

SANTA FE COUNTY

ORDINANCE NO. 2002-10

2193240

(REPLACING SANTA FE COUNTY ORDINANCE NO. 2001-6)

COMPREHENSIVE SOLID WASTE MANAGEMENT ORDINANCE

Section 1. Short Title

This Ordinance may be cited as the "Solid Waste Management Ordinance".

Section 2. Purpose

The purpose of this Ordinance is to preserve and protect the health, safety, and quality of life of the inhabitants of the County and to preserve and improve the environmental quality of the County.

This Ordinance is intended to control illegal dumping and accumulation of solid waste, and institute administrative procedures to effectively manage solid waste generated in the unincorporated areas of Santa Fe County.

This Ordinance establishes and defines the authority of the County, establishes the responsibilities of individuals and businesses.

Section 3. Definitions

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Ashes. The residue from the burning of wood, coal, coke or other combustible material.

Board of County Commissioners. The Board of Commissioners of Santa Fe County.

Caja Facility. Caja del Rio landfill disposal site permitted by the New Mexico Environment Department and operated by the Solid Waste Management Agency, an entity jointly created by the governments of the City of Santa Fe and Santa Fe County.

Caretaker. A solid waste facility attendant.

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Commercial Solid Waste. All types of solid waste generated by hotels, stores, offices, restaurants, warehouses, multiple-unit dwellings, churches, schools or other non-residential solid waste generators.

Commercial Solid Waste Contractor. Any person transporting solid waste for hire by whatever approved means for the purpose of transfer, processing, storing or disposing of the solid waste in a solid waste facility. The term does not include an individual transporting solid waste generated on or from ones residential premises for the purpose of disposing of it in a new Mexico Environment Department (NMED) approved solid waste facility.

Construction and Demolition (C&D) Debris. Materials generally considered water insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard and lumber from the construction or destruction of a structure, and includes rocks, soil. Construction and demolition debris does not include asbestos or liquids including but not limited to waste paints, solvents, sealers, adhesives or potentially hazardous materials. If construction and demolition debris is mixed with any other types of solid waste, whether or not originating from the construction project, it loses its classification as C&D debris.

Convenience Center. See Transfer Station.

County. The area within the exterior boundaries of the County of Santa Fe, New Mexico, including privately owned lands or lands owned by the United States or the State of New Mexico, except the areas within the limits of any incorporated municipality or federally recognized pueblo or tribal federal trust lands.

County Resident. Any person residing within the exterior boundaries of Santa Fe County and outside the exterior boundaries of any incorporated area, municipality or federally recognized pueblo or tribal federal trust lands.

Dispose or Disposal. The abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any solid waste into or on any land or water.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Green Waste. Yard waste, lawn clippings, leaves and tree trimmings.

Hazardous Waste. Any garbage, solid waste, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid or containing gaseous material resulting from

industrial, commercial, mining or agricultural operations or from community activities, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hearing Examiner. The County Manager or designee.

Hot Waste. Any waste which is on fire or smoldering when delivered to the solid waste facility. Also see Ashes.

Household Waste. Any solid waste, including garbage and trash, derived from households including single and multiple residences, with eight or fewer units, domiciles, campgrounds, picnic grounds and day-use recreation areas.

Industrial Solid Waste. Solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act (RCRA). Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Infectious Waste. A limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

1. Microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;
2. Pathological wastes, including human or animal tissues, organs and body parts removed during surgery, autopsy or biopsy;
3. Disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
4. Human blood and blood products, including waste blood, blood serum, and plasma;

5. Used sharps, including used hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and

6. Contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biological or the "in vivo" testing of pharmaceuticals.

Landfill. A solid waste facility, designed and operated in compliance with all Federal, State and local requirements, that receives solid waste for disposal.

Municipality. Any incorporated city, town or village, whether incorporated under general act, special act or special charter, and incorporated counties.

Non County Resident. Any person residing beyond the exterior boundaries of Santa Fe County or within an incorporated area or municipality or on federal trust lands or federally recognized pueblo or tribe.

Open burning. The combustion of solid waste without:

1. control of combustion air to maintain adequate temperature for efficient combustion;
2. containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
3. control of the emission of the combustion products.

Operator. The person (s) responsible for the overall operation of all or any portion of a solid waste facility.

Owner. The property owner, whether or not residing on said premises.

Person. Any natural person or any firm, partnership, association, corporation, company, or organization of any kind.

Premises. An improved or unimproved structure, designed for private or commercial use.

Processing. Techniques to change the physical, chemical, or biological character or component of solid waste, excluding composting or transformation.

