



SANTA FE COUNTY

**Tuesday, December 12, 2023
Regular BCC Meeting (Amended Agenda 12-08-2023 4:54 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 Manager's Office/Natalie Padilla)
- G. Approval of Agenda. (Action Item)
- H. Years of Service, Retirements, and New Hire Recognitions. (County Manager's Office/Gregory S. Shaffer)

2. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the November 6, 2023, Board of County Commissioners Special Strategic Planning Meeting Minutes.
- B. Request Approval of the November 14, 2023, Board of County Commissioners Meeting Minutes.
- C. Request Approval of the November 17, 2023, Board of County Commissioners Special Meeting Minutes.

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

- A. Request Approval of a Proclamation Proclaiming December 12, 2023, as "Horseman's Day." (Commissioner Anna T. Hamilton)

4. Consent Agenda (Action Items)

- A. Final Order for Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal. The Concerned Neighbors of 62 Southfork Extension, Appellants, Appealed 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). (Growth Management Department/Jose E. Larrañaga, Case Manager) (THE APPEAL WAS DENIED 4-1, MEANING THE CONDITIONAL USE PERMIT WAS APPROVED)

B. Resolution No. 2023-____, A Resolution Requesting a Budget Increase to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$5,493,371. (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)

C. Request (1) Approval of Amendment No. 5 to Agreement No. 2021-0055-FD/MM Between Santa Fe County Fire Department and Waterway of New Mexico, Increasing the Compensation an Additional \$151,281, Replacing Exhibit A, and Extending the Term of the Agreement an Additional Four Years, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Purchasing Division/Bill Taylor, and Public Safety Department/Jacob Black)

D. Resolution No. 2023-____, A Resolution Determining Reasonable Notice for Calendar Year 2024 in Accordance With the New Mexico Open Meetings Act, Applicable to All Meetings of the Board of County Commissioners (BCC) and to the Meetings of County Boards and Committees Created and Appointed by the BCC (Appointed County Committees); Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy; and Requiring Meeting Agendas to Include Instructions on How the Public Can Participate in Meetings Remotely. (County Attorney's Office/Jeff Young)

E. Resolution No. 2023-____, A Resolution Authorizing the County Manager to Secure Multi-Line, Law Enforcement, and Other Insurance Coverages for Calendar Year 2024; to Finalize Negotiations for Such Coverages; and to Execute All Documents Necessary to Effectuate Such Coverages. (Human Resources and Risk Management Division/Sonya M. Quintana) (Packet Material Added)

F. Resolution No. 2023-____, A Resolution Authorizing Santa Fe County to Apply for the Community Energy Efficiency Development (CEED) Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements. (Community Development Department/Jacqueline Beam)

G. Request Approval of (1) Resolution No. 2023-____, A Resolution Granting the County Manager Authority to Make Offers to Purchase and Sign All Documents Necessary for the Acquisition of Office and Warehouse Space in Santa Fe, NM, to Support the Functions of the Santa Fe County Clerk's Office, and (2) Resolution No. Resolution No. 2023-____, A Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) in the Amount of \$2,310,000 for the Purchase of a Building to Support the Functions of the Santa Fe County Clerk's Office. (Public Works Department/Phillip Montano and Scott Kaseman and Finance Division/Yvonne S. Herrera) (Packet Material Added)

H. Resolution No. 2023-____, A Resolution Amending Resolution No. 2021-088 to Designate the County Manager as an Official Representative, an Alternate Official Representative, and a Designated Agent for Grant #21-F2378-STB for the Agua Fria Wastewater System Expansion, and Acceptance of Amendment 1 for Said Grant. (Finance Division/Yvonne S. Herrera)

I. Resolution No. 2023-____, A Resolution Amending Resolution No. 2023-094 to Authorize the Chair of the Board of County Commissioners to Sign the Agreement Approving Grant SAP 23-H2487-GF for the Agua Fria Village Utility Sewer System Expansion and Designating an Alternate Official Representative. (Finance Division/Yvonne S. Herrera)

J. Resolution No. 2023-____, A Resolution Amending Resolution No. 2023-094 to Authorize the Chair of the Board of County Commissioners to Sign the Agreement Approving Grant SAP 23-H2488-GF for the Wastewater Treatment System and Water Tanks Construction at the Santa Fe Opera Site and Designating an Alternate Official Representative. (Finance Division/Yvonne S. Herrera)

K. Resolution No. 2023-____, A Resolution Amending Resolution No. 2023-096 to Designate an Official Representative for Grant SAP 23-H2489-GF for the Glorieta Sewer System Improvement (Finance Division/Yvonne S. Herrera)

L. Request Acceptance of Grant #23-ZH5048-82 Received from the State of New Mexico, Department of Finance and Administration for a Law Enforcement Recruitment Fund Grant in the Amount of \$1,181,250. (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson and RECC/Roberto Lujan)

M. Request Approval of Amendment No. 6 to Collective Bargaining Agreement Between Santa Fe County and New Mexico Coalition of Public Safety Officers Representing the Santa Fe County Deputy Sheriffs (hereinafter referred to as "the Union" or "NMCP SO") (Human Resources and Risk Management/Sonya Quintana and County Attorney's Office/Rachel Brown) (Item Added)

5. Appointments and Reappointments (Action Items)

A. Request Appointment of Three (3) Members to the Santa Fe County Planning Commission, One from Commission District 2 and Two At Large Members. (Growth Management Department/Jose E. Larrañaga)

