



SANTA FE COUNTY

**Tuesday, January 30, 2024
Regular BCC Meeting (Agenda 01-23-2024 - 5:43 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 Hank Hughes)
- D. State Pledge. (Chair Hank Hughes)
- E. O'ga P'ogeh Owingeh Land Acknowledgement. (Chair Hank Hughes)
- F. Moment of Reflection. (Community Development Department/Will Donahoo)
- 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 December 12, 2024, Board of County Commissioner Meeting Minutes.
- B. Request Approval of the Corrected October 10, 2023, Board of County Commissioner Meeting Minutes.

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

- A. None

4. Consent Agenda (Action Items)

- A. Final Order for Case # 23-5110 Miguel Hernandez Variance Appeal. Miguel Hernandez, Appellant, Appealed 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). (Growth Management Department/Jose E. Larrañaga, Case Manager) (APPROVED 5-0)

B. Resolution No. 2024- ___, A Resolution Requesting a Budget Adjustment to Increase the Fire Operations Fund (244) in the Amount of \$300,000. (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)

C. Resolution No. 2024 - ___, A Resolution Requesting a Budget Increase to the Housing Capital Improvement Fund (301) in the Amount of \$2,341. (Finance Division/Yvonne S. Herrera and Community Development Department/J. Jordan Barela)

D. Request (1) Approval to Utilize Statewide Price Agreement No. 20-00000-22-0043 with Ben E. Keith Foods to Purchase an Indefinite Quantity of Food Items for the Senior Services Division; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders. (Purchasing Division/Bill Taylor and Community Services Department/Matilda Byers)

E. Request (1) Approval of Amendment No. 4 to Agreement No. 2021-0028-B-HR/CW with Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers to Provide Employment Medical and Physical Examinations, Extending the Term an Additional Year and Increasing Compensation by \$80,000 for a Total Not to Exceed Amount of \$320,000, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Human Resources & Risk Management Division/Valerie Aghaei Park and Purchasing Division/Bill Taylor)

F. Request (1) Approval of Agreement No. 2024-0089-FIN, a Four-Year Agreement with Modrall, Sperling, Roehl, Harris & Sisk, P.A. to Provide Bond Counsel Services, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Finance Division/Yvonne S. Herrera and Purchasing Division/Bill Taylor)

G. Resolution No. 2024- ___, A Resolution Granting Authority to the County Manager to Sign All Documents Necessary for the Sale of the County's Building and Property Located at 901 W. Alameda, Santa Fe, New Mexico to Southwest Care. (Public Works Department/Brian Snyder, Phillip Montano, and Scott Kaseman)

H. Request Approval of Agreement No. 2024-018-PW/BT, an Intergovernmental Agreement Between Santa Fe County and the Administrative Office of the Courts for Security Improvements at the Judge Steve Herrera Judicial Complex. (Public Works Department/Phillip Montano and County Manager's Office/Sara Smith)

5. Appointments and Reappointments (Action Items)

A. None.

6. Miscellaneous Action Items

A. Request Authorization to Publish Title and General Summary of Ordinance No. 2024-___, An Ordinance Amending the Santa Fe County Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, to Amend and Restate Appendix F, Map 2 (Santa Fe Community College District Circulation Map) & Appendix C - Map 5 - Official Map Series (Open Space, Trails, and Parks) of the Sustainable Land Development Code. (Growth Management Department/Brett Clavio and Jordan Yutzky)

B. Request Authorization to Publish Title and General Summary on Ordinance No. 2024-___, An Ordinance Amending Ordinance No. 2012-3 to Expand the List of Roadways Within Santa Fe County Where Engine Retarders are Prohibited. (Public Works Department/Maria Gomez-Molina)

C. Resolution No. 2024-___, A Resolution Acknowledging and Approving the FY2023 Audit. (Finance Division/Yvonne S. Herrera)

D. Request Approval of Santa Fe County Lodgers' Tax Grant Awards to Organizations as Recommended by the Santa Fe County Lodgers' Tax Advisory Board. (Community Development Department/Lisa A. Katonak)

