

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MEETING**  
**March 13, 2018**

Anna Hansen, Chair - District 2  
Anna Hamilton, Vice Chair - District 4  
Ed Moreno - District 5  
Henry Roybal, Chair - District 1  
Robert A. Anaya - District 3 [telephonically]

SFC CLERK RECORDED 04/11/2018

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**March 13, 2018**

**I. A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:08 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**B. Roll Call**

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Anna Hansen, Chair  
Commissioner Anna Hamilton, Vice Chair  
Commissioner Robert A. Anaya [telephonically from 3:20]  
Commissioner Ed Moreno  
Commissioner Henry Roybal

**Members Excused:**

None

- C. Pledge of Allegiance**
- D. State Pledge**
- E. Moment of Reflection**

The Pledge of Allegiance was led by Alyssa Sena, the State Pledge by Marianne Martinez and the Moment of Reflection by Lori Armijo of the Treasurer's Office.

**I. F. Moment of Poetry**

Ann Valley Fox read her poem "Border Crossings."

- I. G. Approval of Agenda**
  - 1. Amendments**
  - 2. Tabled or Withdrawn Items**

CHAIR HANSEN: Manager Miller, do we have any additions or changes to the agenda?

KATHERINE MILLER (County Manager): Madam Chair, the agenda is

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the same as when we posted it one week ago on Tuesday the 6<sup>th</sup>. However, I did want to note that in the Public Hearings, Land Use Cases in the evening, item VIII. A. 2 is still tabled.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: If it works for you I was going to suggest that perhaps under VI. Matters from the County Commissioners, the matter that was originally brought by Commissioner Anaya, A. 2, might be moved forward on the agenda, the proclamation having to do with the Glorieta Pass Battle, because we have some people in the audience who are going to speak to that and what not and maybe it would be good if we attended to that before we did all the other regular business, so maybe after the Consent Agenda.

CHAIR HANSEN: Let's do that after the Consent Agenda. And what is the number again?

COMMISSIONER HAMILTON: That would be VI. A. 2.

CHAIR HANSEN: VI. A. 2. Okay, we will move that to right after the approval of the Consent Agenda.

COMMISSIONER HAMILTON: Thank you, Madam Chair.

CHAIR HANSEN: Do I have a motion to approve with the changes?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER HAMILTON: Second.

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

**I. H. Approval of Minutes**

**1. Approval of February 13, 2018, Board of County Commissioners Meeting Minutes**

CHAIR HANSEN: Do we have any changes or additions? I have changes. On page 1, third line – never mind there. That's fine. On page 13, second paragraph, actually Hvtce Miller let – I think it should be left, left you this report. And then on page 19, under the 8<sup>th</sup> paragraph, line 4, the fourth line starts with work, and I think it should be worry. It was Ms. Miller, but in the past it has been so you don't have to work, but I think it was worry about any parking or anything. Do you see that, Katherine? Okay. That's fine. I'm pretty sure it's but in the past it has been so you don't have to work about any parking. I think it is worry about any parking.

MS. MILLER: Yes. I think that is worry about parking. Because they would pick you up here and take you over there.

CHAIR HANSEN: Okay. Those are all the changes I have. Can I have a motion to approve?

COMMISSIONER HAMILTON: Move to approve with those amendments.

COMMISSIONER ROYBAL: Second.

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

## II. CONSENT AGENDA

### A. Final Orders

1. **Case # APP 17-5101 Regina Buckley Appeal. Regina Buckley, Appellant, Scott Hoelt, Agent, Appeal of the Santa Fe County Planning Commission's Denial of a Variance of Ordinance 2016-9, Chapter 8.6.5 Table 8.9, (Dimensional Standards) Residential Fringe (RES F) to allow 9.19 Acres to be Divided by Way of Family Transfer, into Two 4.6-Acre Lots. The Property is Located at 11 Sudeste Place, within Section 24, Township 16 North, Range 9 East (Commission District 4) John Lovato, Case Manager: Approved 4-0**
2. **Case # V 17-5161 Prabhu Khalsa Appeal. Prabhu Khalsa Appellant, Oralynn Guerrerortiz, Agent, Appeal of the Santa Fe County Planning Commission's Decision to Deny a Variance of the Sustainable Land Development Code Ordinance 2016-9 (SLDC) Chapter 7.17.9.3.2, Governing height of a Structure, to Exceed 18' on a ridgetop, and to Deny a Variance to Allow a Two Story Residence on a Ridgetop. The Property is Located at 01 Anand Nivas Way Within the Vicinity of Sombrillo Within, Section 12, Township 20 North, Range 8 East (Commission District 1) John Lovato, Case Manager: Approved 4-0**