Public Place. Any land owned by the community (or open to common use) such as streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

Recognized Educational Institution. Any governmental or non-profit educational institution located in the County and currently accredited by the State Board of Education.

Recyclable materials. Some materials that would otherwise become solid waste if not recycled and that can be collected, separated or processed and placed in use in the form of raw materials, products or densified solid waste derived fuels.

Recycling. Any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Refuse. Includes, but is not limited to, all putrescible and nonputrescible solid wastes (except body wastes) such as garbage, rejected or waste food swill, carrion, ashes, dirt, slop, waste paper, trash, rubbish, waste, and street clearings.

Refuse generator. Any person or entity producing solid waste.

Residential refuse. Refuse collected from three or less dwelling units on a single site.

Responsible party. Owner of any premises, whether vacant, improved or unimproved, used primarily for either private or business purposes.

Renter. Any person residing within the area defined for a county resident but who does not own land on which he resides.

Reuse. The return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

Rubbish. Includes but is not limited to all nonputrescible solid wastes (excluding ashes), both combustible and noncombustible, such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, glass, bedding, crockery, and similar materials.

Scavenging. The uncontrolled removal of solid waste from a solid waste facility or container.

Secured Load. Any load and any covering thereon which is fastened so as to prevent said covering or load from becoming loose or detached and to prevent said load from dropping, sifting, leaking or otherwise escaping.

Sludge. Any solid, semisolid, or liquid waste, excluding treated effluent generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control device.

Solid waste. Any garbage, solid waste and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities, but does not include, (a) drilling fluids, (b) fly ash waste, (c) waste from the extraction of ores and minerals, (d) agricultural waste, (e) cement kiln dust waste, (f) sand and gravel, (g) solid or dissolved material in domestic sewage, or (g) densified solid waste derived fuel or any material regulated by Subtitle C or Subtitle I, 42 U.S.C. Section 6901 et seq., except petroleum contaminated soils, of the Federal Resource Conservation and Recovery Act of 1976, substances regulated by the Federal Toxic Substance Control Act, 7 U.S.C. Section 136 et seq., or low-level radioactive waste.

Solid waste facility. A facility that is permitted or registered by the NMED and appropriately zoned and approved by the Board of County Commissioners to accept solid waste from the public. Solid waste facilities include convenience centers, transfer stations and landfills.

Special wastes. The following types of solid wastes that have unique handling, transportation, or disposal requirements to ensure protection of the environment and the public health, welfare and safety:

1. treated formerly characteristic hazardous wastes (TFCH);
2. tires
3. asbestos waste;
4. motor oil
5. infectious waste;
6. sludge;
7. industrial solid waste;
8. spill of a chemical substance or commercial product;
9. dry chemicals, which, when wetted, become characteristically hazardous; and
10. petroleum contaminated soils.

Storage. The accumulation of solid waste for the purpose of processing or disposal.

Transfer. The handling and storage of solid waste for reshipment, resale, or disposal, or for waste reduction or resource conservation.

Transfer station. A NMED facility, registered or permitted, which handles solid waste in large containers or vehicles for transfer to another facility and includes, but is not limited to, a "convenience center" which accepts solid waste from the general public.

Tribal Resident. Any person residing on federal trust lands within the exterior boundaries of Santa Fe County and within the boundaries of a federally recognized Indian pueblo or tribe.

Trip. Any residential vehicle/pickup load and up to a one-axle trailer consisting of residential refuse entering a transfer station for the purpose of discarding the material.

White Goods. Includes refrigerators, washers and dryers.

Yard Waste. Vegetative matter resulting from landscaping, land maintenance.

Section 4. Administration

The County Manager or designee is responsible for the administration of this ordinance.

- (1) Powers assigned to the County Manager under this Ordinance may be delegated by the County Manager to other appropriate County divisions and departments as deemed necessary to carry out the requirements of this ordinance.
- (2) The County Manager shall establish rules and regulations to carry out the intent and purpose of this ordinance to present to the Board of County Commissioners for approval, shall establish policies and procedures for billing and for collection of service fees, and shall establish grievance policies and procedures.
- (3) The County Manager shall recommend fees to the Board of County Commissioners for adoption by this Ordinance. Subsequent fees shall be adopted by amendment to this Ordinance.
- (4) The County Manager shall have the authority to delay or refuse collection services for failure to comply with this ordinance and the rules and regulations prescribed, or to take legal action to collect fees owed pursuant to this Ordinance.
- (5) The County Manager may initiate studies for the need, location, and operation of facilities to recover material or energy from solid waste or improved or additional collection services and to implement programs to achieve resource recovery and other studies which will benefit management of solid waste in Santa Fe County.
- (6) This Ordinance empowers the County Manager to address special wastes, recycling and waste minimization, maintain quality standards and educational

support of comprehensive solid waste management. The County Manager may utilize alternative disposal methods other than the Caja Facility.

