



Tuesday, September 26, 2023
Regular BCC Meeting (Amended Agenda 09-22-2023 - 5:18 PM)

Board of County Commissioners of Santa Fe County
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501

Members of the public have the choice of listening and participating in this meeting in person or virtually via Webex. For instruction on participating via Webex, visit www.santafecountynm.gov/joinmeeting. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEB1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

1. Opening Business

- A. Call to Order - 2:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance. (Chair Anna C. Hansen)
- D. State Pledge. (Chair Anna C. Hansen)
- E. O'ga P'ogeh Owingeh Land Acknowledgement. (Chair Anna C. Hansen)
- F. Moment of Reflection. (County Assessor's Office/Nicolette D. Martinez)
- G. Approval of Agenda. (Action Item)
- H. Years of Service, Retirements, and New Hire Recognitions. (County Manager's Office/Gregory S. Shaffer)
- I. Recognition of Employees for Awards, Accreditations, Recognitions, and Other Accomplishments. (County Manager's Office/Gregory S. Shaffer)

2. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the August 29, 2023, Board of County Commissioner Meeting Minutes.

3. Consideration of Proclamations, Commissioner Resolutions, and/or Recognitions (Action Items)

- A. Resolution No. 2023-____, A Resolution Directing Staff to Engage with Expert Consultants Regarding Commercial Renewable Energy Projects in Santa Fe County and Post Information Concerning Conditional Use Permit Applications for Such Projects on the County's Website. (Commissioner Hank Hughes and Commissioner Anna T. Hamilton) (Potential Action Item)
- B. Request Approval of Letter from Santa Fe Board of County Commissioners to the New Mexico Environmental Improvement Board (EIB) and the Albuquerque-Bernalillo County Air Quality Control Board (AQCB) in Support of New Motor Vehicle Emission Standards. (Commissioner Anna Hansen and Commissioner Hank Hughes) (Packet Material Added)
- C. Request Approval of a Proclamation Proclaiming Monday, October 9th, 2023, as "Indigenous Peoples' Day." (Commissioner Anna Hansen) (Packet Material Added)

4. Consent Agenda (Action Items)

A. Resolution No. 2023-____, A Resolution Approving Grant SAP 23-H2487-GF for the Agua Fria Village Utility Sewer System Expansion and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera)

B. Resolution No. 2023-____, A Resolution Approving Grant SAP 23-H2488-GF for the Wastewater Treatment System and Water Tanks Construction at the Santa Fe Opera Site and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera)

C. Resolution No. 2023-____, A Resolution Confirming and Ratifying the County Manager's Signature Approving Grant SAP 23-H2489-GF for the Glorieta Sewer System Improvement and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera)

D. Request (1) Approval of Amendment No. 7 to Agreement No. 2019-0079-AO/KQ with The Master's Touch, LLC, Increasing the Compensation by \$69,516.80 for a Total Contract Sum of \$466,127.80, Exclusive of NM GRT, and Extending the Term for an Additional Year, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Purchasing Division/Bill Taylor and County Assessor's Office/Ivan R. Barry)

E. Request (1) Approval of Addendum No. 5 to Agreement Between Santa Fe County and Immix Technology, Inc., Agreement No. 2020-0056-FIN/BT, for the Workforce Dimensions and Telestaff Enterprise Software, Increasing Compensation by \$125,881.00, for a Not to Exceed Contract Sum of \$766,561.56, Inclusive of NM GRT, and Extending the Term of the Agreement to September 27, 2024, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera)

F. Resolution No. 2023-____, A Resolution Adopting Local Governments Road Improvement Fund Project No. CAP-L500512 for Pavement Rehabilitation/Improvements of Quiet Valley Loop and Quiet Valley Circle. (Public Works Department/Brian Snyder)

G. Resolution No. 2023-____, A Resolution Adopting Local Governments Road Improvement Fund Project No. SB-L500505 for Pavement Rehabilitation/Improvements of La Puebla Road and West Alameda (CR 70). (Public Works Department/Brian Snyder)

H. Resolution No. 2023-____, A Resolution Adopting Local Governments Road Improvement Fund Project No. SP-L500481 for Pavement Rehabilitation/Improvements of Calle Gurule (CR 51E), Moya Road, and Moya Place. (Public Works Department/Brian Snyder)

5. Appointments and Reappointments (Action Items)

A. None.

6. Miscellaneous Action Items

A. Request (1) Approval of Amendment No. 5 to Agreement 2020-0001-CMO/ KE Between Santa Fe County and Griffin & Associates Marketing, dba Sunny 505, Increasing the Compensation an Additional \$1,199,524.00 for a Total Contract Sum of \$3,229,995.50, Inclusive of NMGR, and Extending the Term for an Additional Year; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Development Department/Lisa Katonak)

B. Request (1) Approval of Agreement No. 2024-0036-CMO/BT Between Santa Fe County and Park & Associates, LLC in the Amount of \$50,000.00, Exclusive of NM GRT, for the Purpose of Providing Legislative Lobbying Services to Assist with Santa Fe County Legislative Initiatives and (2) Delegation of Authority to the County Manager to Finalize and Sign the Contract. (Purchasing Division/Bill Taylor and County Manager's Office/Leandro Cordova)

C. Resolution No. 2023-____, A Resolution Granting the County Manager Authority to Sign All Documents Necessary for the Acquisition of a 16.75-Acre Parcel of Land Located at 37 Senda Vieja in Santa Fe County Required for the Installation of Utility Infrastructure for the Pojoaque Basin Regional Water System (PBRWS). (Public Works Department/Scott Kaseman and Michelle Hunter)

D. Request (1) Approval to Utilize Outside Contracts for the Purchase of Mail Ballot Sorting and Scanning Machine using Statewide Price Agreement No. 20-00000-21-00005AB with BlueCrest; and (2) Delegation of Authority to the County Manager to Execute All Necessary Purchase Agreements and Documentation, Including All Necessary Purchase Orders. (Finance Division/Yvonne S. Herrera and County Clerk's Office/Evonne Gantz) (Item Added)

7. Presentations

A. Presentation and Updates on Services from the North Central Regional Transit District. (NCRTD Executive Director Anthony J. Mortillaro)

B. Presentation on the Single-Use Plastic and Polystyrene Working Group Impact Report and Recommendations. (Community Development Department/Jacqueline Beam and Single-Use Plastic and Polystyrene Working Group/Sarah Pierpont, Chair) (Packet Material Updated)

8. Matters of Public Concern (Subject to Three (3) Minutes or Other Time Limit Imposed by the Chair; Pre-Register at www.santafecountynm.gov/comment)

9. Matters from the County Manager

A. Miscellaneous Updates.

10. Matters from the County Commissioners and Other Elected Officials (Action/Non-Action Items)

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

B. Other Elected Officials Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

11. Matters from the County Attorney

A. *Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including: (1) Potential Disposition of Surplus Office Space; (2) Potential Acquisition of Combination Office and Warehouse Space; (3) Emmens v. Santa Fe County, U.S. District Court, District of New Mexico, Case No. 1: 23-CV-00588 KK/JFR; (4) State of New Mexico v. Carolyn I Flores; First Judicial District, Santa Fe County Magistrate Court; Case No. M-49-MR-202300272; and (5) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning AFSCME 1413M. (Item Nos. 3-5 Added)

12. **Public Hearings - To Be Heard No Earlier than 5:00 P.M.

A. Case # 23-5110 Miguel Hernandez Variance Appeal. Miguel Hernandez, Appellant, is Appealing the Santa Fe County Planning Commission's Final Order Regarding a Variance Request. The Appellant Requested a Variance from the Setback Requirements Illustrated in SLDC Section 9.8. The 1.25-Acre Property is Zoned as Residential Estate (RES-E) within the La Cienega & La Cieneguilla Community District Overlay (LCLCCD). The Setback Within the LCLCCD RES-E Zoning District is 25' from the Front of the Property and 50' from the Side and Rear of the Property Line. The Site is Located at 6 South Estrellas Road, within Township 16 North, Range 8 East, Section 27, SDA-2 (Commission District 3). On August 8, 2023, the Board of County Commissioners Tabled this Request so that the Applicant Would Have the Opportunity to Reach an Agreement with the Neighbor Concerning a Lot Line Adjustment. (Growth Management Department/Jose E. Larrañaga, Case Manager)

B. Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal. The Concerned Neighbors of 62 Southfork Extension, Appellants, are Appealing the Santa Fe County Planning Commission's Order Allowing a Cannabis Producer Microbusiness to Cultivate Cannabis Plants Outdoors. The Santa Fe County Sustainable Land Development Code (Ordinance No. 2016-9, hereafter SLDC), as Amended by Ordinance No. 2021-03, Classifies a Cannabis Producer or Cannabis Producer Microbusiness that Cultivates Cannabis Plants Outdoors as a Conditional Use in all Rural Fringe, Rural Residential, Residential Fringe, and Traditional Community Zoning Districts (Section 10.22.3.4). The 10.22-Acre Site is Within the San Marcos Community District Overlay (SMCD) and Zoned Rural Residential (RUR-R). The Site is Located at 62 Southfork Ext. SDA-2, within Section 1, Township 14 North, Range 8 East (Commission District 5). On July 11, 2023, the Board of County Commissioners Tabled this Request so that the Applicant and the Landowners Utilizing the Road Known as Southfork Extension Would Have the Opportunity to Reach an Agreement Concerning Road Maintenance. (Growth Management Department/Jose E. Larrañaga, Case Manager)

13. Informational Items / Reports

A. Community Development Department August 2023 Monthly Report.

B. Community Services Department August 2023 Monthly Report.

- C. Finance Division July 2023 Monthly Report.
- D. Growth Management Department August 2023 Monthly Report.
- E. Human Resources Division August 2023 Monthly Report.
- F. Public Safety Department August 2023 Monthly Report.
- G. Public Works Department August 2023 Monthly Report.

14. Concluding Business

- A. Announcements.
- B. Adjournment. (Action Items)

15. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager's Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. Attendance. Members of the public have the choice of listening and participating in this meeting in person or virtually via Webex. For instructions on participating via Webex, visit www.santafecountynm.gov/joinmeeting. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBC1Qv38Pn61083xg> and <https://www.facebook.com/Santa-Fe-County-Board-of-County-Commissioners-101109334955454/>.

C. * During the course of an open meeting, the Board of County Commissioners (BCC) may go into Executive Session at any time to discuss any item on the agenda that falls within the enumerated exceptions to the open meetings requirement of the Open Meetings Act, upon a motion stating the authority and reason for closure (with reasonable specificity) and approval by a majority vote of a BCC quorum. NMSA 1978, §10-15-1(I). While the BCC has a practice of listing on its agendas for its open meetings specific items to be discussed during for Executive Session, the Open Meeting Act does not require executive sessions be listed on the agenda at all or that executive sessions be listed on the agenda multiple times for multiple executive sessions to occur (so long as the subject to be discussed in executive session is on the agenda). If a closed meeting is called when the BCC is not in an open meeting, the BCC will provide public notice stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed.

D. **These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Board of County Commissioners may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Board may not announce its decision on a land use case at the conclusion of the public hearing tonight.