### B. Resolutions

1. **Resolution No. 2018-27, a Resolution Amending a Budget Adjustment for the Law Enforcement Fund (246) to Budget Funds for Region III, Edward Byrne Justice Assistance Grant Program / \$15,107 (Finance Division/Stephanie Schardin Clarke)**

CHAIR HANSEN: Does anyone need to pull anything from the Consent Agenda? Can I have a motion to approve?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Okay. I have a motion by Commissioner Hamilton and a second by Commissioner Roybal.

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

[Clerk Salazar provided the numbers of the resolutions throughout the meeting.]

**VI. A. 2. Approval and Presentation of a Proclamation for the Friends of the Pecos National Historic Park, Proclaiming March 24, 2018, "The Battle of Glorieta Pass Day and Memorializing the Civil War Battle of Glorieta Pass"**

COMMISSIONER HAMILTON: Thank you, Madam Chair. So I apologize ahead of time for the wealth of what I don't know about the whole process that went into this but I know we have Andres Romero here from the Friends of the Pecos who's been involved the whole time and he has said he would say a few words about what this means, this proclamation and some other efforts are intended to memorialize the Battle of Glorieta, part of the Civil War. So perhaps we should start with reading the proclamation if that's okay with everybody. I'll start out and maybe we could do our traditional going around and reading the proclamation. I'll start. And I guess we should really – if I didn't already say this, really thank Commissioner Anaya for taking the lead in developing this.

So Santa Fe County Proclamation, proclaiming March 24, 2018 as the Battle of Glorieta Pass Day and memorializing the Civil War Battle of Glorieta Pass.

Whereas, on March 26, 1862, during the Civil War, the Union and Confederate forces clashed in the Battle of Glorieta Pass, called the Battle, which was fought at Apache Canyon; and

COMMISSIONER ROYBAL: Whereas, between nine and 37 Union and Confederate soldiers were killed during the first day of the Battle, which took place approximately one mile east of Cañoncito, then the location of Johnson's Ranch; and

COMMISSIONER MORENO: Whereas, the following day of March 27, 1862, the Union and Confederate forces buried their dead and regrouped; and

CHAIR HANSEN: Whereas on March 28, 1862, the main Union and Confederate forces re-engaged at Pigeon's Ranch, approximately one mile east of the Village of Glorieta, while another smaller Union force fell upon and destroyed the Confederate wagon supply train at Johnson's Ranch; and

COMMISSIONER HAMILTON: Whereas, on March 28, 1862, approximately 94 soldiers were killed in the fighting around Pigeon's Ranch, where the remains of 31 Confederate soldiers were found, 27 of whom remain buried there; and

COMMISSIONER ROYBAL: Whereas, after the Union and Confederate forces buried their dead on March 29, 1862, the Confederate forces began their withdrawal to Santa Fe and the Union forces commenced their withdrawal toward Fort Union; and

COMMISSIONER MORENO: Whereas, many New Mexicans played a vital part in the Battle and contributed and sacrificed all; and

CHAIR HANSEN: Whereas, Lieutenant Colonel Manuel A. Chaves and a contingent of New Mexico Volunteers, who fought alongside Union Regulars and Colorado Volunteers, spearheaded a Union flanking movement at the Battle; and

COMMISSIONER HAMILTON: Whereas, Union Regulars, along with New Mexico and Colorado Volunteers, ultimately caused the Confederate forces to retreat to Texas, and thereby giving up on their effort to annex the entire West and parts of northern New Mexico to the south; and

COMMISSIONER ROYBAL: Whereas, it is important not to forget those Union and Confederate soldiers who gave their lives in the Battle of Glorieta Pass, because they played a significant role in the shaping of our nation and the preservation of the freedom that we all enjoy as citizens of the United States of America.