Section 5. Solid Waste Collection Authorization

(A) *Implementation of Solid Waste Regulation.* Except as otherwise provided herein, all solid waste accumulated in the County shall be collected, conveyed, to an approved disposal site by the refuse generator or authorized contractors in accordance with this ordinance and State and Federal regulations. The disposal sites include the Caja Facility or a convenience center.

(B) *Handling of Solid Waste by Others.* Section 5.A of this Ordinance shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has accumulated from personally collecting, conveying and disposing of such solid waste. The producers or owners shall comply with the provisions herein, and with any other applicable laws or ordinances which regulate the disposal of solid waste, and shall pay all applicable collection fees, whether the solid waste collection service is utilized or not.

(C) *Licensing Requirement.* The County Manager may implement a licensing requirement and licensing fee to transport solid waste as part of the rules and regulations identified in Section 4. Solid Waste generators or commercial collectors utilizing vehicles of 9 tons gross vehicle weight (18,000 pounds) or greater shall deliver refuse directly to the Caja Facility or other approved facility.

(D) *Interference With Collection.* It shall be unlawful for any person to interfere with the County Manager or with any authorized County employees or with any duly authorized contracted collection service employees, while in the performance of their duties, as authorized by this Ordinance and any applicable regulations.

Section 6. Solid Waste Pre-collection Practices

(A) *Residential Refuse.* Refuse from household uses shall be bagged. No burned refuse shall be accepted.

(B) *Green Waste.* Yard waste, lawn clippings, and leaves shall be bagged. Tree trimmings shall be cut to a length of six feet or less.

(C) *Tires.* Used vehicle tires shall be accepted from residents only. Each household shall be permitted to dispose of (4) four tires per month.

(D) *White Goods.* White goods such as washers, dryers, dishwashers, etc., will be accepted. Refrigerators shall be accepted if the unit is freon free. The owner shall provide verification of freon free unit.

(E) *Motor Oil.* Shall be placed in containers as directed by caretaker. Motor oil shall be collected from residents only. 5 gallons maximum per visit.

(F) *Collection of Ashes and Hot Waste.* For at least 24 hours prior to the scheduled time of collection, ashes shall be cold. Ashes shall be placed in designated ash container as directed by the caretaker. Hot ashes will not be accepted.

(G) *Materials not Collected.* Animal carcasses, batteries, antifreeze.

(H) *Commercial Solid Waste.* Commercial solid waste will be collected only in quantities less than 9 tons gross vehicle weight. Loads exceeding 9 tons shall be delivered to the Caja Facility or other approved facility.

(I) *Covered Loads.* All loads delivered to the solid waste facilities shall be covered or secured. Failure to cover or secure loads will subject the violator to an additional charge or citation.

(J) *Construction and Demolition Debris.* C&D debris shall be cut to a length of six feet or less.

Section 7. Ownership of Solid Waste

All solid waste generated within the County is owned by and is the responsibility of the generator, until such time as the waste is deposited in a landfill or approved solid waste facility, or removed by a licensed private contractor. A licensed private contractor who removes solid waste from a property shall take ownership of the waste until it is taken to a convenience center, transfer station or landfill. The generator of the refuse shall certify that the refuse complies with environmental regulations for household or commercial waste. In the event the refuse is determined to be hazardous or not appropriate for disposal at the site, the County reserves the right to assess the generator with the costs of processing and disposal of the refuse.

Section 8. Collection of Solid Waste

(A) *Collection Points.* The County will establish and maintain refuse collection centers at the locations described below:

<i>Convenience</i>			<i>Residential</i>	<i>Small</i>	<i>Green</i>	<i>White</i>	<i>Recycling</i>
<i>Center</i>	<i>Location</i>	<i>Community</i>	<i>Refuse</i>	<i>Commercial</i>	<i>Waste</i>	<i>Goods</i>	<i>Services</i>
Nambe	NM 503	Chimayo/Nambe	Yes	Yes	Yes	Yes	Yes
Jacona	NM 502	Pojoaque/Jacona	Yes	Yes	Yes	Yes	Yes
Tesuque	NM 592	Tesuque/Chupadero	Yes	No	No	No	Yes
San Marcos	CR 42	Cerrillos/Gallisteo	Yes	Yes	Yes	Yes	Yes
Eldorado	US 285	Eldorado/Hondo	Yes	Yes	Yes	Yes	Yes
Stanley	CR 17A	Stanley/Edgewood	Yes	Yes	Yes	Yes	Yes
La Cienega	CR 54B	La Cienega/ LaCieneguilla	Yes	No	No	No	Yes