6. Miscellaneous Action Items

A. Request (1) Acceptance of Department of Finance and Administration Grant Agreement for \$100,000 for Collaboration Center in Santa Fe County and (2) Direction for the County Manager to Negotiate and Execute an Intergovernmental Agreement with the University of New Mexico to Prepare a Feasibility Study. (Commissioner Justin S. Greene)

B. Resolution No. 2023-____, A Resolution Updating the Strategic Plan for Santa Fe County by Repealing and Replacing Exhibit A to Resolution No. 2022-115, A Resolution Adopting the Strategic Plan for Santa Fe County. (County Manager's Office/Cindy McKee)

C. Resolution No. 2023-____, A Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) in the Amount of \$275,000 for the Cerrillos Park Project. (Finance Division/Yvonne S. Herrera and County Manager's Office/Leandro Cordova) (Packet Material Added)

D. Request (1) Approval to Utilize the Cooperative Educational Services Contract No. 2021-03-C112-ALL with Architectural Research Consultants, Inc. to Provide Professional Consultant Services for the Production of the County Facilities and Water Utility Master Plan, in the Amount of \$616,606.63, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign and Execute the County's Contract and Sign the Purchase Order(s). (Purchasing Division/Bill Taylor and Public Works Department/Brian K. Snyder)

E. Request to Publish Title and General Summary of An Ordinance Amending Ordinance No. 2023-07, the Short-Term Rental Ordinance, to Remove the Requirement for Enforcement of Private Covenants; to Limit the Total Number of Non-Owner Occupied Licenses a Single Licensee, Registrant, or Owner Can Hold; to Limit the Number of Non-Owner Occupied Short-Term Rentals (STR) Allowed in Certain Census Designated Places to a Percentage Of Total Housing Stock; to Limit Total Occupancy in Any STR to Ten (10) Persons. (Growth Management Department/Penny Ellis-Green) (Packet Material Added)

F. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-____, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as Amended, to Amend Section 9.14 (San Marcos Community District Overlay) to Revise Purpose Sections; To Make Minor Technical and Grammatical Changes; To Remove Certain Sustainable Design Standards; To Add a New Sustainable Design Standard to Prohibit Swimming Pools; To Amend Dimensional Standards for Base Zoning Districts; To Revise Architectural Design Standards in the Commercial Neighborhood Zoning District; To Revise the Home Occupations Table; To Add a New Section to Amend Commercial Cannabis Use Regulations; and To Add and Amend Certain Use Regulations in the Use Table and Base Zoning Districts. (Growth Management Department/Nate Crail and Brett Clavio)

G. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-____, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-5, as Amended, to Amend Section 9.5 (Tesuque Community District Overlay) To Revise Purpose Sections; To Make Minor Technical and Grammatical Changes; To Revise the Fences and Walls Standards; To Amend Dimensional Standards for Base Zoning Districts; To Add and Amend Certain Use Regulations in the Use Table and Base Zoning Districts. (Growth Management Department/Nate Crail and Brett Clavio)

7. Presentations

A. ITEM WITHDRAWN

B. Presentation and Update from the Santa Fe County Water Policy Advisory Committee (WPAC). (WPAC Chair/Shann Stringer)

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) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with AFSCME 1782; (2) First Judicial Court, Santa Fe County, Case No. D-101-CV-2021-01970, and (3) Emmens v. Santa Fe County, U.S. District Court, District of New Mexico, Case No. 1:23-CV-00588 and Kennedy v. Santa Fe County, U.S. District Court, District of New Mexico, Case No. 23-CV-992-KG-JHR. (Item Nos. 2 and 3 Added)

12. Public Hearing on Proposed Ordinance - To Be Heard No Earlier than 5:00 P.M.

A. Ordinance No. 2023-____, An Ordinance Amending Ordinance No. 2023-06, the Santa Fe County Fire Code, to Adopt Current NFPA 855 Stationary Energy Storage Systems Standards. (Public Safety Department/Jaome Blay)

13. **Public Hearings on Administrative Adjudicatory Matters - 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. The Appellant Requested a Variance to Allow a Second Dwelling on 2.69 Acres as Allowed by SLDC, Section 10.4 (Accessory Structures). Due to the Terrain Constraints on the Property, the Applicant Requested 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, SDA-2, Parcel ID #990001718 (Commission District 3). (Growth Management Department/Manuel R. Olivas, Case Manager) TABLED

B. Case # 23-5360 Saleh Conceptual Plan Amendment and Preliminary Plat Phases 1 & 2 and Final Subdivision Plat Phase 1. Corrillo De Vida Hermosa Development LLC, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request Approval of a Conceptual Plan Amendment to the Saleh Master Plan to Add the Following Uses: Daycare to the Neighborhood Center and Replacing a 100-Unit Hotel With a 100-Unit Independent Living Facility and Adding Grocery Store to the Approved Use List. The Applicant also Requests Preliminary Plat for Phases 1 and 2 and Final Subdivision Plat for Phase 1. The 64-Acre Property is Within the Planned District Santa Fe Community College District. The Site is Located at 4800 Richards Avenue, SDA-1, T16N R09E S16. (Commission District 5). (Growth Management Department/Kenneth Quintana, Case Manager)

14. Concluding Business

A. Announcements.

B. Adjournment. (Action Item)

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.