Now, therefore be it resolved, that we, the Board of County Commissioners of Santa Fe County do hereby proclaim March 24, 2018 as The Battle of Glorieta Pass Day and to memorialize the Civil War Battle of Glorieta Pass. And it's approved, adopted and passed on this 14<sup>th</sup> day of March 2018, signed by all five Commissioners, our County Manager, our County Attorney, and our County Clerk.

CHAIR HANSEN: Thank you Commissioner Roybal and Commissioner Hamilton.

COMMISSIONER HAMILTON: Madam Chair,

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Can we give a moment to – I know Andres Romero is here from the Friends of Pecos to say a few words about this.

CHAIR HANSEN: Absolutely. Please come forward.

ANDRES ROMERO: Madam Chair Hansen and Santa Fe County Commissioners, Andres Romero. I'm the vice president of Friends of the Pecos National Historical Park. March 24<sup>th</sup> we'll be commemorating the 156<sup>th</sup> anniversary of the Battle of Glorieta. As you mentioned in your proclamation, this was a very significant battle. If the Texans won it was their plan to take over the Colorado mines and from there march into Utah, ally with the Mormons, take over California, come down and take over the Baja California, the Mexican states of Sonora and Chihuahua. They were stopped cold at this battle. That changed the whole complex – it probably changed the whole complex of the war. Had they been successful we might be in a different country now.

I want to thank you again for issuing this proclamation. My colleagues and I appreciate it. Thank you.

CHAIR HANSEN: Thank you very, very much.

COMMISSIONER HAMILTON: Thank you so much.

CHAIR HANSEN: And with that, do we have a motion to approve the proclamation?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: Motion by Commissioner Roybal, second by Commissioner Moreno.

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

### III. ACTION ITEMS

#### B. Appointments/Reappointments

##### 1. **Re-appointment of Members to the County Fair Board**

ANNA BRANSFORD (Community Services): Good afternoon, Commissioners. I'm here today because the Community Services Department is

submitting recommendations to reappoint members to the County Fair Board. Santa Fe County Ordinance 2000-5 establishes duties, powers and procedures of the County Fair Board. The current ordinance allows for no less than nine members on the board and no more than 13. Based on the Fair Board's recommendations from our October meeting there was six members whose terms expired December 31, 2017. They were Bruce Martin, Jim Butler, Grant Mitchell, Natalie Baca, Tom Spindle, and JoAnn Brennan.

So our by-laws allow for the nomination and vote of the association members for the Fair Board to recommend these people to the Board of County Commissioners. We are recommending that the above-noted members be reappointed until December 31<sup>st</sup> of 2019. With that I stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Do I have a motion?

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER MORENO: Second.

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

CHAIR HANSEN: I have one question. So how many members do you have on the board right now?

MS. BRANSFORD: Currently 12.

CHAIR HANSEN: Twelve. So you're at capacity.

MS. BRANSFORD: Yes.

CHAIR HANSEN: Okay. Perfect.

MS. BRANSFORD: And I did want to also let you know that in January they took a vote and we do have a new chair this year. It is Bruce Martin. So in July you all will meet him when they come and invite you all to the County Fair.

CHAIR HANSEN: Okay. We look forward to it.

MS. BRANSFORD: Thank you, Commissioners.

CHAIR HANSEN: And we look forward to all the buildings being finished for the next County Fair. At least I hope they are.

MS. BRANSFORD: Yes. Definitely, Madam Chair.

**III. C. Miscellaneous**

- 2. Approval of Amendment No. 3 to the Professional Service Agreement No. 2015-0188-CSD/MM Between Santa Fe County and Presbyterian Medical Services, Extending the Term of the Agreement an Additional Year and Increasing the Compensation an Additional \$450,000, Inclusive of NM GRT for a Total Agreement Amount of \$1,600,000, for the Operation of the Mobile Crisis Response Team and Granting the County Manager Authorization to Sign the Purchase Order**

BILL TAYLOR (Procurement Director): Thank you, Madam Chair,

Commissioners. We're here to present to the Board for approval the amendment #3. This is the final amendment to the contract and agreement with Presbyterian Medical Services to provide the Mobile Crisis Response Team services for county residents and requires Board approval due to the amount of the contract and I'll stand for any questions from the Board.