E. Final Order for Case # 16-5282 Arroyo Hondo de Santa Fe (Oshara Village Phase 2) Phase 2A Final Subdivision Plat. Santa Fe Global Partners, Applicant, Through JenkinsGavin, Inc., Agent, Requested Approval of a Final Plat for Phase 2A and Approval of the Affordable Housing Agreement of the Arroyo Hondo de Santa Fe Subdivision. The Applicant Also Requested the Removal of a Condition Imposed on the Preliminary Plat Approval (Condition #20). The Preliminary Subdivision Plat for Phase 2, Approved by the BCC on March 8, 2022, Comprises 250 Lots and Provides for Phased Development in Five Sub-Phases. Phase 2A Comprises 70 Lots on 31.59-Acres, the Community Center, and 17.50 Acres of Open Space. Access to the Project will be Via the NE and SE Connector Roadways. The Property is Located Within the Community College District (CCD), Within a Planned Development District, East of Richards Avenue and South of Rabbit Road, Within Section 16, Township 16 North, Range 9 East (Commission District 4). (Growth Management Department/Jose E. Larrañaga, Case Manager) (APPROVED 3-2)

7. Presentations

- A. Presentation on Planned Use of Capital Improvement Funds Granted to Santa Fe County for the Santa Fe Recovery Center. (Community Services Department/Rachel O'Connor and Santa Fe Recovery Center/Stacy Martin)
- B. Presentation and Update from the Broadband Task Force Working Group. (Community Development Department/Juan E. Torres)
- C. Presentation on Economic Development Plan. (Community Development Department/Juan E. Torres)
- D. Presentation and Update on Electric Vehicle Charging Stations and Planning. (Community Development Department/Jacqueline Beam)

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.
- B. Second Session of the 56th Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced. (County Manager's Office/Hvtce Miller) (Potential Action Item)

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) Alicia Lindsey v. Santa Fe County Youth Development Program, et al., Case No. 1:23-CV-00271-MLG-SCY; United States District Court for the District of New Mexico; (2) Board of County Commissioners for the County of Santa Fe v. Martin S. Montoya, et. al., First Judicial District Court, Santa Fe County, Case No. D-101-CV-2023-00782; (3) Board of County Commissioners for the County for Santa Fe v. Turquoise Trail Community Association, Inc., et al., First Judicial District Court, Santa Fe County, Case No. D-101-CV-2023-01243; (4) In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2: 18-mn-02873-RMG: City of Camden, et al. v E.I Dupont de Nemours and Company, et al., Case No. 2:23-cv-03230-RMG and City of Camden, et al. v. 3M Company, Case No. 2:23-cv-03147-RMG, United States District Court, District of South Carolina – Charleston Division; and (5) EEOC Complaint by Former County Employee.

B. Waiver of Any Potential or Actual Conflict Interest That May Arise from Montgomery & Andrews, PA's Representation of the La Pradera Home Owners Association in the Memorandum of Understanding in Connection with Certain Negotiations to Connect to Santa Fe County-Owned Wastewater Facilities and Authorization for the Chair of Board of County Commissioners to Sign a Waiver. (County Attorney's Office/Jeff Young) (Action Item)

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

A. Case # 23-5071 Carlos Gallegos Variance Appeal. Stuart Stein, Appellant, is Appealing the Santa Fe County Planning Commission's Final Order Regarding a Variance Request, to Allow a Second Dwelling on 2.69 Acres as Allowed by the SLDC, Section 10.4 (Accessory Structures). Due to the Terrain Constraints on the Property, the Applicant Requested and was Approved for a Variance of Section 10.4.2.3.3 to Allow a Separate Access and a Variance of Chapter 10.4.2.4 to Allow the Proposed Dwelling to Utilize a Separate Septic System and Utilities. The Property Lies Within the Residential Estate Zoning District Within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD). The Property is Located at 53 Sunset Road Within Township 16 North, Range 8 East, Section 28, (Commission District 3), SDA-2. (Growth Management Department/Manuel R. Olivas, Case Manager)

13. Informational Items / Reports

- A. Community Development Department December 2023 Monthly Report.
- B. Community Services Department December 2023 Monthly Report.
- C. Finance Division November 2023 Monthly Report.
- D. Growth Management Department December 2023 Monthly Report.
- E. Human Resources/Risk Management Division December 2023 Monthly Report.
- F. Public Safety Department December 2023 Monthly Report.
- G. Public Works Department December 2023 Monthly Report.
- H. Quarterly Report on Restricted Housing at County Correctional Facilities Pursuant to Laws 2019, Chapter 194 (HB 364) (Corrections Department/Derek Williams)

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.