?

COMMISSIONER TRUJILLO: I support Commissioner Gonzales wholeheartedly. I think it's very important and imperative that the rural part of the county has a voice in the Commission and because there are unique issues that need to be addressed in those areas and the only way that it can happen is for somebody that lives in the area, that has an identity and the sensitivity to the issues regarding water, acequias, agricultural, traditional communities. There's a whole gamut of quality of life issues that affect those areas. So I agree with Commissioner Gonzales that it is imperative that a voice remain on the Commission from the rural areas.

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COMMISSIONER GONZALES: Mr. Chairman, just one other comment.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: And I guess along those lines, and Erle brought this up, if we are going to have 1000 square miles in the southern part of the county that's because it's rural. You're going to have the population of the rural southern part of the county spread across that area. So I hope that that's not a factor that causes too much concern. When you look at the rural part of the southern part of the county, there are interests that are tied together, very different from the northern part. I'm anxious to hear from Commissioner Sullivan because I know he had brought forward 8-E and my only concern, the concern that I will state for the record, Commissioner, as you're discussing 8-E that I would like to see if you would address, is the split up of precincts 67 and 64.

The concern with that is that precincts 64 and 67 currently that residents in District Three is an area that has experienced similar development patterns. The majority of the new growth that has occurred in the district has grown into those areas and under 8-E it separates that part of lower Agua Fria, the traditional historic part of Agua Fria with their two different needs that exist from the traditional historic site to the area of the new communities down in the southern part. So I raise that as a concern now so that hopefully Commissioner Sullivan can take that into account when he discusses the issues of 8-E, because I'm not sure if we're doing that area a service by splitting up precincts 67 and 64 outside of District Three.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'll be glad to start I guess with Commissioner Gonzales' question. I brought forward and worked with Erle to derive 8-E as kind of a compromise. I feel pretty strongly for others than either of these two alternatives but I felt 8-E might be a better, more compact, more logical distribution of the precincts than 8-D. In terms of the Airport Road area, the 64, 67 precinct area, the problem that occurred in District Five was, under the 8-D proposal, if you'll notice Precinct 75 sticks out as an island across Airport Road. And that would be the first time—what would happen in the Airport Road area, which is a rapidly growing area, particularly the southwestern portion of the Airport Road area, which is even more rapidly growing, is that a substantial number of 4,000 to 5,000 people would then be in District Five, which is more associated with the Rodeo Road area and Eldorado and the Community College area.

And that seemed to be a problem in terms of an island or a finger extending out on the other side of Cerrillos Road. To move that back out of District Five from this proposal, the numbers—and I agree with the philosophy that Commissioner Gonzales said. It would be nice to put 64 and 67 together but because of the size, sticking with the rural philosophy that you have these two major rural districts, we couldn't get enough numbers in the other districts to put both 64 and 67 in. Because we had to take out, as you know, about 8,000 people from District Three in order to make it on a parity with the other districts.

So there's nothing really, nothing else that we could do given at least what I felt was important and that is that Airport Road and south Airport Road stay together as one district, along with La Cienega and those other areas that have traditionally been in District Three.

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My other concerns was in the Rodeo Road area, the district, the 8-D plan split up six precincts in the Rodeo Road area that have traditionally been District Five precincts and put them into District Four. So under the 8-E plan, we are able to leave five of those six precincts as remaining at least where they've been traditionally. And that I think provides better continuity for people who are used to having a representative and used to—and they have a very direct relationship with the Community College District, which is also in District Five because all of the traffic that generates out of the Community College District slams right into Rodeo Road and Zia and Yucca and Siringo and I know when I was campaigning in that area, the number one question in addition to water from residents within the city was the impact of county development on them in the city.

So that was a swap-off on the precinct 67 to move 65, was really the only thing that we could do there. If we brought in 67 it would add another, I think 4,000 or so and would put District Three over the maximum.

The other—and that's basically the main changes. As I said, these 8-D and 8-E items kind of homogenize each district to where they're pretty well even between Hispanic and Anglo, as opposed to previously when for example, District Three had been 68 percent Hispanic. So that, I think is a decision that the Commission has to make if we feel that's a good way to go. But other than that, I think 8-E is technically more compact and more logical from the standpoint of the electorate.

Is there any other—

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, couldn't you make the same argument with Precinct 81, that from 8-D to 8-E creates kind of a finger into the area of Commissioner Campos' district?

COMMISSIONER SULLIVAN: Yes, Mr. Chairman, you can make that—that's a very good argument and what happened with 81, as Erle pointed out, was that was one of those precincts that used to be split. And now it looks like an elephant's trunk and it protrudes out toward Old Pecos Trail, which was where it was before. It was in District Four before. We were required to make that into one precinct, which we did several months ago, so now what happens, no matter which way you go, if you put the nose of the elephant into District Five, it protrudes into District Four. If you put the body of the elephant the other way it protrudes into District Five. So that's now one long district. It was two smaller districts before.

So I think either way we do that one, just picture that in the 8-E option, the gray color as being reversed with the orange color, it would protrude into District Five which starts to get into the Governor Miles area and so forth, which is more associated with the Community College District. So that's kind of a problem no matter whichever way we go.

COMMISSIONER GONZALES: I just wanted to go quickly to your point of the issue of the breakdown between the Hispanic and non-Hispanic, don't you think these provide more of a balance amongst Hispanics and non-Hispanics than there was, kind of getting a rough look at—

COMMISSIONER SULLIVAN: I think they're almost identical, Mr.

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Chairman. I think in terms of the ratios within statistical accuracy, if you take for example District Three, you're right at 50 percent. So 8-E does not solve the problem of keeping traditional Hispanic districts, heavily populated Hispanics district, percentage-wise, it doesn't solve that. I think C does but I was just putting 8-E together as a refinement of 8-D, not to solve that particular problem. And you're right, that problem still exists in either 8-D or 8-E.

COMMISSIONER GONZALES: I don't know if I describe it as much of a problem as much as the fact that it's more equal. There's as much Hispanic representation as non, which I don't think is a bad thing at all. That's just from looking at 8-D and 8-E, it appears that each of the districts are more balanced than 8-E might offer, the way I see it.

COMMISSIONER SULLIVAN: I think percentage-wise, they're almost identical in terms of the numbers. If you look at the number charts, they're almost identical. There's just been a long history of not breaking up largely ethnic districts and homogenizing in redistricting, which is what we're doing here in either of the alternatives. But I think if you look at the chart—we have a problem here, don't we Erle?

CHAIRMAN DURAN: If you look at the pie charts, Commissioner Sullivan, comparing the pie chart in District One under 8-D to 8-E, 8-E is more balanced. If you look at the pie chart for District Two, 8-D is more balanced. If you look at the pie chart for District Five, it's more balanced and the same in District Three. District Four is not in balance in either E or D. Do you not see that?

COMMISSIONER SULLIVAN: I was just looking at the number in the summary table in terms of balance, 8-D, taking District One for example.

CHAIRMAN DURAN: If you look at the pie charts—I'm referring to the pie charts.

COMMISSIONER SULLIVAN: Yes, I understand.

CHAIRMAN DURAN: The pie charts are easier to understand.

COMMISSIONER SULLIVAN: They're based on—

CHAIRMAN DURAN: They're much easier to read.

COMMISSIONER SULLIVAN: For an engineer the numbers are easier than the pie charts.

CHAIRMAN DURAN: You're the only engineer on the Board.

COMMISSIONER SULLIVAN: I'm just saying that as an example, taking District One under 8-E, the current population, Hispanic, is 53.6 percent. Under 8-E it would go down to 52.2 percent. Under 8-E it would go up to 54.6 percent. So I think we're within a percent either way. One goes down about a percent and the other goes up about a percent in that district.

In District Two, your district, Mr. Chairman, in 8-D—or the current Hispanic population is 53 percent. The Hispanic population would go up to 54 percent in 8-D and it would go up to 61 percent in 8-E. And in District Three, which is 68 percent Hispanic now, in 8-D it would be 50.5 percent and in 8-E it would be 49.6. So they're .9 percent, almost one percent different. Statistically, for all intents and purposes, D and E are the same in option D or E.

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CHAIRMAN DURAN: Then you're saying that the pie charts are incorrect?

COMMISSIONER SULLIVAN: Well, let me look at the pie charts. They shouldn't be.

CHAIRMAN DURAN: Erle, are the pie charts not representative of the figures that Commissioner Sullivan is mentioning. I don't want to confuse the public here. It seems like 8-D is obviously a little bit more—it's a fair representation of backgrounds than 8-E. If the pie chart is wrong—

MR. WRIGHT: Chairman Duran, the pie charts of the summary table, and actually there's some bar charts—

CHAIRMAN DURAN: Right. Saw those too.

MR. WRIGHT: And also the maps with the pie charts on them, those all reflect the same statistical analysis percentages. But what I think it's important to point out, what you need to look at is both the Hispanic and non-Hispanic white population, which are those numbers, it's looking at those two numbers in conjunction that I think gives you a feel for how the districts are breaking out. It does change district by district. For instance in District One, in almost every scenario you've looked at, the Native American population comprises almost seven percent of that district. So really it depends on which district you're looking at and the numbers put together rather than just looked at separately for each ethnicity category. That would be my recommendation looking at them.

COMMISSIONER SULLIVAN: I guess I'm not understanding, Commissioner Duran, what you mean by more representative from the pie charts. Could you explain to me what you're talking about?

CHAIRMAN DURAN: Okay. Let's just put option 8-E next to option 8-D, the pie charts. If you look at the pie chart for District One and 8-D—

COMMISSIONER SULLIVAN: Okay, I see what you're saying. You're saying they're more balanced. By balanced you're saying that every district should be as closely as possible to 50-50.

CHAIRMAN DURAN: That's kind of what we're striving—that's one of the criteria.

COMMISSIONER SULLIVAN: Oh, no. That's not a criteria at all. In fact, it's the other way around. The districts should be—the criteria is that the districts should as in so far as possible retain their percentage of ethnicities. You can't ever exactly do that but if you have a La Cienega type district that has more Hispanic population, then it would be logical that that district would continue to have a stronger Hispanic population after redistricting and have a stronger voting set. So I see what you're saying. Yes, you're right. Those pie charts kind of show almost everything except District Four being a flat 50-50. But I don't think that's a goal.

CHAIRMAN DURAN: What was the representation of the last—the population count, the census? What were the percentages of Anglo and—

MR. WRIGHT: For countywide population, Mr. Chairman? Mr. Chairman, and that's on the top of the summary table, but it's essentially 49 percent Hispanic population and 45.5 percent non-Hispanic white population. And the reason why I use the term non-

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Hispanic, it was possible in this census to actually check both boxes. But these numbers haven't broken out to segregate those. So it's possible within the last census that you could have actually checked both Hispanic and white and been counted in there. So it's important that we distinguish between non-Hispanic whites and the Hispanic categories.

CHAIRMAN DURAN: That may not be a criteria, but for me it's a matter of striking a balance.

MR. WRIGHT: One of the principles of redistricting is specifically not to dilute the voting strength of ethnic, language or minority groups, which I think we've been very successful in doing. In 8-D it is much more balanced, the Hispanic and non-Hispanic white population, whereas 8-E, particularly in your district, Mr. Chairman, brings up the Hispanic population to give a greater spread between the Hispanic and white population in terms of percentage points.

And again, part of this, one of the things is we are working with actual population numbers and not with actually registered voters. But that is the mandate under federal election law.

COMMISSIONER TRUJILLO: So from a pictorial standpoint, it's quite conspicuous that there is a difference between 8-D and 8-E. From an ethnicity standpoint.

CHAIRMAN DURAN: Do you have any other comments, Commissioner Sullivan?

COMMISSIONER SULLIVAN: I think that was it, Mr. Chairman. I just wanted to reiterate that I think 8-E accomplishes, basically other than totally homogenizing each district, it accomplishes the objectives of the rural districts, but in District Five, it's really cut in half by 8-D, which is why I was trying to compact District Five back and make it a more logical layout, particularly in the Airport Road area. But we still have certain—8-E leaves Cerrillos Road as a boundary, which is it was before. It leaves the railroad tracks as the boundary—the railroad tracks were a boundary before between the two districts. Now we have District Four going across the railroad tracks and we have District Five going across Cerrillos Road.

So those were kind of logical voting areas that people understood and that's the main difference between the two.

CHAIRMAN DURAN: Commissioner Campos, do you have any comments?

COMMISSIONER CAMPOS: I submit to the mercy of this Commission.

CHAIRMAN DURAN: Okay, if there's no other questions or comments, what's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd like to move to approve option 8-D, understanding Commissioner Sullivan's points. I'm just really concerned about splitting up an area of those two precincts, 64 and 67. They have fairly similar needs and concerns and often find themselves not so much not in synch with what the traditional historic community of Agua Fria is doing. Option 8-E would basically move precinct 67 into that traditional historic or next

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to it subject to whatever their needs are. So I'd like to keep those two precincts together, move that option 8-D be—

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? So let me ask you one question. When does this ordinance go into effect?

MS. BUSTAMANTE: It will go into effect in thirty days after I record it, which will be today or tomorrow. Thirty days after that.

The motion to adopt Ordinance No. 2001-13 passed upon roll call vote with Commissioners Gonzales, Trujillo, Duran and Campos voting in favor, and Commissioner Sullivan voting against.

[Commissioner Sullivan left the proceedings at this point.]

VII. Matters from the County Manager

- A. Resolution No. 2001-200. A resolution requesting a transfer within the general fund (101)/County Manager's Office to the Project Management Division for expenditure in fiscal year 2002**

MR. LOPEZ: Mr. Chairman, this budget resolution was presented to you previously by the previous County Manager, Samuel Montoya, to in essence, move an FTE from the County Manager's Office, that is the policy analyst position from the County Manager's Department into the Project and Facilities Management Department and that position would then become a project coordinator. Previously, when this issue came forward, it was deadlocked at a vote of two to two so it was automatically tabled to the next meeting where we have more Commissioners present.

CHAIRMAN DURAN: And whose position is that?

MR. LOPEZ: Mr. Chairman, the person that currently fills that position is Mr. Rudy Garcia.

COMMISSIONER GONZALES: I think it's up to me to participate in this but it seems to me since we're still early on in the organization that it might be more appropriate that we defer making a decision on this until Estevan has an opportunity to spend at least the first four to six months taking a look at everything and then making some determination during the budget cycle, which is only four months away. Katherine, is that when you're going bring this back in? When the budget cycle comes, whether it's more appropriate at that time to transfer the position or not.)

COMMISSIONER CAMPOS: So this is to table it?

COMMISSIONER GONZALES: It's just table with the direction that there be a recommendation made during the budget cycle as to where the position is most needed, whether it's needed more so in the County Manager's Office or if there's a need in the General Services Department. And at that time when we're evaluating all the positions we can

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determine where it's needed.

COMMISSIONER CAMPOS: Any where else, right? Not just from one division but wherever it might be needed anywhere in the County?

COMMISSIONER GONZALES: Right. Absolutely.

COMMISSIONER CAMPOS: I'll second it.

MR. LOPEZ: So Mr. Chairman, for a clarification, I guess that would mean that this BAR is withdrawn at this time and we'll bring it back.

COMMISSIONER GONZALES: Right. Till the budget cycle.

CHAIRMAN DURAN: See if there's other positions over at the landfill.

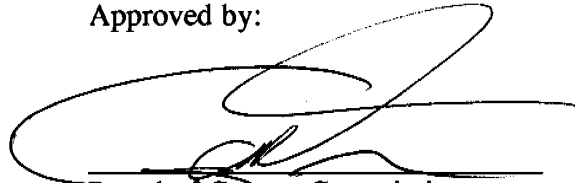
Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Sullivan was not present for this action.]

MR. LOPEZ: Mr. Chairman, if I may, on behalf of this Commission, I'd like to thank the City of Santa Fe for the use of the City Chambers to conduct this meeting, given that ours is under construction.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 3:10 p.m.

Approved by:

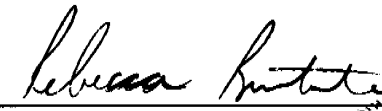


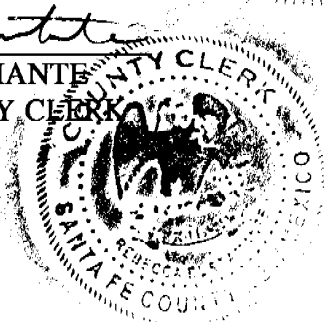
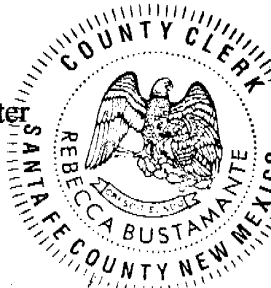
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

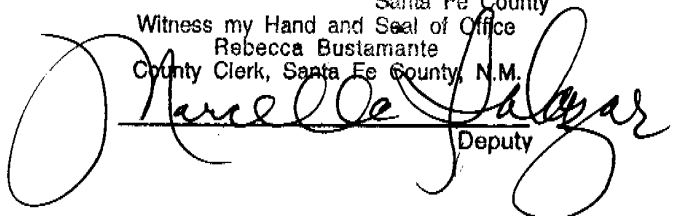
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1190.142 } S6
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 23 day of Jan A.D.
20 02 at 2:02 o'clock P.m
and was duly recorded in book 2055
page 906-925 of the records of

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


Deputy

Comm. District	Precinct Count	Total Population	Hispanic Population	White Population	Ideal Population	Deviation from Ideal
1	19	22,955	12,306	8,436	25,858	-2,903
2	15	20,132	10,658	8,451	25,858	-5,726
3	14	34,575	23,555	9,525	25,858	8,717
4	16	21,673	6,938	13,746	25,858	-4,185
5	22	29,957	9,948	18,632	25,858	4,099
Totals		129,292	63,405	58,790		

This is a close approximation of the percentages of Hispanics to non-Hispanic Whites in the existing Commission Districts. The exact percentages cannot be precisely determined because new precincts have been created and precinct boundary adjustments were required prior to this redistricting effort.

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