CHAIR HANSEN: Okay. Any questions from the Board?

COMMISSIONER HAMILTON: Move to approve.

CHAIR HANSEN: Thank you. Do I have a second?

COMMISSIONER ROYBAL: Second.

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

CHAIR HANSEN: Thank you. We look forward to another year working with Presbyterian on the Mobile Crisis Team. Thank you.

**III. C. 2. Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - \_\_\_, an Ordinance Amending Section 6 of Santa Fe County Ordinance No. 2008-14 to Extend to January 1, 2024, the Time in Which an Election May Be Held to Reauthorize the Regional Transit District Gross Receipts Tax [Exhibit 1: Staff Report]**

TONY FLORES (Deputy County Manager): I'm going to pitch hit, Madam Chair.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Yes. Thank you, Madam Chair. This issue comes about because of the sunset clause that is imposed right now that is relative to the RTD system, the blue bus, and because of the sunset of the counties and cities that are involved agreed to propose that they have the opportunity to extend the part of the – before the sunset. And so I will defer to Tony.

MR. FLORES: Thank you, Commissioner Moreno. So Madam Chair, this request is to publish title and general summary of an ordinance that would amend Section 6 of the County Ordinance 2008-14, extending the time in which an election may be held to reauthorize the GRT. In the packet Mr. Matthew provided the ordinance number that currently exists and Section 6 states repeal or reauthorization. This ordinance, if it becomes law shall be repealed effective January 1, 2024, which is the reference to sunset that Commissioner Moreno used, unless a reauthorization election for continuation of the Regional Transit gross receipts tax is held and approved at a general election in November 2022 or a special by 2023.

So NCRTD has requested that this be placed on there trying to get ahead of the timeframe that's currently listed in the ordinance. Staff has provided the information today only to request the approval to publish title and general summary of the ordinance, which we would bring back if the Board approved it, at the April 10<sup>th</sup> Board of County Commission meeting for a public hearing on the ordinance. I hope that screwed up



everything I was trying to say.

So for today's discussion it's purely to allow staff to publish the title and general summary of that ordinance change.

CHAIR HANSEN: Okay. Manager Miller.

MS. MILLER: Madam Chair and Commissioners, when the RTD was expanded to cover all the counties that it covers and the Rail Runner was put into place, all of the transit districts that helped support the Rail Runner passed a GRT. They were given authorization in statute to have a GRT increment to support the Rail Runner. This particular increment is one that was authorized for specifically regional and rural transit and was voted into place in Los Alamos County, Santa Fe County, Taos County and Rio Arriba County. And this ordinance needs to be passed simultaneously by all four counties in order to renew this tax, keep it going past the current sunset that's in the existing ordinance, and allow them to have assured funding for the RTD bus system as well as the Rail Runner. And so they'll be – the RTD will be asking all four counties to pass this ordinance so that we can move forward with an election in each county to support renewing this particular GRT increment.

CHAIR HANSEN: Okay. Thank you, Manager Miller. Any other comments or questions from the Board? Mr. Flores, do you have any other comments?

MR. FLORES: No, Madam Chair. We stand as submitted.

COMMISSIONER MORENO: I move to approve.

CHAIR HANSEN: Okay, we have a motion. Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: And I have a second from Commissioner Hamilton.

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

**III. C. 3. Requesting Approval of a Cost Sharing Agreement Between the City of Santa Fe and Santa Fe County for the Solar Photovoltaic System Booster Station 2A of the Buckman Direct Diversion Project**

ERIK AABOE (Public Works): Madam Chair, Commission, we're requesting approval for the County to enter into an agreement to pay for half of the cost of a solar electric system that was installed in June of 2014 at Booster Station 2A of the Buckman Direct Diversion. We became aware that an agreement was not in place when we received a bill a little over a year and a half ago for interest and principal payments and since that time we've been working with the City to negotiate this cost sharing agreement. And so what this does, this system was funded with a 50 percent grant, 50 percent loan from the New Mexico Finance Authority and what this agreement does is not only share the cost burden but ensure that the benefits of the system will accrue equally to the City and County. So I stand for questions and request approval.

CHAIR HANSEN: Are there any questions or comments from Commissioners? I'm very happy to see this moving forward. This is sharing this photovoltaic system with the City is a good step forward in City-County relations and

with a new mayor in place I look forward to more City-County relationships. So with that, do I have a motion?

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: We have a motion from Commissioner Hamilton, a second from Commissioner Roybal.

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

**III. C. 4. Approval of Multiple Source Award, Multiple Year Contracts No's. 2018-0058-A-PW/MAM, and 2018-0058-B-PW/MAM to Provide On-Call Material Testing, Sampling and Inspection Services for Existing County Road Improvements and Maintenance Projects; Granting Signature Authority to the County Manager to Sign the Purchase Orders**

MR. TAYLOR: Thank you, Madam Chair. Purchasing Division issued a request for proposals for services to be procured that would be on an on-call basis/indefinite quantity for material testing and sampling and also provide inspection services during road construction projects. Qualification based, the qualifications definitely required where cost wasn't the only factor so that's the reason for the RFP for these services. The two contracts that we're asking approval on are contracts we'd be entering into with Bohannon Huston and Horrocks Engineering Firm. And with that I'll stand for any questions with this request.

CHAIR HANSEN: Are there any questions from the Board? We've worked with both of these firms before?

MR. TAYLOR: Madam Chair, we have, for design services and also for inspection services, and I believe both firms have provided testing and sampling of road materials.

CHAIR HANSEN: That's what I thought but I just wanted to ask. So what is the pleasure of the Board?

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER MORENO: I move to approve.

CHAIR HANSEN: We have a motion by Commissioner Moreno. Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Second by Commissioner Hamilton.

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

**III. C. 5. Approval of Change Order No. 4 to Agreement No. 2017-0226-PW/KE Between Santa Fe County and RCC, LLC in the Amount of \$54,426.42, Excluding NM GRT, for the Agricultural Extension Office Remodel at the Santa Fe County Fairgrounds for a Total Contract Sum of \$1,119,934.87, and Grant Signature Authority to the County Manager to Sign the Purchase Order**

MR. TAYLOR: Thank you, Madam Chair. It's a pleasure to be back. We entered into a construction contract, Madam Chair and Commissioners, with RCC Construction Company to complete the renovation and improvements of the agricultural extension office at the County Fairgrounds. This change order is for additional services or construction services to improve functionality of the facility that is a total of \$54,426.42. This amount is slightly over 10 percent increase to the original contract and therefore requires BCC approval. With that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Okay. Seeing none.

COMMISSIONER MORENO: I move approval.

CHAIR HANSEN: Okay, I have a motion to approve by Commissioner Moreno. Do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Second by Commissioner Roybal.

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

**IV. MATTERS OF PUBLIC CONCERN**

CHAIR HANSEN: Do we have anybody from the public here to speak?

MIGUEL CHAVEZ: Good afternoon, members of the Commission. I had a couple of concerns or suggestions that I wanted to share with you.

CHAIR HANSEN: Would you please state your name and address for the record?

MR. CHAVEZ: Miguel Chavez, 1615 Camino Porvenir. And what I would like to ask at this time, Commissioners, is that you accommodate matters of public concern to fit into the public's work schedule. I and someone else was hoping that public comment or Matters of Public Concern would be closer to the 5:00 hour, not so much the middle of the afternoon. So I did share with another member of the public that Matters of Public Concern would be before. They are hoping to be here around 4:30, so I'm asking if you could accommodate both of us at that time. Thank you.

CHAIR HANSEN: I don't see any problem with that, if we're not in executive session that will be possible. Thank you. Manager Miller.

MS. MILLER: Madam Chair, in the past we have, if there's people here who have wanted to speak early on the agenda we've let them and we've had it twice if there have been people who couldn't come until later.

CHAIR HANSEN: That should more than reasonable to me.

MS. MILLER: If you wanted to do that.

CHAIR HANSEN: So Mr. Chavez, would you like to speak now?

MR. CHAVEZ: If it's okay with you I would rather wait until other members of the public are here with me.

CHAIR HANSEN: Okay. Thank you.

**V. MATTERS FROM THE COUNTY MANAGER**

**A. Miscellaneous Updates**

**1. New Mexico Legislative Wrap-up [Exhibit 2: Legislative Report]**

MS. MILLER: Madam Chair, I'm going to have Hvtce Miller give an update on what actually ended up being signed into law or vetoed or pocket vetoed by the governor.

HVTCE MILLER (Intergovernmental Outreach Coordinator): Good afternoon, Madam Chair, Commissioners. As you had mentioned earlier, this is the report I will be speaking from today. It's got a purple picture on the front cover. It's the 2018 Legislative Report.

As Ms. Miller was saying, March 7<sup>th</sup>, I would think is the actual close of the legislature because that is the closing period for the governor to give final authorization on any bills needing the executive branch's authorization, and that has since come and gone. If you wanted to follow along I'm on page 3 now where it says signing deadline passed. I'll just go over briefly the concluding actions that have taken place.

Most of the bills which were passed at the end did have to do with the budget and then there were a few bills dealing with anti-crime matters. I have here there were no drastic changes to state-funded projects or programs and no major changes have been enacted related to the tax code, which is good news for local governments because that meant that there were no changes in GRT collection or distribution. That includes there were no changes to any hold harmless payments or any changes to expedite the hold harmless phase-out which is currently underway right now.

The two major crime bills which were passed were House Bill 19 and House Bill 173. House Bill 19 was somewhat of a conglomerate a few crime bills which were introduced separately but they ended up being combined into one bill and the House Bill 19 dealt primarily with felons, stiffer penalties for felons, using firearms in future crimes, and also the processing of repeat offenders who are believed to have substance abuse problems or mental health issues, and the final component of House Bill 19 was also a bonus reward system for retaining police officers.

The other crime bill, House Bill 173 was the creation of an automobile theft board, and so the state was trying to take a closer and specific look at auto theft problem issues within the state specifically. So those were those two.

Also I have here highlighted were that capital outlay funds were available in this session and a lot of capital outlay appropriations were signed into law which was House Bill 306. Unfortunately Santa Fe County had several of its projects which were included in House Bill 306 were ultimately vetoed in the final version. With that being said a large amount of funds were allocated to be used in Indian water rights settlements and funds

which are to be utilized for the planned Pojoaque regional water system project which Santa Fe County is part of. So on a good note, those were included in the House Bill 306 and did remain in the final version of House Bill 306.

Broken up in the report are signed and chapter bills on page 7 and those are the same which have been presented at the last Commission meeting and no major changes had occurred. If you have questions on those please let me know.

The next section would be the vetoed bills which are starting on page 18 and there are two notable bills that were vetoed here which had the support of the Commission, the first one being House Bill 64, the pet food fee. That was vetoed and the reason being offered by the governor was that it was considered as a tax and she's always been anti-tax through her entire term and this was seen as another tax and that was her reasoning for not signing that one.

The next one is particularly related to Santa Fe County and that's Senate Bill 17. That's gross receipts for certain non-profits and that one is relating to the taxation of a possible not-for-profit operator of the national laboratory in Los Alamos. And that was vetoed so taxing of a non-profit operator wouldn't be allowed at this time, and the reason being given by the governor for that veto was that it was not considered to be a comprehensive part of tax changes for the whole state and it was too specific and I would say too much of a specific carve-out for one business or one industry within the state. And that was her reasoning for that one.

Going on to the final part of bills is on page 20 and that's pocket vetoed bills. There are 22 of these items and I just wanted to mention that the pocket vetoes and vetoes were considerably smaller since the last legislative session. There were more bills signed into law than there were vetoed and pocket vetoed. First notable bill within this section is House Bill 81 and that is related to traditional historic community eligibility. This was the second consecutive go-round for this particular piece of legislation. In the last legislative session the same piece of legislation was also vetoed and it didn't make it again.

The second item here, House Bill 246, still on page 20, there was also no action taken on that one as well and therefore pocket vetoed. That was related to the advanced mapping fund.

Lastly is the section on capital outlay, starting on page 23, and this second continues all the way to the end which is page 28, and within this section there is the strike-through indicating any of the projects within Santa Fe County that had been line-item vetoed within the bill. The specific Santa Fe County managed projects are also highlighted in yellow and they also have the title highlighted in red and that means that they were vetoed. Just to go through, the First Judicial District security wall cameras, \$60,000, First Judicial District speaker system at \$57,500. I think lastly was for the Judicial Complex file room, which was that \$200,000.

The other highlighted in yellow projects did remain intact and did not receive any budget cuts or line-item vetoes altering those projects. And those were the Indian water rights settlement at \$6,175,000, Santa Fe County Eldorado Subdivision trails at \$100,000, and in the latter part of the bill, Section 45, Indian water rights settlement fund for \$2,825,000. With that, that's the conclusion. I'm happy to take any questions that you have for me right now.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Moreno.

COMMISSIONER MORENO: Have you been able to assess the impact of the LANL non-profit bill?

MR. MILLER: Madam Chair, Commissioner Moreno, at this time I do not know of any future actions to be taking place by either Santa Fe County or the surrounding local governments who had supported this particular piece of legislation. I'm not sure if anybody has any information on that.

MS. MILLER: Madam Chair, Commissioner Moreno, the estimate at the time of the bill was something like \$50 million that is currently spent on average by the labs in gross receipts tax and they indicated in the fiscal impact that about half of that is the state and half of that is Los Alamos County. So that would be a \$25 million hit to a local government. However, in the veto message, one of the statements made in the veto message was that it's only the prime contract who's the non-profit and therefore only the prime contractor who would not have to pay gross receipts but all subcontractors would, so the estimate of that fiscal impact they felt was overstated.

So I don't know if anyone has analyzed it further on that basis. Additionally, it does depend on who actually proposes on the contract and how ultimately gets it as to whether that exemption would take effect or not. And I don't know if there's another opportunity between now and contract renewal to pass another piece of legislation. But there's not much else that Los Alamos County or any of the other local governments can do to try to pass legislation that might have been brought enough for the governor to sign.

COMMISSIONER MORENO: Thank you.

CHAIR HANSEN: Any other questions from the Board? I just want to acknowledge that I'm grateful for the money that we received for the Agua Fria water system and for roadwork in the Agua Fria Village and roadwork especially on Agua Fria and South Meadows improvement in design of that road. As Diego knows, I love roads, so I'm happy to see some money in there for roadwork. I'm not sure that that's completely in the county; I think part of it's in the city and so if it is a project that we can work on with the City and the County together I'm all for that. So thank you, and if there's no other comments or questions, thank you very much Hvtce.

Do we have any other updates from the legislative wrap-up, Mr. Flores or Manager Miller? Okay.

**V. A. 2. Update on the Pojoaque Basin Regional Water System**  
*[Exhibit 3: Staff Report]*

SANDRA ELY (County Hydrologist): Good afternoon, Madam Chair, members of the Commission. I'm here to give you an update on the Aamodt Settlement and the Pojoaque Basin Regional Water System. In your packet you should have a copy of this power point, a brief memo, and a copy of the draft contributing funds agreement which will be part of this update.

I'll talk about some of the recent milestones achieved by the parties to the settlement and talk a little bit about milestones remaining, and then spend a little bit of

time on the contributing funds agreement.

Just to refresh your memory, we have a map of the Nambe-Pojoaque-Tesuque Basin. The area in blue is the area that is subject to the Aamodt Settlement. You can see it goes from the Sangres down to the Rio Grande and it includes the four pueblos in the basin of San Ildefonso, Pojoaque, Nambe and Tesuque pueblos.

The settlement agreement was arrived at to settle a water dispute that had been going on for approximately 50 years. The key element of the settlement is the design and construction of the Pojoaque Basin regional water system and the map on the screen here shows the regional water system where it is proposed to be located. The system will start in at San I, where it will divert water, transport it to a water treatment plant near the senior center in El Rancho, and then transmit it out to the four pueblos and the non-pueblos in the basin.

The area in pink is phase 1 that's being constructed through a design-build contract with CDM Smith. They're scheduled to start construction this fall and finish it in the spring of 2022. The yellow are in the design-built portion of the system and that's primarily for phase 2, and that will deliver water all the way from Pojoaque up into Bishop's Lodge, and then over into Nambe as well. There's about 150 miles of distribution possible, another 50 miles of transmission and about ten new water tanks that are proposed to go in.

The cost of the system based on what's in the contributing funds agreement and the Aamodt Litigation Act shows that the federal government is putting forward the majority of the funds for this project at \$106.4 million in 2006 dollars. The state \$45.5 and the County \$7.4 million. All those funds will be indexed, of course, and you can see that our \$7.4 million that we will contribute is indexed out to about \$10.2 million.

Now, you've seen a similar slide showing the indexing a little higher, but the index changes over time and the inflation hasn't been as high as BOR previously thought. It will also be based on when our funds are spent by BOR, and I'll talk about that in just a little bit too.

So a number of things have happened since last summer and I just want to just highlight those, not go into any detail. But in last July, US District Court entered the final decree which set forth water rights for all members in the basin, both pueblo and non-pueblo residents. That same month in July the Office of the State Engineer issued a permit to change the point of diversion for the water rights to the Pojoaque regional water system. And then in September of last year the Secretary of the Interior published in the register that certain requirements of the act were met. You may recall we had talked about certain condition precedents that needed to be met by September 15<sup>th</sup> of last year including funding, purchase of water rights, transfer or water rights, final decree – those were all achieved and the Secretary did issue that publication.

In September the joint powers agreement was finally executed. It was approved by this Board the previous December but it took a while for it to get approved by all the other parties and Interior and DFA and that, as you recall, establishes the Pojoaque Basin Regional Water Authority.

Another thing that happened last September is the Office of the State Engineer issued the water master rules. These are required by the Aamodt Settlement Agreement and these rules govern the administration of the water rights in the basin by the State

Engineer's Office.

Now I want to - there's a lot in these rules. But I want to point out one section and that's a provision in Section 109, which allows a household to convey their full amount adjudicated to the County, abandon the use of their wells when they connect to the County water utility, or to convey a portion of their adjudicated water right, .3 acres, to the County, and use the remainder of their water right for outdoor purposes.

So we moved forward with this provision at your direction. We came to you last year. This was something that was being discussed by the parties. We asked if we should advocate for that. We did, and we were successful, and so those provisions are currently in the rule.

Last October the State Engineer issued a metering order and that's also required by the settlement. It's also required I think by our rules. Our ordinances require all new wells to be metered, all wells to be metered, so the State Engineer has a metering order out. All wells in the basin, both pueblo and non-pueblo wells, have to have a meter on them by October of 2018.

And then finally this last January the final environmental impact statement was published by the Bureau of Reclamation. You can find that online. There's also hard copies at the Pojoaque Field Office.

So one of the upcoming milestones that we're working on is the contributing funds agreement. This is an agreement that's required, that would be between the US and the Santa Fe County and it describes the County's cost share and how that will be paid out. The cost share for our portion of the regional water system. The County's contribution as I said earlier is \$7.4 million as described in the cost sharing agreement. That index comes to approximately \$10.2 million.

The Aamodt Litigation Settlement Act requires the contributing funds agreement to be in place prior to construction, and we anticipate that construction will start this fall. It's also a part of the pueblo rights-of-way agreement that this Board just recently finalized. And each of those agreements requires the contributing funds agreement to be entered into by April 2, 2018, or the pueblos could make those rights-of-way agreements null.

I'm going to go through just a few highlights of the agreement. You have the draft agreement in your packet, but there are a few things I really do want to point out to you. First, in Section 1, the County's total cost share is \$7.4 million indexed to about \$10.2. The remaining cost allocation will be indexed to account for inflation. That's a requirement of the act. And then Exhibit C shows the County's annual funding contribution. And I'll talk about Exhibit C once we get there but this will set out what our payment schedule will be in the near future and on out through 2024.

Early payments do not stop indexing unless those funds are expended, so that means for construction. So we can make an upfront contribution but until those funds are expended, they will be indexed under how the federal government indexes those costs for construction, different types of construction.

The County's cost allocation cannot be increased except by amending the contributing funds agreement, and the feds may charge us interest if we don't make a payment on time. So payments are due October 1<sup>st</sup> of every year. If we don't make a payment by November 30<sup>th</sup>, they may assess interest if the funds aren't expended.