Section 9. Solid Waste Collection Practices

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(A) *Special and Hazardous Waste.*

(1) Infectious Waste. Wearing apparel, bedding, solid waste or other infectious or contagious material from homes, hospitals, nursing homes, or other places where highly infectious or contagious diseases have been present ***shall not be delivered to the collection centers.*** The producers of such solid waste shall immediately notify the County who shall provide technical assistance on proper collection and disposal of such material. The producer shall be responsible for the proper disposal of solid waste.

(2) Hazardous Waste. Hazardous waste shall not be collected, transported, or disposed of unless in full compliance with local, state and federal regulations regarding transportation and disposal. Hazardous waste material shall not be delivered to the collection centers. The producers or possessors of such material shall immediately notify the County who shall provide technical assistance on the proper collection and disposal of such material.

Section 10. Service Fees

(A) *Residential Refuse permits—Allotted.*

Any dwelling unit occupied by a County resident with a County-designated rural address, or in the process of obtaining a rural address, is eligible for allotted refuse permits redeemable for a total of twenty-four (24) trips per year to the County solid waste transfer stations for the purpose of disposing of residential refuse. A small service fee may be assessed for distribution of the permits. Twenty-four trips per dwelling unit are designated for each year and are valid only during the year printed on the permit. Allotted permits are non-transferable. Any additional solid waste services required may be purchased according to Residential Refuse fees below.

(B) *Residential Refuse fees.*

Any residential producer of solid waste, as permitted by this ordinance, may dispose of solid waste at any county Convenience Center or transfer station. Users may pay by the trip or by the bag. Any uncovered or unsecured load will be charged an additional fee.

User Permits: To pay by the trip, all users of the Collection Centers are required to purchase and utilize user permits. The fee for each trip purchased is \$8.50 with an additional \$1.50 per trip service fee. The minimum purchase is 2 trips for a total of \$20.00.

Bag Tags: To pay by the bag, all users of the Collection centers are required to purchase and utilize bag tags. The fee for each tag purchased is \$0.65. The minimum purchase is 5 tags for \$3.25. Each bag (provided by the user) must be tagged. For use on bags only. Maximum bag size is 30 gallons.

Uncovered or unsecured loads: \$40.00 penalty.

(2) The Board of County Commissioners may authorize a low income credit or senior citizen credit available to owner occupied residences. To qualify for this credit the owner occupying the residence must have an annualized gross income that is at or below eighty percent of the area median family income for the County as determined from time to time by the US Department of Housing and Urban Development. The County Manager shall establish procedures for requesting the credit.

(C) *Commercial Service Fees.*

Any business or institution may dispose of solid waste less than 9 tons gross vehicle weight, at any County convenience center or transfer station. Any uncovered or unsecured load will be charged an additional fee.

Hotels, restaurants, other establishments and businesses, institutions, and multiple-unit dwellings generating commercial solid waste, shall have the following service fees

County collection facilities	\$45.00/ton
Generators of less than one ton per year	\$45.00/annual permit
Recognized Educational Institution	\$35.00/ton
Box Rental Fee	\$200 per pull plus cost of tipping fee.
Uncovered or unsecured loads	\$40.00 penalty

- 1) Commercial customers shall establish an account with the County. The County and the customers will agree on a "typical load" which will be the measure of billing at the locations where weigh scales are not available. The County will bill the customer on a monthly basis.
- 2) Any false statement made within any application or request pursuant to this Ordinance constitutes a violation of this ordinance.
- 3) *Payment.* All charges for solid waste collection services shall be payable to Santa Fe County and will become delinquent 30 days following the due date on the customer's billing statement.
- 4) *Penalty.* A penalty of 18% per annum may be imposed on all delinquent accounts, and assessed on a monthly or quarterly basis.

(A) Reasonable deposits may be required of any customer, as the County deems appropriate.

(B) *Legal Remedy.* The County shall have a right to proceed for collection of such unpaid charges in any and all means allowed by law.

Section 11. Dumping, Accumulating, and Scattering of Solid Waste

(A) *Dumping.* No person shall discard solid waste anywhere outdoors within the boundaries of the County except at a time and place approved for collection of that person's solid waste under the terms of this Ordinance and regulations authorized hereunder or other statutes or ordinances.

(B) *Salvaging and Scavenging.* Salvaging and scavenging is prohibited at the County convenience centers or transfer stations at all times.

(C) *Unauthorized Accumulation.* It shall be unlawful to allow any solid waste to unreasonably collect or accumulate on any lot or other premises within the County. Any such unauthorized accumulation is hereby declared to be a nuisance and is prohibited.

(D) *Scattering of Solid Waste.* No person shall cast, place, sweep, or deposit anywhere in the County any solid waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.

(E) *Accumulation of C & D Debris.* Debris resulting from construction or demolition of structures may be collected within an active construction site only if the solid waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.

(F) *Burden of Proof.* In the event any person's name or other identification is affixed or found on any illegally disposed of solid waste or rubbish on at least one item, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this Ordinance; in such case the burden of proof to establish a non-violation of this Ordinance shall be on such person.

(G) *Notice of Violation.* Any such person who violates any provisions of this ordinance shall be issued a Notice of Violation. If the person fails to remedy the violation within the specified time, then the County will require the work be started at the site immediately at the expense of the owner, and the County is hereby authorized to impose a lien on the property if payment is not received within 30 days of receipt of billing.

(H) *Urgent Work.* If, in the judgment of the County, safety or public health is a risk, or the public interest requires that site be cleaned immediately, the County may

require the owner to clean the site within 24 hours. If the person fails to remedy the violation within the specified time, then the County will require that the work be started at the site immediately, at the expense of the owner, and the County is hereby authorized to impose a lien of the property.

(1) *Inspection.* The County may make such inspections as are reasonably necessary in the enforcement of this Ordinance.

Section 12. Burning of Garbage.

No garbage, solid waste, or debris shall be burned within the County. Fire permits may be obtained by the County Fire Marshall's office for certain types of yard refuse.

Section 13. Penalty

Any person convicted of a violation of the provisions of this Ordinance or any regulation promulgated hereunder shall be guilty of a misdemeanor and shall be subject to a penalty of up to \$1,000 for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill in accordance with this Ordinance, or 90 days in jail, or both; and up to \$5,000 for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act (Chapter 74, Article 4 NMSA), or 90 days in jail, or both. Each day such violation is committed or permitted to continue shall be considered a separate offense and shall be punished as such. In addition, a fine of \$40.00 shall be assessed for uncovered or unsecured loads. Misuse of an allotted residential refuse permit will lead to loss of the allotted permit for 1 year to the dwelling unit issued the permit.

Section 14. Injunctive Relief

The placement of solid waste which causes a nuisance or creates a potential or actual health hazard, shall be deemed, or declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Section 15. Effective Date

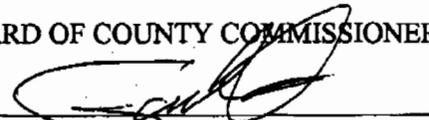
This ordinance shall be effective 30 days after recorded by the Clerk.

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PASSED, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO THIS 13th DAY OF AUGUST, 2002.

BOARD OF COUNTY COMMISSIONERS

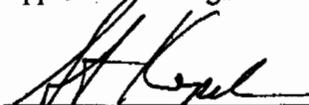
BY:


Paul Duran, Chairman

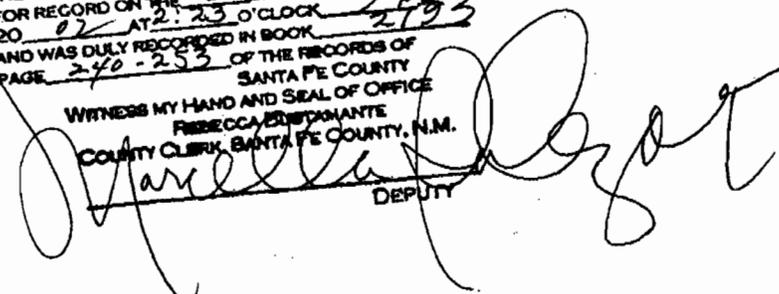


Rebecca Bustamante
Santa Fe County Clerk

Approved as to legal form:


Steve Kopelman
County Attorney


REBECCA BUSTAMANTE
COUNTY CLERK
SANTA FE COUNTY NEW MEXICO

1220.343
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 22 DAY OF Aug A.D.
20 02 AT 2:23 O'CLOCK 2:23 PM
AND WAS DULY RECORDED IN BOOK 2193
PAGE 240-253 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY