

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

January 9, 2024

Anna Hansen, Chair - District 2
Hank Hughes, Vice Chair - District 5
Camilla Bustamante - District 3
Justin Greene - District 1
Anna T. Hamilton - District 4

SFC CLERK RECORDED 02/14/2024

SANTA FE COUNTY
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January 9, 2024

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

The meeting was held in hybrid manner with both in-person and virtual participation.

B. Roll Call

Roll was called by Deputy County Clerk Evonne Gantz and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hansen, Chair [via Webex]
Commissioner Hank Hughes, Vice Chair [via Webex]
Commissioner Anna Hamilton
Commissioner Camilla Bustamante
Commissioner Justin Greene

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

The Pledge of Allegiance and the State Pledge were led by Commissioner Bustamante, followed by the acknowledgement that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place."

[Due to connectivity issues the Commission recessed until 2:28.]

SFC CLERK RECORDED 02/14/2024

F. Moment of Reflection

The Moment of Reflection was led by Paul Olafson of Community Development Department.

G. Approval of Agenda

CHAIR HANSEN: Manager Shaffer, are there any changes to the agenda?

GREG SHAFFER (County Manager): No, Madam Chair. We'd request approval to the agenda as presented and as posted in accordance with our Open Meetings Act Resolution on Tuesday, January 2nd. Thank you.

COMMISSIONER GREENE: Move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, I have a motion to approve from Commissioner Greene, a second from Commissioner Hamilton.

The motion passed by unanimous [5-0] voice vote.

2. Approval of Meeting Minutes

A. Request Approval of the November 28, 2023, Board of County Commissioners Meeting Minutes

COMMISSIONER HAMILTON: Madam Chair, move to approve the November 28, 2023 Board of County Commissioners meeting minutes.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Hamilton and a second by Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

B. Request Approval of the November 30, 2023, Board of County Commissioners Special Meeting Minutes

CHAIR HANSEN: I would like to request approval of the November 23, 2023 Board of County Commissioners special meeting minutes.

COMMISSIONER HAMILTON: So moved.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion by Commissioner Hamilton, a second by Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

SFC CLERK RECORDED 02/14/2024

3. **Consideration Proclamations, Resolutions, and/or Recognitions**
A. **Resolution No. 2024-001, a Resolution Confirming Santa Fe County's
Commitment to Customer Service as Reflected in its Adopted
Strategic Plan**

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. I'm bringing this resolution forward in the interest of putting some extra fuel, first in acknowledging the great work that the staff at Santa Fe County do already. We are absolutely stellar in the operations that we provide and the services to the community. And I saw something on line today where they were actually – someone had posted in one of those social media venues that another entity out there could really use a lesson from the County on how to clean up roads. And I'm thinking: You bet. The County does some excellent work.

One of those opportunities that we have in the interest of continuous improvement in quality assurance is making sure that we're always looking, seeking to do better. So I'd like to read the resolution confirming our commitment and putting it out there for extra consideration as we leave today after our meeting and how and what we do recognizing that we are all here in the service of our community. We're all here because people pay taxes. We bring infrastructure. We bring services. We bring support to the people who live in Santa Fe County, and we're all in a position to do our very best in doing our best for the people out there, as well as those of us we work with in recognizing that we have internal customers as well. If my coworker asks me for some help in an office next door that I'm recognizing that for all of us to do a better job we do help each other and we do stop and support each other and look towards each other as a common team player in trying to do our very best at what we're doing.

So at this moment I'm going to read the resolution confirming Santa Fe County's commitment to customer service as reflected in its adopted strategic plan.

Whereas, Santa Fe County staff and elected officials are committed to serving the people of Santa Fe County; and

Whereas, the County is dedicated to providing a safe and healthy community while promoting a sustainable and equitable community, and being a highly-skilled, collaborative, transparent, and accessible government; and

Whereas, excellent customer service entails accessible services, reliable and consistent information, empathetic and respectful communication, transparent processes, consistent outcomes, and problem resolution; and

Whereas, customer service is provided through phone assistance, email correspondence, live chat features, in-person interactions, websites and social media outlets, and self-service options; and

Whereas, Santa Fe County recognizes the value of the staff that provide customer service to the constituents, external entities, and their fellow colleagues; and

Whereas, in 2023, data shows that high-performance organizations are 5.4 times more likely to have a three-year strategic plan for customer service, 6.4 times more likely to have plans to expand and work toward educational and training options, and customer

SFC CLERK RECORDED 02/14/2024

service staff are 8.3 times more likely to be satisfied with the frequency in training; and

Whereas, Santa Fe County has identified customer service excellence as a priority in the strategic plan.

Now, therefore, be it resolved by the Board of County Commissioners of Santa Fe County that, as reflected in its adopted strategic plan, it is committed to providing excellent customer service to all stakeholders and to its internal staff by gathering feedback, implementing appropriate training and processes, and holding ourselves accountable in the implementation of this paramount strategy; and intends to deliver the highest level of customer service to County constituents by supporting staff through its strategic plan and setting a new standard that exceeds expectations beginning in the year 2024.

Thank you. I ask that this be passed, approved, and adopted on this 9th day of January, Madam Chair.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Commissioner Bustamante, I believe that you moved to approve this.

COMMISSIONER BUSTAMANTE: Yes. I did move that it be passed, approved and adopted on this 9th day of January.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: So I have two seconds.

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER BUSTAMANTE: Just some additional discussion, Madam Chair, if it's okay. I'd also like to just point out small things that make big differences: returning phone calls, even if you don't have an answer yet, letting people know that you'll be getting back to them if someone reaches out. Small things like that that make a big difference. And then recognizing that, again, it's not what you say but how you say it. What people hear is what people take away with them. And those are just some small things that I want to put out there on how we can start moving forward on this agenda. We already have offices whose email allows them to say, how did I do and provide feedback in making sure that they're getting feedback and how are we doing in our jobs. So thank you all very much for your passing this and for the County's willingness to know – actually to just be a better citizen, because when you promise to do good work for the County you're doing good work for yourself. So thank you all very much, if I may.

COMMISSIONER GREENE: Madam Chair, if I may.

CHAIR HANSEN: Yes, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Commissioner Bustamante for bringing this forward. I do appreciate that it is internally focused as well as externally focused. I think good customer service also leads to better morale and retention amongst our staff. So not only is this an intention to help with our constituents on the outside of the organization, but also to treat ourselves internally to prompt responses and making sure that we collaborate. We're in different divisions and

SFC CLERK RECORDED 02/14/2024

different parts of this organization that don't always work together and they should always have an open door to working together because so much of this is a collaboration and is not singularly one department working alone.

Additionally, as a recommendation of this, we frequently ask for volunteers for boards and commissions and things like that, and it has come to my attention in the past year that folks that apply for, whether it's the Planning Commission or some other commission that we have, don't receive a received confirmation. So I had a few people reach out to me saying, wouldn't it be nice if you just said you had my application? And so I just ask that our staff, that when we ask for submissions like that, that we just have an acknowledgement email that says we got it and we'll talk to you later. Or give them a date certain as to when the decisions are going to be made, so that people know that something has been received and they don't have to sort of wonder whether it was worth their while and if they succeeded. So thank you, Commissioner Bustamante. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Any other comments from the Board?

[Deputy Clerk Gantz provided the resolution and ordinance numbers throughout the meeting.]

3. B. Request Approval of a Letter/Comments from the Board of County Commissioners to the National Nuclear Security Administration Opposing Proposed Los Alamos National Laboratory Transmission Line Upgrade Project

CHAIR HANSEN: I brought this forward in many ways because there are many things wrong with the EA. It is first off, over two and a half years old. Second of all, it has a number of incorrect statements throughout it. A couple is it has stated in the EA that Cochiti and Tesuque both support the transmission line, and I have letters to differ from that from both of those pueblos. So that is another thing that is extremely concerning.

As it says in the letter that I hope most of you read; I do not want to read it to you, that new scoping is needed, so new scoping is needed because it's over 2 ½ years old. The EA contains an evolving purpose and need statement with few or no alternatives present for public review and comment. The EA lacks a clear explanation of alternatives considered from the scoping process, and no analysis has been done about the impact of doubling electric use at LANL or energy conservation options at LANL, unclear consultation with stakeholders. Federal agencies have independent statutory obligations under NEPA, and NHPA. Federal courts have characterized both laws as requiring the federal government to stop, look and listen before making decisions that might affect historic property as one component of the human environment.

Three, withdraw the EA, prepare an EPCU, environmental impact statement, EIS, or in the alternative, add the EPCU to the draft SWEIS which is scheduled for public release in the summer of 2024. We have been waiting for a SWEIS statement since 2008 when the last one was done, and this electrical line needs to have more oversight.

The Caja del Rio is sacred to many pueblos and traditional communities. The new

SFC CLERK RECORDED 02/14/2024

area where they plan to go over the Caja at the moment has many sacred and religious sites. And there was no explanation of an alternative. There is inaccurate identification of power line location. Exactly where does it cross the Rio Grande and does it go into Mortandad Canyon? Or does it go into Los Alamos Canyon? It's not very clear, so there needs to be more scoping and research done.

I also know that there are a number of people online and in the audience who would like to make comments and so as the Chair I'm going to allow that. I know that Jim James and Garrett VeneKlasen. I do see Garrett VeneKlasen, would like to make comments and I believe Jim James would allow like to make comments. So if you could turn on your mike I would allow you to make some comments at the moment.

JIM JAMES (via Webex): First of all, thank you very much for bringing this to the attention of the balance of the County Commissioners and to the public that are present here. You were correct in stating that the EA incorrectly states that the pueblos of Cochiti and Tesuque both support the project. In fact the Pueblo of Tesuque just received a technical briefing from NMSA on December 21st of last year basically going over the existing EA that is available for public comment now. But at the time there was a 30-day comment period; that has now been extended at a number of people's request, including our congressional delegation from the State of New Mexico.

We sent a separate letter on behalf of the Pueblo of Tesuque to NMSA identifying the need for additional comment period, and pointing out some of the shortcomings that we believe exist in the existing EA, one of which is extremely important to all of the pueblo communities and that is the compliance with Section 106 of the National Historic Preservation Act. In fact the response that we received from NMSA was that that would be forthcoming in a separate filing from NMSA and its federal partners, the federal cooperating agencies. That is not normally the way these types of activities or processes are done. They're usually done all together, so it doesn't make any sense for – well, let me outline it, it doesn't make any sense for NMSA to separate very critical components to the entire environmental assessment process. That's one of our objections.

We have not submitted our formal comments yet. We're waiting for the transition of leadership to occur, and as you know that happens at the end of every year so it was striking but a little frustrating that this technical briefing and the need for submission of comments by January 17th or 18th fell right within the time when we're doing a transition of leadership at the pueblos.

Fortunately, this year, the Pueblo of Tesuque decided that it would continue with the same leadership that it had in place last year so Governor Milton Herrera, Lt. Governor Floyd Samuel, and the balance of the tribal council will continue to operate this year in 2024. So I think for our purposes we are fortunate that we have some continuity of leadership and they're familiar with this issue and absolutely opposed to the issue.

The comments that you made were right now, right on point. We will add some additional comments but we appreciate the opportunity to speak today to the County Commission and appreciate your leadership, Commissioner Hansen, on this subject but I'm speaking as legal counsel for the Pueblo of Tesuque on this project. Unfortunately, I don't think we have any pueblo leadership that actually was able to attend the meeting but I just wanted to make sure my comments were on record. So thank you very much once again for the opportunity.

SFC CLERK RECORDED 02/14/2024

CHAIR HANSEN: Thank you very much, Mr. James. I see Garrett VeneKlasen also on line, if you would like to make a few comments.

GARRETT VENEKLASEN: Good afternoon, Madam Chair and Commissioners. Garrett VeneKlasen with the New Mexico Wild, born and raised in Santa Fe and continue to spend so much time out on the Caja del Rio. I just want to reiterate the specialness of that place and it really is sort of a history book of New Mexico culture like really no other. Ecologically the place is really of critical importance for myriad birds and wildlife and the idea of cutting a new line through some of the most pristine ecologically and culturally important parts of that landscape would really be a tragedy. We as an organization very much oppose any new development out there and especially this power line initiative, and really encourage all Commissioners to sign on to this excellent letter. All the points in the letter, Madam Chair, are really well stated and we agree with all those points.

I won't take up much of your time I just want you all to know that we as an organization really oppose this power line. If LANL is to be a leader in technology, they have over 300,000 acres of land on the west side of the escarpment, why don't they build a big solar field with battery technology and be a leader in renewable energy instead of using dirty energy with a new line? I want to see LANL be a leader in this and not a follower. So thanks for your time. We hope that all you Commissioners vote in favor of this letter, and again, thank you, Commissioner, for your initiative on this very, very important topic.

CHAIR HANSEN: Thank you, Garrett. I don't know if there is anyone else online or in the chambers who would like to speak on behalf of this before I go to the County Commissioners.

COMMISSIONER GREENE: Madam Chair, there is one raised hand in the audience.

CHAIR HANSEN: Okay. Would they please come forward and –

COMMISSIONER GREENE: Sorry. I think there's more than one.

JULIAN GONZALES: Madam Chair, Commissioners, Julian Gonzales, New Mexico Wild, part of the Coalition, Caja del Rio Coalition. I'm also a permittee out there and I wear many hats when it comes to this area. It's super – like everybody says, in that letter I helped draft some of that stuff, some of the verbiage and language in there. You wouldn't expect someone like me come up here and express how this landscape has brought a veteran of 30 years in the military back home.

So if any place is home it's something like this, straight out of every book that you read that a veteran came home unhealthy and brought himself back together, it's the landscape of the Caja del Rio. And I would like for you to really consider putting your foot forward and demanding that NMSA play by the rules and make sure that everybody is doing the right thing at the right time and being transparent and nobody's trying to hide stuff under the rug. Thank you.

CHAIR HANSEN: Thank you very much. I believe there are other people in the audience who would like to speak. Please come forward and introduce yourselves

JONI ARENDS: Good afternoon, Chairwoman and members of the Board. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety, and I have a few comments about the electrical power capacity upgrade project. In many

SFC CLERK RECORDED 02/14/2024

respects, Los Alamos National Laboratory is an island. It claims that the proposed third electrical line is for capacity but not for use, and as a result they haven't looked at the greenhouse gas emissions for the electricity that is being proposed to run on that line, that third line.

So the draft EA is incomplete, and that argument is in the title, where it says it's an electrical power capacity upgrade project. It doesn't talk about the use of the line. So in many respects – but LANL's analysis is inadequate of the impacts of the use of electricity. It does nothing – this whole document does nothing compared to the document they referred to with respect to the purpose and need, which is required under the National Environmental Policy Act. So they referred to this 2017 report about the integrated resource plan report that was prepared for the Cayman Islands, and this is the report. And this report provides a step-by-step way for the Cayman Islands to transition from fossil fuels to renewables over a period of 29 year. While LANL refers to that report it does nothing similar to the detailed analysis with charts and figures that show how the Cayman Islands could transition.

So this NEPA document is completely inadequate with respect to what's being proposed right now. In many respects LANL is demanding the line without any support. They're not providing enough information for the public to be able to do the necessary analysis. They refer to many reports and numerous studies that were conducted on behalf of LANL with respect to supporting the line but they don't reference them.

CCNS, Concerned Citizens for Nuclear Safety, believes that because of the inadequacies, the length of time between when the scoping was done, almost three years ago, and the fact that there are so many problems with this report that the EA be withdrawn and an analysis similar to what's in this integrated resource plan report integrated into the NEPA analysis and we'll start again. Thank you very much.

CHAIR HANSEN: Thank you, Joni. Is there anyone else in the audience who wishes to speak?

COMMISSIONER GREENE: It appears not, Madam Chair.

CHAIR HANSEN: Okay. So John Wilks I see from Veterans for Peace has raised his hand.

JOHN WILKS (via Webex): Thank you, Madam Chairperson and Council people. Veterans for Peace, Albuquerque Chapter 63 insists that an EIS, environmental impact statement, be prepared for this project in order to provide you, your Council, and other decision-makers with enough facts in an analysis. You must know the cultural, ecological social impacts involved in this project.

Secondly, the NMSA must explore alternative, green technology if they are going to require additional electrical power. But it's rather ironic that here we are – this would be a third transmission line, and if it is operational, the so-called laboratory on the Pajarito Plateau will once again swing into full production of nuclear weapons components. We ask the Commission keep in mind that the radiological waste and residue exists in Area G from the 1946 Manhattan Project. Sumps, dumps and pits remain online at LANL. They should be excavated, characterized, carted to the WIPP or elsewhere before any additional capacity for nuclear components be entitled or be enabled at LANL.

We ask you to keep in mind the continuum of how over the years LANL has done

SFC CLERK RECORDED 02/14/2024

what the people of New Mexico don't want done, and the WIPP is part of that breaking of the social contract. This, in March, will be the 25th anniversary of WIPP, which by the way is closed temporarily for accidents that have recently happened. We can't have waste with no place to put it. Thank you very much.

CHAIR HANSEN: We are a Commission, also, just for your information. But thank you very much. Now, I would like to go to the Board.

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you for bringing this forward. In the interest of full disclosure, as a person who worked at Los Alamos for 17 years total, in the interest of working on the environmental opportunities, protecting the community around us, addressing the risks that that facility has presented in our northern New Mexico community, and trying to do better by our community by leveraging the resources that are in our neighborhood in making something good out of something that truly was set up for destruction, quite honestly. I couldn't agree more with the opportunity for the laboratory, for the Department of Energy, to stand up, even in the interest of national security, and take a leadership position in environmental protection, and even more so in protection of the environmental and cultural resources in proximity to that national lab.

This is a long conversation. In the time that I was there at Los Alamos there were people who said with the waste cleanup that has to be done at that national laboratory, there could be babies born today that would still be able to retire, and there's enough work to do to clean up Los Alamos. I understand the mission of nuclear safety. I understand why the laboratory exists. My father worked there as well as many other family members. I understand those issues, and that does not wipe clean the notion of the responsibility that it also has for being in our neighborhood.

We have heard comments such as we're a national lab; not a northern New Mexico lab, so those issues don't pertain to us, and the reality is, if you're going to be here be respectful of our neighbors. As an ecologically rich area the Caja del Rio is something that many of us are working very hard to protect and I'm grateful for those who spend much more time than I speaking up for and writing letters and stepping up to take care of the Caja. There are, as I've been led to understand, options, other alternatives for where a power line could be, if it is actually needed. And someone who had quite a bit of insight shared with me that there's even a potential that it wasn't completely necessary but that in the interests of the amount of energy that may be needed there are other routes to bring that line.

So I am in complete concurrence with the portions of the letter that ask for further evaluation for the alternatives. I ask for respect for the cultural and ecological aspects of our neighborhood, and I'm grateful for your bringing this forward. So thank you very much, Commissioner.

CHAIR HANSEN: Are there any other comments?

COMMISSIONER GREENE: Yes, Madam Chair.

CHAIR HANSEN: I'm going to go to Commissioner Greene, and then I will go to Commissioner Hank Hughes.

COMMISSIONER GREENE: Thank you, Madam Chair. In general, I'm

SFC CLERK RECORDED 02/14/2024

supportive of LANL as an employer and a major asset of our nuclear or our national security posture, but the part that – not to reiterate some of the things that I do support. I think our pueblos should be consulted. I think the Caja del Rio should be preserved. I think all of these alternatives should have been explored, but most importantly this is a great forum to present all of this before us to say this is why. Make the case before the County Commission or at least in another forum that the County is all invited to to say why, where, all the alternatives and all the mitigating things that they've done to reduce the impact here.

Could it have gone in another direction? Could it – why was this the best direction? Was this really necessary? I think the lab has a sort of policy of not lobbying for its needs, but this wouldn't necessarily be lobbying. This would be an informational aspect that they could surely come to us and say we would like to explain why this is necessary, why this is the best route, and all of the things that they're doing to make sure that it is the least impactful and the most efficient use of this infrastructure.

So I'm a little disappointed that they're not here to stand up for themselves here and that they are less participatory in our government, and I encourage them to become much more participatory in the things that we hope to work with them on. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Greene. Just for everyone to know, there will be an informational meeting on January 11th at the Santa Fe Community College at 4:30, from 4:00 to 6:00, and I do hope to present this letter there. I want to go to Commissioner Hughes, who also wanted to make some comments.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say that I'm in support of the letter, and we should not be building power lines across virgin land. Power lines cause fires a lot of times and all the disruption. So thank you for bringing this forward. That's all.

CHAIR HANSEN: So with that, I am going to request approval of a letter/comments from the Board of County Commissioners to the NMSA opposing the proposed Los Alamos National Laboratory transmission line upgrade project.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a second from Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: I want to thank Mr. James, Garrett VeneKlassen, everyone who came forward to speak on behalf of the Caja and protection. So thank you very much. Thank you very much everybody for your support on all these important topics.

4. Consent Agenda

- A. Resolution No. 2024-002 a Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County (Public Works Department/Brian K. Snyder and Maria Molina)**
- B. Request (1) Approval to Utilize the Houston Galveston Area Council**

SFC CLERK RECORDED 02/14/2024

- Cooperative Purchase Agreement Pursuant to Ordinance 2012-5 Section 1, Outside Contracts, to Purchase License Plate Reader Software and Equipment for the Santa Fe County Sheriff's Office for a Total Amount of \$599,801.64, Inclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Sheriff's Office/Ken Johnson and Purchasing Division/Bill Taylor)**
- C. Request (1) Approval to Enter into a Four-Year Term Agreement with Aspen Solutions, Agreement No. 2024-0113-CSD/MB, to Provide Evaluation Services for the Santa Fe County DWI Program Operations, in Compliance with County Ordinance 2012-5, and (2) Delegation of Signature Authority to the County Manager to Sign the Agreement (Purchasing Division/Bill Taylor and Community Services Department/Chanelle Delgado)**
- D. Resolution No. 2024-003, a Resolution Requesting a Decrease to the Alcohol Programs Fund (241) in the Amount of \$5,190 so Budget Equals Actual Grant Award (Finance Division/Yvonne S. Herrera and Community Services Department/LeAnne Rodriguez)**
- E. Resolution No. 2024-004, a Resolution Requesting a Decrease to the Health Care Assistance Fund (223) in the Amount of \$346,268 so Budget Equals Actual Grant Award. (Finance Division/Yvonne S. Herrera and Community Services Department/Rachel O'Connor)**
- F. Resolution No. 2024-005, a Resolution Requesting a Budget Increase in the Amount of \$12,000 to the Alcohol Program Fund (241) so Budget Equals Actual Grant Award (Finance Division/Yvonne S. Herrera and Community Services Department/Joe Lozano)**
- G. Resolution No. 2024-006, a Resolution Requesting an Increase in the Amount of \$170,550 to the Alcohol Programs Fund (241) to Budget Special Application Grant Award (Finance Division/Yvonne S. Herrera and Community Services Department/LeAnne Rodriguez)**
- H. Resolution No. 2024-007, a Resolution Requesting a Budget Increase in the Amount of \$300,000 to the Law Enforcement Ops Fund (246) to Budget Funding Awarded to the Sheriff's Office by the First Judicial District Attorney's Office for Warrant Enforcement (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**
- I. Resolution No. 2024-0008, a Resolution Requesting a Budget Increase to the State Special Appropriation Fund (318) in the Amount of \$100,000 to Budget the Collaboration Center Grant (Finance Division/Yvonne S. Herrera and Community Development Department/Paul Olafson)**
- J. Request Acceptance of Grant #A22-G5355 Received from the New Mexico Aging and Long-Term Services Department for the Abedon Lopez Senior Center Project in the Amount of \$2,021,026 (Finance Division/Yvonne S. Herrera and Public Works Department/Brian K. Snyder)**

SFC CLERK RECORDED 02/14/2024

- K. **Resolution No. 2024-009, a Resolution Agreeing and Acknowledging Participation in Capital Outlay Programs Administered by the New Mexico Department of Transportation and Officially Accepting and Agreeing to the Terms of Four Capital Outlay Grant Agreements (Finance Division/Yvonne S. Herrera)**
- L. **Resolution No. 2024-010, a Resolution to Authorize Certain Growth Management Department Staff and The Enforcement Officer for the Solid Waste Division to Issue Citations for Violations of County Ordinances; Repealing and Replacing Resolution No. 2022-067 (Growth Management Department/Rick Lovato)**

CHAIR HANSEN: Is there anything from the Consent Agenda that anyone would like removed? Can I get a motion to approve?

COMMISSIONER HAMILTON: Madam Chair, move to approve the Consent Agenda.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, and a second from Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

5. **Appointments/Reappointments**

None were presented.

6. **Miscellaneous Action Items**

- A. **Resolution No. 2024-011, a Resolution Adopting the Transportation Advisory Committee 2024 Work Plan**

CHAIR HANSEN: Brett Clavio, Welcome.

BRETT CLAVIO (Planning Manager): Thank you, Madam Chair, Commissioners. Good afternoon. So this item today is seeking your approval of the Transportation Advisory Committee work plan for 2024, along with a meeting schedule per Resolution No. 2015-13. Approval will allow the Transportation Advisory Committee to meet and conduct business this year per the work plan.

The TAC met on November 15, 2023 and voted to recommend that the BCC approve this work plan as per the requirements of Resolution 2015-13. For background, Resolution 2015-13 created the Transportation Advisory Committee, which replaced the previous Road Advisory Committee and states that the committee shall adopt and present to the Board for approval an annual work plan. The TAC had its meeting on November 15th. Staff presented the draft work plan to the committee members and the committee voted to recommend approval. Please see Exhibit B. But I can outline those tasks right now.

Number one is the road acceptance proposals. So as road acceptance proposals come to us we will review those on an annual basis. Number two, other right-of-way

SFC CLERK RECORDED 02/14/2024

administrative duties such as road acceptance, designation, redesignation of County-maintained roads. Number three is road improvement policy, which the County currently has. It's pretty new. And number four, a transportation plan development, which the committee is working on in conjunction with staff.

Number five, transportation finance review, which the committee does on a periodic basis, as well as number six, transportation project prioritization to help us review our transportation projects for the ICIP. And number seven, perform other tasks and duties as assigned or communicated by the BCC in the committee's annual work plan or otherwise. And I'll point out that we do have an item under the "other tasks" category. That's item A, which is to develop an automated speed enforcement program, also known as speed cameras. So the Transportation Committee will analyze and make recommendations to the Board about potentially implementing an automated speed enforcement program including pros and cons of the program, experience of other jurisdictions who have it like Albuquerque and if such a program were adopted the criteria that would be used to determine the location of these speed cameras.

Then number eight is to do this annual work plan, which we do every year. And then number nine is to review the annual road map, summary of County maintained, which you guys just recently approved as number one.

So with that the TAC can be amended as needed to include additional tasks as directed by the BCC and the TAC is scheduled to meet quarterly and additional meetings may be scheduled as needed.

The recommendation is that staff recommends approval of the Transportation Advisory 2024 work plan and I stand for any questions or comments.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Greene and then Commissioner Hughes.

COMMISSIONER GREENE: Thank you, Madam Chair. Brett, I see this and I like seeing the work plan. It gives some body and definition to the tasks that we're putting forward for the TAC. I think I have two areas that I wish were added to this and maybe can be added in this discussion right now or that they become part of the additional other tasks as we see fit. One of them is a recurring aspect, so I think it should be part of our regular work plan there which is add an integration and review of MPO, Metropolitan Planning Organization cycle TIP and all of their requests for projects, and that the Transportation Planning Organization Advisory Committee take on that to solicit projects, vet projects, review them and help make recommendations to us and to the MPO so that we are more knowledgeable when we go before the MPO and that we have more outreach to the community so that we can have more projects from the community. I find, having served on the MPO that the community knows very little about the organization and the projects that are then set forth before that. So it would be great for that advisory committee to put forth its recommendations and to help us solicit projects for that, for community good.

Second aspect that I think is going to be more and more important in the next few days, weeks and months, and I know that there are folks on the TAC that are knowledgeable about this, which is an electric vehicle strategy for charging infrastructure and for our own EV strategies at the County. And then some level of review with Public

Works and our Fleet Management as well as our Public Works and Planning and Sustainability Division can work with them to help develop a good strategy for how we deploy money to upgrade our EV charging and deploy the upgrades to our fleet.

If those are amenable, I would love to amend those two items and include them in the work plan, but if you have any comments I'd love to hear your thoughts.

MR. CLAVIO: Thank you, Commissioner Greene and Commissioners. The Transportation Advisory Committee does get briefed on TIP projects, so we do regularly talk about the Transportation Improvement Program of the Santa Fe MPO, and we do discuss what we are bringing forward, but we haven't actually requested them to provide projects, so we could definitely turn that around and see if they have projects that they'd like to move forward.

COMMISSIONER GREENE: I think, if I may, sort of two-way street, to work with the folks that are on the MPO as appointees of the Board, and to work with the MPO to understand what they're proposing, but also to be part of our outreach opportunity from Santa Fe County that when we get a – when the MPO says, hey we're looking for new projects that they help solicit that and help vet those so that we know what should go forward in working with the Commissioners that are on the MPO, that they could say this went through our review process at this other thing and we should be advocating for these.

Again, even if they're not necessarily County projects, actually. They could be projects within the city that are going before the MPO or projects on Tesuque Pueblo land that are going before the MPO for support and that these knowledgeable people would be able to help solicit but also help vet these project.

MR. CLAVIO: Madam Chair, Commissioner Greene, so the TAC only meets quarterly, so one of the challenges is just that they don't always – the times don't always sync up so in the event that something comes up we can call a special meeting to convene and just to discuss a call for projects, for example, or some other sort of request for projects.

COMMISSIONER GREENE: I think it would just be a much more relevant committee.

MR. CLAVIO: Absolutely.

COMMISSIONER GREENE: With those sorts of things as well.

MR. CLAVIO: Thank you for that suggestion. We definitely want to use the committee for these types of purposes – project prioritization, project finance, and then the EV strategy as well. It's a good idea.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just had a question for Brett. A few months ago you showed me a future-looking, forward-looking map of functional roads. Is the consideration of that built into this somewhere?

MR. CLAVIO: Madam Chair, Commissioner Hughes, the functional roadway network that the Transportation Advisory Committee approved last September is an item that we plan to bring forward to the Board of County Commissioners. We're sort of short-staffed right now, so it's been a challenge to actually get that through but it is on our program for this year to actually update our functional classification of

roadways for 2024 and also projected out to 2040. That actually has already been done by the Transportation Advisory Committee, so now it's just on staff to bring it forward.

COMMISSIONER HUGHES: Okay. I just wanted to make sure that that was still in the works. Thank you.

CHAIR HANSEN: Any other comments? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Brett. I do, and I think this is more maybe a question for the County Manager or a statement in I appreciate the good work that this committee has done and part of that, in the interest of – I would say transparency, although this isn't like something that's trying to be hidden, but when I look at the work that was outlined in the work plan in 2023, again, there's good work that's being done, but a similar ask that I have for another policy advisory committee that I'm looking at is where we really actually see the actionable items. Like what action was taken.

When we look at policy advisory committee, my assumption when I came on to the Commission was that I would actually hear advisement. Receive advice on policy that needed to be either created, dismissed, addressed, in the interest of doing better work. And as much as we have things that, yes, it's been in review. But what recommendation was made? What was the actual advice? And I'm wondering, or I'm asking, actually. I'm going to ask that we find a way to provide these reports as we present a new work plan when we acknowledge the work that was done in the previous year, what was actually accomplished.

So I go back to something that I said at the previous meeting with regard to SMART goals. What was it that was actually attempted? Was it measurable? What action was taken and is it something that we actually can reflect on as a completed task? Or is this work to be ruminated on? I think that type of report helps, at least it helps me. It helps the public understand what and how and why business is being done the way it is.

So I'd like to ask that when we do receive the work plans that we have some type of restructured capability for identifying exactly what it is we're attempting to accomplish and what type of completion we would be notified of. And I'm a huge fan of SMART goals. Let's work smart. And when we work that way we'll see that probably will have more to acknowledge having gotten done. So on top of that I'm grateful and thank you for taking on the task of looking at the viability. We've had communities in different parts of District 3 who've been asking for speed cameras. And it's anecdotal. We know communities who've adopted them and stopped. We know somewhere nationally they're using them. We don't know the details, so thank you for that work, and then we'll have something tangible at the end of the year.

So I appreciate that and hope that that's something that we would be able to do, Manager Shaffer. Thank you.

COMMISSIONER GREENE: Madam Chair, if you're ready for a motion.

CHAIR HANSEN: I have a few comments. So Brett, thank you for the presentation. I want to make sure that state roads are actually looked at. Governor Moquino of San I Pueblo is actually quite concerned about the speeding on Highway 30 and so I think that these speed cameras might be a solution but also maybe some kind of analysis with New Mexico DOT about what they are doing to provide safer roads on roads such as Highway 30, and then like the road through Galisteo is another road that

SFC CLERK RECORDED 02/14/2024

seems to be a place where people like to travel possibly too fast.

And so if there is a way that we can develop in this work plan a way to give some recommendation to New Mexico DOT about the impact of their state roads in our county.

COMMISSIONER GREENE: Madam Chair, I will incorporate that into my motion if you're ready.

CHAIR HANSEN: Then I also have one other comment about – this is specific to – I believe I talked to you earlier this year about La Tierra and possibly bike lanes and widening. I know that the work plan is not specific to one particular project, but does that fall into this area or is that something that you were taking up in Planning.

MR. CLAVIO: Madam Chair, Commissioners, we are always looking at safety improvements countywide. Safety improvements include things like installing speed cameras. It includes things like doing a safety study, maybe a speed study. Safety is always a priority and it's always coming up from constituents. And for that reason what's unique about this year's work plan is that we're creating a Transportation Safety Subcommittee. And so this safety subcommittee will meet quarterly, the month prior to the normal TAC meeting, and here we plan to really get into the details of safety. And this is an opportunity also for citizens to bring forward their safety concerns and address the subcommittee.

So at the subcommittee meeting we will have members from the MPO there, from the New Mexico Department of Transportation, from the City, so it's a broad-based committee and we want to really have an open forum to look at improving safety on all types of roads. Not just County roads but also state roads. So I think that we're always open to look at safety. There's no closing date for that. If that helps.

CHAIR HANSEN: Okay. I appreciate that. And so Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I would like to make a motion to approve the Transportation Advisory Committee's work plan and work tasks, with the addition of three additional tasks, one of which being to make recommendations to the Board of County Commissioners concerning potential safety and other improvements to state roads within Santa Fe County. Number two, to make recommendations to the Board of County Commissioners concerning potential projects that may be considered by the Metropolitan Planning Organization, and three, provide recommendations to the Board of County Commissioners concerning electric vehicle charging infrastructure.

CHAIR HANSEN: Do I have a second?

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Greene, a second from Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

6. B. **Resolution No. 2024-012, a Resolution Adopting Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2025-2029; Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration; and Replacing Resolution No. 2023-088**

CHAIR HANSEN: Welcome, Maxx.

MAXX HENDREN (Growth Management): Thank you, Madam Chair and County Commissioners. This is a request to amend the Santa Fe County's fiscal year 2025 to 2029 Infrastructure Capital Improvement Plan. On August 8, 2023, the Board of County Commissioners adopted by Resolution No. 2023-088 the fiscal year 2025-2029 ICIP, which is Exhibit B in your packet, and the Santa Fe County submitted the ICIP to the New Mexico Department of Finance and Administration. The plan was accepted and approved by the DFA.

The ICIP is a subset of the County's long-range capital planning framework and guides how the County annually updates, prepares, prioritizes, adopts and submits capital projects on the five-year plan to DFA. In August 2019, the Board adopted Resolution No. 2019-103, which is Exhibit D in your packet. It's a capital planning process, establishing a planning and assessment process whereby projects can be evaluated and prioritized based on the County's four strategic plan goals and other priorities in the County's Sustainable Growth Management Plan and other planning documents.

This evaluation process helps to measure a project's efficacy in achieving the County's goals and priorities. Through the cycle of the capital planning process, new requests have been submitted, vetted, scored and collected. The Capital Planning Committee met to add new requests, remove fiscal year 2024 funded projects, and reprioritize the capital projects on the previous five-year ICIP list according to Resolution No. 2023-117, which is Exhibit C, and that was adopted by the Board on November 28, 2023.

The resolution added necessary projects and consolidated sustainability capital projects. The final list of projects adopted by this Board meeting will be attached to the resolution to adopt the fiscal year 2025-2029 ICIP as Exhibit A. Exhibit A includes the recommendation from the Capital Planning Committee and with the 2024 legislative session in mind. The Committee recommends the following considerations for changes in the ICIP and reprioritizing the list per Resolution No. 2023-117.

First, improving the priority project for District 1, from the Rio en Medio Open Space Restoration and Flood Prevention, which is now in fiscal year 2025, priority #14. We moved up CR84 at Arroyo del Rancho all-weather crossing. It is not in fiscal year 2025, priority #3.

Also reprioritizing two other projects: the Nueva Acequia multi-family development infrastructure moved from fiscal year 25 #15 to fiscal year 25 #6, and the P-25 public safety radio network, we moved that from fiscal year 25, priority #16 to fiscal year 25, priority #10.

We're also combining and reprioritizing the 2023 and the 2024 Sustainability greenhouse gas emission reduction plan projects, which were in fiscal year 26 they were prioritized as #1 and #2, and now they are one capital project. They were combined into the 2025 Sustainability GHGERP project, and it has been prioritized to fiscal year 2025, priority #12.

Also, we want to acknowledge that there was some funding that was submitted to this project, so the total project cost remained the same at \$8,921,100. There was some available funding, so our current gap is \$6,571,100.

SFC CLERK RECORDED 02/14/2024

Also, another change was adding a new capital project which is the improvements to roads countywide. That is now in fiscal year 2, priority #13, and also adding a new fixed asset project that was brought to us by the Santa Fe County Sheriff's Office. It's protective gear, safety gear, and stun guns. That project is in fiscal year 25, priority #25.

I might want to note that the protective gear project is a fixed asset project. It was not score by the committee. The scoring that we currently have is for capital projects. As a committee we do want to work on more fair scoring for projects like safety studies, feasibility studies and fixed assets. So this project did not get a score. However, the committee evaluated and recommended this necessary fixed asset for approval and inclusion on the ICIP.

Another change is updating the funding gaps for the three public housing community projects to account for more recent federal funding. The total project current gaps – I think the costs were also updated as well, so our new project costs for Santa Cruz is \$5,440,618. The new current gap is \$1,817,000.

The public housing upgrades for Valle Vista are now \$3,736,900, and the new current gap: \$2,563,000.

And then the public housing upgrades for Camino de Jacobo, the total project cost for that project is \$3,998,789, and the new current funding gap: \$2,645,062.

Another change was removing fiscal year 2024 funded capital projects. Remove from the list was the Santa Fe Animal Shelter and Humane Society project, the Santa Fe Opera wastewater treatment system, and the Steve Herrera District Courthouse security camera system.

Also we did some updating for other funding gaps for specific projects. We recognized that the CR 51 Galisteo all-weather crossing had an estimated funding gap. It moved \$129,000 to \$2 million. That category was also updated from funding gap to an estimated funding gap for the next phase or the total project, so that specific column could be for either the funding gap of the total project or the total funding gap for the phase of the project.

And the Aamodt rural water Phase 1 distribution lines, we changed the estimated funding gap from \$8 million to \$49 million, which is the true phase of the project.

So all the changes, including the top five capital projects that are in parallel with Resolution No. 2023-117 are recommended by the committee to establish capital outlay priorities for the 2024 legislature session. We have the number one, Agua Fria Village utility sewer expansion. Number two is the Glorieta Village collection system. Number three is the CR84 at Arroyo del Rancho all-weather crossing. Number 4 is the Avenida Vista Grande Bridge improvements.

Number five is the La Cienega transportation safety study. Number six, the Nueva Acequia multi-family development infrastructure. Number seven, the public housing upgrades at Santa Cruz. Number eight is the public housing upgrades at Valle Vista. Number nine is the public housing upgrades for Camino de Jacobo. Number 10 is the P-25 Public Safety radio network. Number 11 is Santa Fe River Trail from Caja del Oro to Cottonwood Drive. Number 12 is the 2025 Sustainability GHGERP project. And number 13 is the improvements to roads countywide.

We do request that the Board review and approve this resolution adopting projects for inclusion in Santa Fe County's Infrastructure Capital Improvement Plan for fiscal

SFC CLERK RECORDED 02/14/2024

years 2025-2029, authorizing submittal of plan to the New Mexico Department of Finance and Administration, and replacing Resolution 2023-088. And I along with staff stand for questions.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Maxx. I appreciate the update and the switching around the Rio en Medio and the Highway 84 all-weather crossing. My question has to do with the removing of the fiscal year 2024 funded capital projects. One of the projects in my district was funded, although not completely, with the ICIP request of ours, but was funded through a CASA Connection grant from the Governor's office, and that is the Española Pathways Shelter. My understanding is that is a very low remnant that is needed and may have already been fully funding. It was less than \$40,000 that was remaining, and in our sheet it shows that it remains well over a million.

And so they received a million dollars from the Governor's office and are not looking for a million dollars at this point. And so is that an amendment that we can add that to remove that from this so that there's no confusion. Paul knows something.

PAUL OLAFSON (Community Development): Madam Chair, Commissioners, we did reach out to Pathways and they did indicate that they were potentially going to ask for additional funding. And so we determined that it would be best to leave it on the list in case that happens. And actually I have a call – I'm waiting for a call today with them. So I don't have specifics but we did reach out and they indicated they would most likely be asking, and so we didn't want to eliminate that possibility by removing them from the list.

COMMISSIONER GREENE: Okay. Thank you for clarifying that.
Thanks.

CHAIR HANSEN: Anyone else have any questions? If not, what is the pleasure of the Board?

COMMISSIONER HUGHES: Madam Chair, I'll move to approve the ICIP list as presented.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hughes, multiple seconds from Commissioners Bustamante and Greene.

The motion passed by unanimous [5-0] voice vote.

MS. HENDREN: Excuse me, Madam Chair. I just want it noted that I will need a recorded copy as soon as possible to submit the ICIP to the DFA.

CHAIR HANSEN: Yes. Maxx needs it ASAP. Unfortunately, I am not there to sign it but I could make some kind of effort to – I'll work out something with my liaison or our Manager to sign things as soon as possible. But you can start importing the list, I'm sure.

MS. HENDREN: Yes. Absolutely. Thank you, Madam Chair.

SFC CLERK RECORDED 02/14/2024

6. C. Resolution No. 2024-013, a Resolution Establishing the La Cienega and La Cieneguilla Planning Committee and Authorizing a Community Planning Process for the La Cienega and La Cieneguilla Community District

CHAIR HANSEN: It looks like Nate and Brett. Hi, Nate. Sorry I'm not there to greet you in person.

NATE CRAIL (Planning Division): Good afternoon, Madam Chair and County Commissioners. I'm here to ask for you to approve a resolution establishing a community planning process for the La Cienega and the La Cieneguilla Community District as well as establishing the La Cienega and La Cieneguilla Planning Committee.

Late last year the La Cienega Valley Association, which is a BCC recognized community organization for that district submitted a letter to staff asking to update the 2015 La Cienega La Cieneguilla Community Plan update. And so after review, staff and the Land Use Administrator deemed the application complete and the next step per SLDC Section 2.1.5 is that the Board approve a resolution to initiate the community planning process and that's the resolution before you. I stand for any questions.

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER BUSTAMANTE: Nate, thank you for your good work. I just want to acknowledge that this process is brought forth by the community organization. We've had communication from registered organizations as part of this planning process. Everyone recognizes that this will be a fully inclusive project if we can identify the registered organizations and any input that they have as you go through this. I'm grateful for your good work and your leadership in this part, so thank you.

COMMISSIONER GREENE: Madam Chair, I've got a question if I may.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Nate, I've got a question. Is there going to be a process to incorporate the Pueblo of Pojoaque's land holdings at the Downs in a way that helps communicate what their plans are as well as the concerns of the citizens around there to the pueblo and have an interaction there. Is there a model that we've used in the past in other traditional communities that might have pueblo neighbors?

MR. CRAIL: Madam Chair, Commissioner Greene, from my understanding in reading the 2015 plant that was an issue brought up during that process and that will certainly be brought up again and we will work with the Pueblo of Pojoaque and any other stakeholders in relation to the towns in that community.

COMMISSIONER GREENE: Wonderful. Thank you.

COMMISSIONER BUSTAMANTE: Madam Chair, if there are no other comments or questions, I'd like to make a motion to approve. I recognize J.J. Gonzales and Julian in the audience who will be participating in this process. So I would like to make a motion to approve this as presented.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion from Commissioner Bustamante, a second from Commissioner Hamilton.

SFC CLERK RECORDED 02/14/2024

The motion passed by unanimous [5-0] voice vote.

7. Presentations

None were brought forward.

8. Matters of Public Concern

CHAIR HANSEN: I don't know if there's anybody who has signed up for Matters of Public Concern or if there are people in the audience who would like to speak under Matters of Public Concern. Would you please come forward if you're in the chamber?

COMMISSIONER GREENE: It does not look like there's anyone here, Madam Chair.

CHAIR HANSEN: Thank you very much, Commissioner Greene. Is there anybody online that would like to make comments under Matters of Public Concern?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I'm not seeing anybody online that's indicating they'd like to speak.

CHAIR HANSEN: Thank you very much.

9. Matters from the County Manager

A. Miscellaneous Updates

MANAGER SHAFFER: Thank you, Madam Chair. The few items that I have all concern the upcoming legislative session. First, as this Board's aware this is a short session. Thirty days in length and there was concern about the ability of the Board of County Commissioners to express opinions on specific items of legislation or potential legislation that might come up during the session, given the short length of the legislative session.

So a question I have for the Board is whether you would like to schedule a special meeting solely limited to legislative items for perhaps January 23rd, which is one week after the session begins on January 16th. That would give you an opportunity to again express views on specific items of legislation that aren't covered by our general resolutions, and you would have another opportunity to do so on January 30th, and then finally on the 13th of February, which is two days before the session ends. So that's question one, is whether the Board would like to schedule such a special meeting of the Board of County Commissioners to consider pieces of introduced and potential legislation to express specific views on. So I'll stop there and see what the pleasure of the Board is.

CHAIR HANSEN: I would support that since there is a new bill on medical family leave that I would be interested in supporting but we have not seen the final bill. So we didn't include that in our list of priorities when we supported the alcohol a few other things. What does the rest of the Commission feel?

COMMISSIONER HAMILTON: Madam Chair.

SFC CLERK RECORDED 02/14/2024

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I can certainly do the 23rd from 2:00 pm on.

COMMISSIONER BUSTAMANTE: Madam Chair, I can as well. I do want to – these are for issues that have been presented. I want to make sure we're not going to as a Commission, as a Board, step out of the roles that we have and out of the process of the ICIP. Do we have any other plans of going for funds outside of the Commission that haven't already been discussed? Is that what we're referring to? We would work within the legislative frame that we are working with, correct?

MANAGER SHAFFER: Madam Chair, Commissioner Bustamante, that's correct. This would be items of potential substantive legislation that the Board may want to take a particular position on. So to use the example that the Chair provided, it is possible that pursuant to a call of the Governor, a paid family and medical leave act bill will be submitted, so it would be the opportunity for the Board to again express its position on particular items of legislation. It's not to circumvent our existing processes relative to what money we're going to lobby for.

COMMISSIONER BUSTAMANTE: Thank you. I can be there on the 23rd.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: I can do the 23rd but the earlier the better. I think Commissioner Hamilton said she could do it as early as 2:00. Because we have a townhall in the evening that day.

COMMISSIONER GREENE: And I'm free that day as well.

MANAGER SHAFFER: Thank you, Commissioners. Secondly, I wanted to remind staff and the Commissioners that Santa Fe County Day at the Roundhouse will be Thursday, January 25th from 8:00 to 12:00 noon. So that should already be on your calendar. Hvtce Miller is organizing the event on our behalf so please contact him directly with any requests or concerns.

Finally, I wanted to let the Board know that we will be requesting reauthorizations for certain appropriations for which we feel as if the expenditure timeline might be tight. That's to provide a little bit more wiggle room in terms of the actual expenditure while we're working with, again, due hast, to get them timely expended. But on a substantive level, we'll be seeking in consultation with the Clerk's Office language change for the two appropriations that had been made for purposes of the County Clerk's warehouse and storage. The language was specific to the east development program building and we want to make it more general so that the appropriations could be used at any facility ultimately acquired for the Clerk's Office purposes. So again, we don't want the language to be so limiting that we couldn't expend it because our plans for the Clerk's warehouse have changed. So I wanted to provide you with those updates. Thank you. That's all I have.

CHAIR HANSEN: Thank you very much.

10. **Matters from County Commissioners and Other Elected Officials**

A. **Commissioner Issues and Comments, Including but not Limited to**

SFC CLERK RECORDED 02/14/2024

Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HANSEN: I will start with Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Why do I always go first, is my question. But thank you for the opportunity. Thank you, Madam Chair.

CHAIR HANSEN: I'll remind whoever's Chair next to change the order.

COMMISSIONER GREENE: Okay. Thank you. That's fine. I'm fine going first. So basically, the only request that I think I have at this point, first everybody, happy new year everybody. But as a request I would hope that at our next meeting, maybe not the 23rd but our next regular scheduled meeting on the 30th, that we have an update on where things are with our broadband task force. They've been meeting now for close to six months, five months at least, and making maybe some progress and it would be great to know where they are and what our expectations of their deliverables will be in the next few months. I know that there is a grant that they're applying for and there's some other things that will be coming our way. I think this would be a good opportunity for us to get a briefing on this. I am following it from afar and not nearly as integrated as I wished I was with it so I figure we might as well get a presentation, all of us all at once.

So besides that, thank you very much, Madam Chair. Thank you for your powerful reign.

CHAIR HANSEN: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. I first want to thank the people from Public Works. We had a situation over the holiday and I too want to say happy new year to everyone. But we had a situation in Los Cerrillos with a waterline break that had nothing to do with the County, or very little anyway. There was some construction out there but some lines hadn't been properly marked. And I have already, in the year that I've been here and reflecting have really witnessed how this County is always ready to step up and be of service in the community, even when the issue isn't brought up because of something that the County affected, but ready to respond and be supportive.

So I really want to make sure to recognize Leroy Alvarado who present until – I think it was maybe even 2:00, 3:00 or maybe even 5:00 in the morning. Five in the morning is when I learned of it being resolved. But they were working from the prior afternoon, and so 5:00 am out in really cold weather, because a mutual domestic line had been broken and the lines had not been properly marked by the entities who were supposed to have marked them. And so we had Leroy Alvarado, Kurt Temple, Paul Shoman and Dan Anderson, and I think that we all want to recognize that our County staff, they show up.

As well, we've been stepping up and working and getting the questions addressed, I need to make sure to recognize Rachel and the good work out of that area in getting a public health person with a team member who is Spanish speaking so that they can address all of the questions and concerns. It is very heartbreaking the concerns that people have regarding the PFAS, PFOA, PFOS issue in that community, and Rachel's

SFC CLERK RECORDED 02/14/2024

group has been working very diligently and making sure that they can get someone hired who's knowledgeable to get that resolve. So hats off to Rachel O'Connor but we also want to recognize that our County Manager was absolutely behind this in making things happen and to say a timely manner is an understatement. People are already motivated and moving and getting things done as the words are coming out that we need help.

So those are some very big issues, some extremely responsive and good work that we're witnessing, as well as our Public Works Director and our Manager, willing to work with our Department of Transportation in transportation issues and concerns that are coming up which resulted in the request to the Transportation Committee regarding just road widening and concerns that a byway is being placed in one of our smaller villages, and the County has been ready to be responsive in supporting the planning and adjustments to whatever plans may be in place to assist in making sure that the community concerns are resolved. So for that I really am speaking just from a sincere place of gratitude for the way the County, the Management, have stepped up, as well as the employees who make sure that this County runs as efficiently as it does. And I mean that with the most sincerity. Thank you all, sincerely.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Only to wish everybody a truly good year this year. And looking forward to working everybody. Thanks.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a couple of announcements. Basically, one is that our Public Works Department finished the work at Carlson Park in the Carlson neighborhood. We're going to wait for warmer weather to have a grand opening, but I bet the kids are already playing on the play structure, and that's kind of exciting.

And then a couple of public meetings. I'll be meeting with Rancho Viejo North on January 16th at one of their board meetings. January 17th, in case anybody asks, is going to be the meeting that Growth Management hosts regarding large solar projects in the county. I won't be attending and none of us should attend but if our constituents want to learn more, that's when it is.

And then finally, I'll be doing an Hour with Hank on January 23rd at 5:30. And did we set a time for our meeting on the 23rd? Was it 2:00?

MANAGER SHAFFER: Yes, Commissioners. That's correct.

COMMISSIONER HUGHES: Okay. So I'm going to put that on my calendar. Thank you, Madam Chair. That's all.

CHAIR HANSEN: Thank you. I want to basically wish everyone a wonderful new year, but I am sorry that both Commissioner Hughes and I are slightly under the weather, but we did not want to share what we have with any of you in the new year so that we can have a healthy work place. I know we both would like to be there in person.

I want to also mention that the City of Santa Fe's River Commission is looking for members, so you can apply on the City website. I serve on the City of Santa Fe's River Commission and if anybody's interested in applying please make that effort.

I want to remind Commissioner Greene that he had a big ribbon-cutting and he

didn't mention it after our last Board meeting. So I think you should take that opportunity right now, Commissioner Greene, to talk about your transfer station.

COMMISSIONER GREENE: Thank you, Madam Chair. Yes, thank you for the reminder for that. Having met with Tesuque Pueblo today on another issue we have already moved past that, but it was great glorious day in Tesuque about two weeks ago where we had a ribbon-cutting, which was my first ribbon-cutting as a Commissioner, so it was a wonderful, glorious day, where we inaugurated the reopening of the Tesuque transfer station. This was an issue that was brought to me before I became a County Commissioner and was one of the earliest priorities in my district when I started and I really appreciate staff and the Commission and Maria – you should take a bow out in the back over there because you helped get us there and Brian, thank you very much, everybody. It was fun and I keep getting emails thanking us for doing this and so everybody go recycle and go drop your trash off in Tesuque. They'll appreciate the visit. Thank you. Thanks for coming out, Madam Chair. That was great to have you out there as well.

CHAIR HANSEN: Thank you so much. I just wanted to make sure you had an opportunity to shout that out.

B. Elected Officials' Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HANSEN: Since I can't see if there are any elected officials in the chamber –

COMMISSIONER GREENE: It looks like the Clerk is looking right at the microphone ready for you.

CHAIR HANSEN: Okay, Madam Clerk, please, let's hear from you.

KATHARINE CLARK (County Clerk): Thank you, Madam Chair, Commissioner Greene. So today is the filing day for the municipal officer election in Española. So elections never stop, so we are having yet another election in March. And while the City Clerk does run that election, we do assist and so we have started becoming busy with another election in March.

We also are starting the primary election. Filing day is in March for the June election, so we've already started getting ready for that election and then moving into the fall for the presidential. So this is a very busy election year and we're already feeling the sense of urgency to get going.

I did want to call out that on the 18th many of my staff are going to be graduating from the NM EDGE program as certified public supervisors. That ceremony is lunchtime on Thursday at the convention center, and I am certain that many of them would like to see their Commissioners there to cheer them on. So I think it's like a \$20 lunch and it would be lovely to see all of you. We are making posters and going to be cheering our graduates on and I hope to see you.

We also invited you to a film that we're showing. It's a documentary about the challenges of elections. We're going to be demo-ing it for our poll workers, but we also have invited you to that event. We had to reschedule because of the snow, but we hope to

see you on the 22nd, that evening to see what's called No Time to Fail. It's all about sort of limited resources, trying to get the job done of making sure elections are fair and just.

So these are just some of the announcements. I'm sure you'll hear more as we move into the primary season but there are a couple of sort of outreach events that I wanted to make sure you were aware of. Thank you.

CHAIR HANSEN: Thank you, Madam Clerk. I don't see anyone else on line.

C. Election of Board of County Commissioners Chair for 2024

CHAIR HANSEN: I just want to say I am extraordinary grateful and honored to have been the Chair for the last year. I feel like this Board works well together. We have each other and the County as our first priority and recognizing how important it is that we all work together to create a great Santa Fe County. So I want to thank you for the opportunity for this last year.

And with that I would like to nominate my fellow Commission and Vice Chair, Hank Hughes, as Commission Chair for the year 2024.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion from Commissioner Hansen, a second from Commissioner Hamilton. With that, any comments? I'll just call for the vote.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: Congratulations, Commissioner Hughes.

D. Election of Board of County Commissioners Vice Chair for 2024

CHAIR HANSEN: I'm going to go to you, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. It's a great honor to be elected Chair for this year. I hope this is the last time I have to attend virtually, once I get all the germs out of my system and I'm really looking forward to it. As I've said before I think we have a good Board and we can continue to get a lot done.

But with that I'd like to nominate Commissioner Camilla Bustamante as Vice Chair.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: So I have a motion from Commissioner Hughes, and a second from Commissioner Hamilton.

The motion passed by unanimous [5-0] voice vote.

10. E. Appointment of County Commissioners and Staff to Boards and Committees for 2024

CHAIR HANSEN: I think that Sara has a chart that possibly she has brought. I think it's all on the online – on our list. So I'm just going to start at the top, so

Buckman Direct Diversion. I myself would like to continue on that Board. Commissioner Hamilton, I believe she would like to continue on that board. I'm wondering, Commissioner Hughes, if you would still like to be the alternate.

COMMISSIONER HUGHES: I would be fine being the alternate but I think Commissioner Greene would like to do that I'm perfectly happy to let him be the official alternate, and that way two of us will be familiar with the BDD the following year when we don't have the advantages of our two on it.

CHAIR HANSEN: Any comments from the Board? I can't see anybody.

COMMISSIONER HAMILTON: You're going to have two new appointments next year so I guess it doesn't matter. And that will happen in January. The BDD Board governance turns over in February so there has to be some continuity. So that will happen. That will happen because we do our stuff in January, so it will be fine.

COMMISSIONER GREENE: I put myself forward because I was interested in serving on there and having some continuity in the future years. Whether I'm an alternate or not I just want to be up to speed so that next year –

COMMISSIONER HAMILTON: It's a great idea. It's the right thing to do and I was just – forgive me for thinking out loud, actually, as it turns out.

COMMISSIONER GREENE: Better than not thinking at all.

CHAIR HANSEN: Okay, so Commissioner Hamilton and myself will continue to be the primary, and Commissioner Greene will be the alternate.

Next, I'm going to go down the list, the Coalition of Sustainable Communities. I have been the chair for the last year and I will continue to be the chair until elections, which are in, I believe, August or September for the Coalition, so I would prefer to stay as the primary. And I believe Commissioner Hughes would like to stay as the alternate.

COMMISSIONER HUGHES: Yes. I would like to stay as the alternate.

CHAIR HANSEN: Okay. So then I'm just going to go on the Estancia Valley. I believe that is in Commissioner Bustamante's district, so I don't think there's any changes there. The Extraterritorial Land Use Authority. I don't think there's any changes there, since we haven't met. Maybe we will actually be able to meet. Who knows?

COMMISSIONER HAMILTON: I have a question about that, Madam Chair.

CHAIR HANSEN: Okay. Go ahead.

COMMISSIONER HAMILTON: It's not a very important question, but there are – never mind.

COMMISSIONER GREENE: But I have a question about that if I may, Madam Chair. And I don't know if this is what you were thinking because I can't read your mind, but I'm wondering if we can call that board to meet.

COMMISSIONER HAMILTON: I was just thinking about why we meet or how long we were going to need that. It was for a particular purpose, wasn't it?

COMMISSIONER GREENE: For annexation and tricky issues.

COMMISSIONER HAMILTON: Well, it doesn't matter.

CHAIR HANSEN: I think it needs to exist, but I think that whether we meet or not, I think there was some discussion to have with our County Manager and how we would want to go about doing such a thing.

COMMISSIONER HAMILTON: Yes, that's fine.

CHAIR HANSEN: Okay. The Metropolitan Planning Organization, at the moment it's Commissioner Justin Greene, myself, and Hank Hughes as the primary, and Commissioner Bustamante as the alternate. Does anybody want any changes here?

COMMISSIONER HUGHES: No, I'm fine.

CHAIR HANSEN: Okay. Hearing none, I'm going on to the Mid-Region Regional Transportation Planning Organization. At the moment, the Transportation Planning staff within Growth Management had been previously assigned to represent the County on this committee. Do we have any names or do we need to select anybody?

SARA SMITH (Operations Manager): Currently, Madam Chair, we have three staff representatives on this Board. We have Gary Brett Clavio and Adeline Murthy. Michael Galizio is no longer with the County, but this committee has been staffed by three staff persons in the past. So there's one vacancy.

CHAIR HANSEN: Okay, so, does the staff have recommendations for that?

MS. SMITH: The recommendation would be that the Transportation Planner, once hired, within Growth Management, would take the second alternate position with Adeline.

CHAIR HANSEN: Okay. That sounds fantastic. Next, I'm going to go on to the New Mexico Counties Insurance Authority. Our representative is County Manager Shaffer, which has been working out very well. Next is New Mexico Counties Insurance Authority, which representative is Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, I'm perfectly happy. There's one meeting a year. Do we know when that meeting is? Is that scheduled by chance?

MS. SMITH: Yes, Madam Chair, Commissioner Hamilton. That meeting is scheduled for next Tuesday, January 16th, at I believe 9:00 in the morning.

COMMISSIONER HAMILTON: It's an early one. But is it all day?

MS. SMITH: No, not all day. I think it's two to three hours.

COMMISSIONER HAMILTON: I already have a conflict. I feel like that's an important meeting. I got a lot out of being there and having some continuity would be good, but if there's somebody else who in the longer term wants to be on that, on a continuing basis, it might be a good year to do that.

CHAIR HANSEN: Commissioner Bustamante, are you interested in being on the New Mexico Counties Insurance Authority?

COMMISSIONER BUSTAMANTE: Madam Chair, I'm so naïve to what it does that I'm having a hard time finding the word interest. But I am interested in learning about it and I am willing to serve in that capacity. Is that all I have to do?

CHAIR HANSEN: So you'll get the opportunity to learn about the New Mexico Counties Insurance Authority next week on the 16th.

COMMISSIONER BUSTAMANTE: I'm looking forward to learning a lot. Thank you.

COMMISSIONER HAMILTON: You just got hit in the head with the Insurance Authority wand.

CHAIR HANSEN: Next we'll go on to North Central New Mexico Economic Development District. At the moment Commissioner Justin Greene is the

SFC CLERK RECORDED 02/14/2024

primary, Juan Torres from Economic Development, staff is the representative, myself and Commissioner Hughes are the alternates. I do occasionally attend this meeting with Commissioner Greene and I know Commissioner Greene is happy to be on this board.

COMMISSIONER HUGHES: Madam Chair, I'm fine being the other alternate.

CHAIR HANSEN: Okay. I heard somebody try to say something.

MS. SMITH: Madam Chair, that was me. I just wanted to point out we skipped the Northern Area Local Workforce Development Board. It's on line nine.

COMMISSIONER BUSTAMANTE: I'm happy to remain on that as the primary, if I may.

COMMISSIONER HAMILTON: Sounds good.

CHAIR HANSEN: So the next one was the North Central Regional Transit District.

COMMISSIONER HUGHES: I want to stay on the NCRTD.

CHAIR HANSEN: Okay, and Commissioner Bustamante, you're good with being the alternate?

COMMISSIONER BUSTAMANTE: I've been the alternate. I haven't really – I attended a couple of meetings. I don't know if someone else has an interest in being the alternate. It's an incredible organization. They really are impressive. If there's no other interest I'll remain an alternate.

CHAIR HANSEN: So then I'm going to the Northern Area Local Workforce Development Board. Commissioner Bustamante is the primary and Justin Greene is the alternate. So everyone seems to be happy there.

The Northern Pueblo Regional Transportation Planning Organization. I don't see any names on this. The Transportation Planner, and since we don't have one yet I'm sure it will be appointed.

As you all know, I love the Northern Rio Grande National Heritage Area. I'm completely committed to that board and I am the vice president again at the moment and I continue to work very hard for that organization. Commissioner Hughes, do you want to remain the alternate?

COMMISSIONER HUGHES: Yes, I would be available, unless somebody else has a burning desire.

CHAIR HANSEN: Okay. I hear no one having a burning desire. REDI-Net, Commissioner Justin Greene. Is there anyone how would like to be the alternate to REDI-Net. Okay, I will remain there.

Santa Fe County Audit Committee. At present we have Commissioners Anna Hamilton and Hank Hughes. Are you both happy to stay on that board?

COMMISSIONER HAMILTON: Yes, but I was also reminded that last year I indicated this as one that, like if Commissioner Greene wanted to rotate on to have a year, because I'm on way out; he's on his way in. So I'm happy to do that, to switch off with him and be an alternate if he's interested. I think you were interested. True? So I'm happy to do that.

COMMISSIONER GREENE: I would accept that appointment, if Commissioner Hamilton is ready to –

COMMISSIONER HAMILTON: Sure.

SFC CLERK RECORDED 02/14/2024

COMMISSIONER GREENE: Thank you.

COMMISSIONER HAMILTON: You're welcome.

COMMISSIONER HUGHES: I'd be happy to serve with Commissioner Greene on the Audit Committee.

COMMISSIONER HAMILTON: Yes, I think some continuity is a great idea. And I'd love to take credit for remembering – I clearly remembered my last year's committee because Sara reminded me that I made it. Thank you, Sara.

CHAIR HANSEN: Okay. Santa Fe County Investment Committee is comprised of the Chair and the Vice Chair, so that would be Commissioner Hank Hughes and Commissioner Bustamante, and we do have a few alternates. At the moment we have Commissioner Hamilton is an alternate. Would you like to stay as an alternate, Commissioner Hamilton?

COMMISSIONER HAMILTON: Once again, I'd love to unless there's some burning desire on somebody else's part. I'm happy either way.

CHAIR HANSEN: Okay, I don't hear any so I'm going to leave you as the alternate for the Investment Committee.

And then I think this is the last but not least, the Santa Fe Solid Waste Management, which consists of Commissioner Justin Greene, myself and Commissioner Bustamante, and Commissioner Hughes as the alternate. I think that sounds great.

Anything that we went over right now that needs to change or are we – can I have a motion to approve the appointments to the boards?

MS. SMITH: Madam Chair, before you do a motion, can I just ask two clarifying questions?

CHAIR HANSEN: Of course.

MS. SMITH: So in terms of the Santa Fe County Investment Committee, are you remaining as the second alternate?

CHAIR HANSEN: I can and I will if you need – yes, I will remain as the second alternate.

MS. SMITH: Okay. And then for the Northern Pueblos Regional Transportation Planning Organization, we will have Brett Clavio be the primary and identify an alternate within Growth Management for that. I just wanted to confirm that that is the pleasure of the Board.

CHAIR HANSEN: That sounds fine. Do we hear any objections?

MS. SMITH: Thank you, Madam Chair.

CHAIR HANSEN: Hearing none. Okay, so now can I have a –

COMMISSIONER HAMILTON: Madam Chair, I move to approve the appointments as discussed and recorded by Sara Smith.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second by Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

11. Matters from the County Attorney

A. Executive Session. Limited Personnel Matters, as Allowed by Section

SFC CLERK RECORDED 02/14/2024

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. FMCS Case #230130-03039 Santa Fe County Deputy Sheriff's Association and Santa Fe County**
- 2. *BCC v. Leo Trujillo, et al.*, First Judicial District Court, Santa Fe County, D-101-CV-2019-00697**
- 3. Potential Acquisition of Property for a Transfer Station and Other Public Uses**

JEFF YOUNG (County Attorney): Madam Chair and Commissioners, I would ask that we go into executive session to discuss threatened or pending litigation in which Santa Fe County is or maybe 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, specifically including three items. Number one, FMCS Case #230130-03039 Santa Fe County Deputy Sheriff's Association and Santa Fe County. Number two, *BCC v. Leo Trujillo, et al.*, First Judicial District Court, Santa Fe County, D-101-CV-2019-00697. And then finally potential acquisition of property for a transfer station and other public uses.

COMMISSIONER HAMILTON: Madam Chair, I move that we go into executive session for the items just listed by the County Attorney.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: Roll call vote.

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

SFC CLERK RECORDED 02/14/2024

[The Commission met in executive session from 4:31 to 5:20.]

COMMISSIONER HAMILTON: Madam Chair, should I make a motion to come back?

CHAIR HANSEN: Yes. Commissioner Hamilton, would you please make a motion to come out of executive session?

COMMISSIONER HAMILTON: Yes, Madam Chair. I'd like to move that we come out of executive session assuring that the only things that were discussed were those that were listed in the motion to go into session and no decisions were made.

COMMISSIONER BUSTAMANTE: Second.

The motion passed by unanimous [5-0] voice vote.

11. B. Settlement Agreement Between Santa Fe County Deputy Sheriff's Association and Santa Fe County Related to FMCS Case #230130-03039

COMMISSIONER GREENE: Madam Chair, pursuant to what we discussed in executive session we did make one decision and pursuant to item 11. B, I move that the County enter into a settlement agreement with the Santa Fe County Deputy Sheriffs Association to resolve the payment of arbitration fees in connection with the FMCS Case #230130-03039, whereby the association would agree to pay the outstanding arbitration fees in the case and the County and the association would agree to an amendment to the collective bargaining agreement to clarify arbitration procedures.

COMMISSIONER HAMILTON: I'll second that, but I just want to clarify that we didn't take any votes in executive session.

COMMISSIONER GREENE: That's correct. We discussed this.

CHAIR HANSEN: So I have a motion from Commissioner Greene, a second from Commissioner Hamilton, clarifying that no decisions were made during executive session.

The motion passed by unanimous [5-0] voice vote.

12. Public Hearing on Proposed Ordinance

- A. Ordinance No 2024-01, an Ordinance Amending Ordinance No. 2022-07, as Amended by Ordinance Nos. 2023-01 and 2023-08, the Short-Term Rental Ordinance, to Remove the Requirement for Enforcement of Private Covenants; to Limit the Total Number of Short-Term Rental (STR) Licenses a Single Licensee, Registrant, or Owner Can Hold; to Limit the Number of Non-Owner Occupied STRs Allowed in Certain Census Designated Places to a Percentage of Total Housing Stock; to Limit Total Occupancy in Any STR to Ten (10) Persons; and to Require Registration of Timeshares Rented as STRs [Exhibit 1: Amended Ordinance Language]**

SFC CLERK RECORDED 02/14/2024

CHAIR HANSEN: I will request Penny and Erle Wright to present the material.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. On December 12th of last year the BCC gave direction to staff to publish the ordinance that would amend Ordinance 2022-7, the short-term rental Ordinance. We published that on December 22nd in both the *Albuquerque Journal* and the *Santa Fe New Mexican*.

So the proposed ordinance would amend the following: It would require time-share units rented as STRs to be registered. At the December 12th meeting the BCC directed staff to address time-share units so staff added a definition of a time-share based on the state law and a requirement that the owner of the time-share program obtain a business registration for the program. The proposed ordinance would further require that a person or business who has purchased a time-share within the program would be required to obtain a license or registration, whichever is applicable prior to renting the time-share as an STR.

The next change was the ordinance would delete section 4.3 and 6.3.1.2, removing any enforcement of private covenants by the County. The proposed ordinance would then also limit in the total number of non-owner-occupied short-term rentals in some communities. The proposed ordinance adds a new Section 6.1.5 to limit a number of non-owner-occupied short-term rentals within named census designated places, or CDPs to five percent or ten percent of the housing stock.

From discussions that Erle and I had with individual Commissioners last week it appeared when looking at the data in the Exhibit B and the maps which are Exhibit C that there was a desire to reduce to five percent and possibly the ten percent limits. In addition, I handed out a page that identifies which percentage groups the named CDPs should be located in. Again, that came from the meetings that we had last week with the Commissioners. And I wanted to point out that Exhibit B now identifies total number of short-term rentals. Again, that's non-owner-occupied short-term rentals being allowed at a two percent, three percent, four percent and five percent of the housing stock to allow you to review those.

The next change was that the ordinance would impose limits to the total number of short-term rental licenses or registration a single person or entity can hold, and limit that to five, as limits are being proposed in some communities, a limit on the total number of short-term rental licenses a single person or entity can hold is also being proposed.

And the next change is the ordinance would add a new Section 7.3.1 which limits total occupancy to ten people. That excludes children five and under. To address those licenses and registrations already issued the language has been included to allow these to remain while under the current ownership.

Staff recommendation is to approve the ordinance. If this is approved it would go into effect 30 days after recordation and we would stand for questions.

CHAIR HANSEN: Thank you, Penny. Questions from the Board?

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I have a question about the goals and how the definition of a primary residence was come to. I

SFC CLERK RECORDED 02/14/2024

think that was probably before my time, but it doesn't seem to align with the definitions that are standard in the state, in the tax code, and anybody's real definition of what makes something somebody's primary residence.

MS. ELLIS-GREEN: Madam Chair, Commissioner Greene, there was a discussion with the Board and it was felt that when we split the registrations into a registration and a license, the registration being just \$35 and so much easier that it was considered that the Board wanted the occupancy to be for nine months. Just because someone is not there for nine months, if they are there for six months and a day, which is the other definition that has been used, they could still apply for non-owner-occupied. But it was felt that because that difference was so great about not having to come back every single year for a renewal and the \$35 as opposed to the \$375 was put at a nine-month period.

COMMISSIONER GREENE: How do you enforce that?

MS. ELLIS-GREEN: The way that we enforce that is the way that we enforce a lot of things. People have to certify that that is the truth. If it's their primary residence that they are renting and they only rent it when they're not here we would be looking at number of days rented as a possible enforcement. If it's a casita that they're renting and they're living there it would come down to whether or not there's a complaint or issues related to the actual short-term rental, just the same as it would be if we said six months.

COMMISSIONER GREENE: I disagree. If you set it at six months and people have to declare their primary residence on their tax records, and some people choose to live six months and a day in Texas to pay no state income tax and they have to put that on their 1040, on their IRS, and that's a way to – if somebody's filing their taxes there's all sorts of legalities behind them fraudulently filing with the IRS that we could use to support this. But claiming that you live in a house for 275 days or six months of the year, we have no way of controlling that. So I'm concerned about that definition and I have a feeling I may be looking at coming back – sorry, everybody – for another version of this to make sure that this aligns with the actual definition of what a primary residence is that is commonly used. I don't know if anybody has any thoughts about that, but I think that six months and a day is the common definition for that.

MS. ELLIS-GREEN: Madam Chair, Commissioner, what we look at for your residence is your driver's license. We've never asked anyone to bring in their tax returns. If we did go back to the six months I guess we would need to ask for those to identify the address on those.

COMMISSIONER GREENE: Driver's licenses are even worse. People have driver's licenses in Arizona they get for 20 years and there's no requirement to change your driver's license. There's a requirement to change your car vehicle registration but not your driver's license. So it would be easier for us to enforce for people to say if this is your primary residence and you want to claim it, please show us at least the top of your filed tax return.

Second definition is did you define these short-term rentals that are non-owner-occupied as commercial properties?

MS. ELLIS-GREEN: I don't think we're defining them as commercial. They're not commercial, I think, as far as the tax issue is concerned. That's an Assessor's

issue, not a Land Use issue.

COMMISSIONER GREENE: Would we be able to define these one way or another if we chose the definitions in the ordinance to define it one way or another?

MS. ELLIS-GREEN: Madam Chair, Commissioner Greene, we're requiring them all to be dwellings. That's what a short-term rental needs to rent is a dwelling. As to whether or not it's considered to be a commercial business we are registering them under the business registration ordinance, business registration and licensing. So if I live in a house I don't need a license for me to live in a house but if I'm going to rent it out under this approval I do need a business registration or a business license. So if we had to we would probably then – looking at Legal, but we would probably not be able to call them single-family residential uses, because you don't need a business registration or a business license to live in your own dwelling.

COMMISSIONER GREENE: Okay. I'm just looking at a couple dozen emails that I've gotten in the last five hours that start to question the definition of whether these are residences or whether they're commercial properties and whether we need to do something to clarify that and give guidance to the folks out there that this is what could happen because of this.

Madam Chair, Commissioner Hamilton has a question to me in this question so may I recognize her?

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. This question was brought up briefly suggesting that the Assessor's Office was looking into this. It seems sort of alarming to me to think that somebody – there's a big tax implication to having your primary residence all of a sudden reclassified as a commercial property. Doesn't that change the property taxes? People also get business registrations for doing in-home business like a seamstress. Do they get reclassified as commercial properties? Does anybody know?

MR. YOUNG: Madam Chair, Commissioners, if I could add a few things to this discussion. So the way that this is structured is a business license or registration. The theory being this is that there are – this is a business, right? This is an economic gain; it's a business. People are renting something out for a profit, presumably, right? And so then that's why it has been structured as a business registration or license. It's not zoning. For example, whether something is commercial or residential or something along those lines. That's a different discussion.

Secondly, then with respect to the tax issues, I don't believe, if I recall correctly, that the tax statute identifies something as commercial or residential. I think when it's not residential is where that issue comes into play. But I'd certain defer to the tax assessor on that but I don't believe that's necessarily commercial – it's not in the tax code as commercial as to what that property is being assessed as. So I just would add those points to it.

COMMISSIONER HAMILTON: No, I appreciate that and I get the first point, but on the second point I think there was some input by the Assessor that they were looking at this and reclassifying houses which would only be done if it had tax implications. And so now it starts me ask not only if somebody has a different kind of business license whether their properties get reassigned and taxed differently, and why

this is coming up for this because there are people who make money on it compared to long-term rentals, where people are also making money, and people buy long-term rentals for the same reason. It's to make money.

And so we're opening – we can't seem to get through this without opening one can of worms after the other.

MR. YOUNG: And Madam Chair and Commissioners, there is potentially a tax ramification from all this. I'm just saying that in terms of the definitions Commissioner Greene had proposed adding commercial somewhere in this as to somehow, whether that changes the complexion of it. From the tax code statutes aspect of it, they use if it's not residential. It's residential or not residential. If it's not residential you're going to have some tax consequences. So I'm not sure of what the –

COMMISSIONER HAMILTON: If it's somebody's residence it's residential. Commissioner Greene, were you suggesting we call it commercial or questioning whether it's commercial?

COMMISSIONER GREENE: I was questioning it whether we call it commercial and maybe continue the definition that says that these are in fact residential premises, that they would define short-term rentals as residences regardless of whether they are short term, long term, whatever. But they're homes for special use that is allowable under this new ordinance, but still residences.

COMMISSIONER HAMILTON: Right.

CHAIR HANSEN: At the moment, are you referring to owner-occupied or non-owner-occupied?

COMMISSIONER HAMILTON: No. Only owner-occupied.

COMMISSIONER GREENE: No, it would be all. Anybody that's using – because if it's owner-occupied, our definition is nine months. That seems a little excessive compared to the normal definition of six months and a day is. So we might have to revisit the definition of whether it's nine months or six months and a day, or – and maybe look at whether we want this to be listed as residential. They're charged 15 percent tax to rent these homes. We make lots of money off this to have this reassessment.

To give you an example. Let me give you an example. In my district I have a number of families that have long-term – and in your district I'm sure you have them too – long-term, multi-generational family plots. And when a senior member of the family passes on and says, look, I'm going to give this to my eldest daughter and she's going to hold it for her grandchild, or children or grandchildren. Whether they decide to do it as a short-term rental in an effort to produce the highest and best use of the property during the time, but in a goal to preserve the property within the family, these families should have that right and shouldn't have to go get them reassessed if they've been in the family for generations, right?

So somebody called and said, look, this property has been in my family since 1920. It is assessed at an obscenely low amount, but it is by right that. And they say, but we use it as a short-term rental because my grandson hasn't graduated from college yet. I'm holding on to it for them. This would reassess it as such.

COMMISSIONER BUSTAMANTE: Madam Chair, if I may, as I'm trying to understand how this would be relevant to this particular ordinance at this time.

What is the connection in that? Because I'm understanding – yes, we did receive a number of emails regarding the raising of taxes, but I understand those were somewhat misdirected to the Commission as we're not really making a decision about taxes today. We're trying to understand the ordinance. Is it relevant?

MANAGER SHAFFER: Madam Chair and Commissioners, if I could just jump in for a second to echo what the County Attorney said. This has nothing to do with this ordinance. It's a matter of state law. State law defines residential property as property consisting of one or more dwellings together with appurtenant structures, the land underlying both the dwellings and the appurtenant structures, and a quantity of land reasonably necessary for parking and other uses that facilitate the use of the dwellings and appurtenant structures. As used in this subsection, dwellings include both manufactured homes and other structures when used primarily for permanent human habitation but the term does not include structures when used primarily for temporary or transient unit habitation such as hotels, motels and similar structures.

That's the issue. That's a question of state law. The County Assessor makes determinations as to whether or to classify property as residential or non-residential. Folks who disagree with that classification have the right to challenge that, both before the County Evaluation Protest Board and in district court, but it's not the purview of the Board of County Commissioners to try and override what state law says.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: I saw that Commissioner Hughes had his hand raised. Now he's taken it down. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I was basically going to say what Greg said. I had a discussion with the Assessor and really, it's up to him and he looks at the predominant use of the property. So they way I interpreted what the Assessor told me was he said that the owner-occupied, would obviously stay residential because its primary use is as a residence, whether you're renting out a casita or bedroom short term doesn't change the primary use. It would be the non-owner-occupied short-term rentals that would put – if it gets reclassified as non-residential because their primary use is as a hotel.

CHAIR HANSEN: Thank you for that clarification, Commissioner Hughes. I'm going to go back to questions about the ordinance. Any update?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: So in looking at – there's only one CDP in my district, which is Eldorado and when Penny and Erle and I looked at that, I felt that five percent was too high. The current percentage of non-owner-occupied short-term rentals in Eldorado is about one percent, and I think allowing for a doubling would be plenty. So two or three percent. And that may apply to some of those other areas too. If our goal is to recognize that the short-term rentals aren't a bit issue at the moment but if our goal is to set some guardrails so that it doesn't affect affordable housing, then the guardrails need to be close enough to what is actually there to have some meaning. I doubt if very many places would ever reach ten percent except for Tesuque and Madrid, but those are in other people's districts so I'll let people represent their district of course.

But I guess my question – well, I wanted to ask Penny if she looked at – you

mentioned looking at the lower percentages. Did you do any more investigation after we met?

MS. ELLIS-GREEN: Madam Chair, Commissioner Hughes, Exhibit B has been changed. You will see on the right-hand side in the column in red, we have added the two percent, three percent and four percent numbers. So you can see for Eldorado, they have right now 18 non-owner-occupied. Five percent would allow them to have 158; three percent would allow them to have 95; two percent would allow them to have 63. So any of those would be a large increase. Remember, we're not limiting the owner-occupied.

COMMISSIONER HUGHES: Thank you for that and if somebody could email me that chart I don't think I have it. Or is it in BoardDocs.

CHAIR HANSEN: It's in BoardDocs.

COMMISSIONER HUGHES: Okay. I'll pull it up.

MS. ELLIS-GREEN: It is Exhibit B in BoardDocs.

COMMISSIONER HUGHES: Okay. Thank you.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: So we went through – I know you did this with everybody and went through kind of CDP by CDP. So it's really fabulous that you added these different percentages but do we still have to go back try to recreate what you put these great notes on? Or do we rely on your notes?

MS. ELLIS-GREEN: From the notes I handed out, this one page, and I understand you had four. Did that add on to Commissioners Hansen and Hughes? What I tried to do there is when a Commissioner said about three percent, five percent, put that in the first category, and the CDPs, where they were more between seven or eight percent, ten percent, put those in the second category. So certainly we can move them around, but that was from that meeting.

COMMISSIONER HAMILTON: So we captured it. You can change it, but we did capture it.

MS. ELLIS-GREEN: Yes. I haven't changed it in the ordinance but if changed do want to be made this captured most of our meetings.

CHAIR HANSEN: So Penny, I also believe that during our meeting we spoke about how many short-term rentals somebody could own, a non-owner-occupied. I believe that both Commissioner Bustamante and myself believe that two was plenty of non-owner-occupied to own as opposed to five.

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes. Several Commissioners did talk about whether or not the numbers that people could hold should be lower. Again, we haven't made that change in the ordinance. We would wait for Board direction.

COMMISSIONER GREENE: Madam Chair, if I may.

CHAIR HANSEN: I want to know if there are any other comments from the Board before I go to the public hearing.

COMMISSIONER GREENE: Madam Chair, if I can just point something out for Commissioner Hughes, just of a note.

CHAIR HANSEN: Go ahead.

COMMISSIONER GREENE: Thank you. Thank you, Madam Chair. So in Eldorado, Commissioner Hughes, if you notice the vacancy rate is 6.2 percent. That means that 93.8 percent are owner-occupied. Maybe that's not quite the same 275-day a year residency requirement and so those numbers are probably not going to match up. But nonetheless, it would be impossible, given that it's only 6.2 percent based on this of being vacant or non-owner-occupied homes, or non-primary residence homes, to get to ten percent in Eldorado. So currently, at 1.8 percent of the homes, it's about – I'd say 25 percent of the vacant, of the second homes in Eldorado. Other communities, La Tierra for example, is close to 50 percent. Other communities are much lower but Eldorado seems to be one of the lowest out there. So you have – and La Cienega, I think. So you have one of the most primary residence leading communities at the heart of your district.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, and we want to keep it that way. I asked all my friends in Eldorado about this issue and the people who own short-term rentals, they have one opinion but the other 93 percent don't want to live next to one, don't want one in their neighborhood, think it's a terrible idea, think we should outlaw them completely, and so that's why I'm shooting for a lower number, because it's clear that my community wants to preserve itself as a place where long-term residents live, and that's why I'm suggesting the lower number.

CHAIR HANSEN: I have a comment. I have a question, Commissioner Greene. Are you suggesting that the vacancy rate is actually non-owner-occupied short-term rentals?

COMMISSIONER GREENE: No, ma'am. Those are just somehow just decided that they're not primary residences. I don't know how they came up with that number. It probably isn't qualified to the 275 days of primary residency that our definition is being requested.

COMMISSIONER HAMILTON: Madam Chair, can I comment on that?

CHAIR HANSEN: Yes, you may.

COMMISSIONER HAMILTON: There's some information that can be gleaned like some areas' vacancy rates. They can reflect to some extent second homes, for example. But that doesn't actually necessarily translate to a percent that's going to be held that those are the only homes available for non-owner-occupied. Actually, homes sell and turn over, so anybody can come in, buy a house that's up for sale, and if there are no limits it's not like that six percent number is going to stay stable. Some of the houses that are occupied might sell and somebody who wants to purchase it to make a non-owner-occupied short-term rental could buy it. So that's a slippery piece of –

CHAIR HANSEN: I see Erle. Yes, Erle, I'm going to you right now.

ERLE WRIGHT (GIS/Growth Management): Yes, just for clarification. The vacancy rate – and these were revised from actually 2020 census counts. So that means the house was actually vacant on census day in 2020. It doesn't correlate to whether that's an owner-occupied dwelling or not. It's just – it could have been rentals, long term. That vacancy rate is just the fact that the house was vacant as of April 1, 2020 during actual census day. Just for clarification, Madam Chair, Commissioner Greene.

CHAIR HANSEN: Thank you very much. I appreciate that. Okay, any

other comments before I go to public comment? Okay, I am going to open up public comment. How many people in the chambers which to speak? And if you are online, please raise your hand.

COMMISSIONER HAMILTON: Madam Chair, you have about seven people raising their hands in the chamber.

CHAIR HANSEN: And I can only see one hand online. All right. Three minutes each

[Those in chambers were placed under oath.]

[Duly sworn, Adam Johnson testified as follows:]

ADAM JOHNSON: Adam Johnson, 121 Arroyo Hondo Trail, and I understand that I'm under oath. Madam Chair, Commissioners, thank you. I have been watching the short-term rental Ordinance issue for a year now. I want to thank you for your work on it. I was an observer at the study session. I thought that we have been digging into this issue in a really coordinated way with good faith, so I applaud your efforts on this.

I'm the director of the Old Santa Fe Association, a historic preservation and community advocate organization in Santa Fe. The Old Santa Fe Association's position on short-term rentals in both the city and the county is that there should not be any owner-occupied short-term rentals [sic]. Owner-occupied short-term rentals take away from affordable housing [sic] and as was part of the discussion earlier, they change residential entities into commercial ones. There are many solutions for non-owner-occupied houses. For instance, long-term renting, which does provide an additional community benefit and is a more favorable outcome when there are second homes. We're not going to get rid of second homes. A better option is to restrict short-term renting of those homes and to allow them – open them up for long-term renting, even middle-term renting month-to-month so that Santa Fe's workforce can make use of that housing stock.

We need to think long term on this issue. There are – and I looked at the various tables that were provided in the data – there are what might seem to be small percentages in certain communities, but looking into five years, ten years, 15 years from now, we don't want to signal to outside investors, to other people who are not trying to find a home in Santa Fe, already living, working here, that this is a place where you can make an investment and short-term rent your house, open that up for individuals.

So that's why we have the position where we want to restrict all non-owner-occupied short-term rentals. Again, owner-occupied, which is not really the focus of this ordinance – totally fine. So I think that we should invest in our communities rather than giving or catering to an investment class from the outside. I was heartened, I think, by the discussion of lowering the limits and I was also heartened by the percent limitation, lowering that was done in the interim, since the publication of the agenda. The goal – I know that we're not going to get to zero, so I want to encourage us to limit it to one non-owner-occupied short-term rental.

So again, thank you for your work on this matter and I look forward to seeing the results. Thank you.

[Previously sworn, Pat Lillis testified as follows:]

PAT LILLIS: My name is Pat Lillis. I live at 2119 Conejo Drive and I've been sworn in. Good evening, Commissioners. You have a chance today to make things

SFC CLERK RECORDED 02/14/2024

better for your community and your constituents. Today you can choose to not accept an ordinance that allows five short-term rentals per person or entity that continues to give investors looking for profits priority over our residents and disappearing workforce.

Right now is a good time to do what other tourist and desirable areas such as ours have done to support their community. They have discontinued permitting investor non-owner-occupied short-term rentals by adopting a primary resident requirement. It's a national standard. Some people say permanent; some people say principal, but it's a primary resident requirement.

Santa Fe is famous for the lack of affordable housing, workforce housing. Does the County Commission really want to ignore this problem? Right now, the City of Santa Fe allows one non-owner-occupied short-term rental in residential areas. That means that anyone in the world can buy a home here and operate a short-term rental that takes a home away from someone. This proposed County ordinance allows five homes to be taken away from our residents and workforce by one person or entity.

Are profits for those that can afford to buy a second home more important than the loss of resident and workforce housing. You will either vote today to support our workforce by banning additional non-owner-occupied short-term rentals that negatively affect our community, or you will vote to advance the continuation of housing laws due to investor non-owner-occupied short-term rentals that limit the availability of long-term rentals and put hotel business into neighborhoods and next door.

Every non-owner-occupied short-term rental takes away a home from someone. That's the truth. They replace and displace long-term rentals so desperately needed. Owner-occupied rentals do not take a home away from anyone. Above all, our government should give our workforce and residents top priority and the opportunity to live where they work. Thank you.

CHAIR HANSEN: Thank you, Pat. Next

[Previously sworn, Robin Gavin testified as follows:]

ROBIN GAVIN: My name's Robin Gavin, 117 Arroyo Hondo Road, Santa Fe. Madam Chair, Commissioners, I have two friends – a hair stylist and a physical therapist – who have had to make the difficult decision to leave Santa Fe this year after 12 years and 29 years of residence because they can no longer find affordable housing. They've both been gainfully employed for all of these years, but the increasing cost and scarcity of long-term rentals have driven them out. Both of these friends provide essential services to our community, and I would imagine everybody in this room knows people who can't find long-term rentals in Santa Fe.

We need to have housing available for these workers. It should be our top priority. Banning additional non-owner-occupied STRs is not the whole solution but it is certainly one part of the solution but one that we and you can do something about. We need to focus on keeping the housing we have for our workforce and our residents instead of letting out of state investors who have little interest in keeping this an affordable, livable community, run us out of town.

I urge you to support a primary residency requirement for all future short-term rentals in the county. Thank you.

CHAIR HANSEN: Next please.

[Previously sworn, Randall Bell testified as follows:]

SFC CLERK RECORDED 02/14/2024

RANDALL BELL: Good evening. My name is Randall Bell. My address is 2991 Viaje Pavo Real in Santa Fe. I also own some property in the county. I also am the president of the Old Santa Fe Association. I would just like to support the previous speakers. I think the issue of housing for real Santa Feans who have to work in this town is obviously a critical issue. This has been front and center for years.

The fact of the matter is that corporations outside of Santa Fe and wealthy individuals outside of Santa Fe who can afford to buy residences for short-term rental in Santa Fe, not only suck up the available housing for long-term rentals, but they also drive up the housing prices. So there are two sides of the equation that create less available housing for people who actually live here. I strongly support the limitation of only one unit and that it be owner-occupied as well. Thank you.

CHAIR HANSEN: Thank you, Randall. Next please.

[Previously sworn, Erik Aaboe testified as follows:]

ERIK AABOE: Madam Chair, Commissioners, my name's Erik Aaboe. I live at 36 Media Luna, and I have been sworn. I'd like to talk about workforce. I retired from the County, but I'm still working, unfortunately, and during my lunch hour today I went on a few job sites and found that there are 41 positions available in Santa Fe County. I'm not sure how many actual vacancies that is. I think you need more than one detention officer, for example. There are 37 at the City and 290 for the State of New Mexico in Santa Fe. So that's 368 vacant positions in government.

I bring this up because previous speakers have mentioned the importance of housing for the workforce, and over the weekend I invited a friend for brunch and asked him what was going on at work. He said it's really difficult to find people. They are going to expand their offices in Albuquerque just so they can get fully staffed. It's that bad.

So when you think about the slight lever you can push with regard to making housing stock available to people who want to live and work here, you can push that lever a little bit by reducing the number of investor-owned short-term rentals. This is an action you take that will not have an immediate impact and I think the grandfathering option that other folks have discussed will be less disruptive to current STR investor-owned folks, but I think over time, when you push that lever a little bit you'll make a significant change. If you do the math and you extrapolate that government workforce is roughly 22 percent of the MSA, there's 1,600 open positions. That's assuming there's only one detention officer currently vacant in the County. 1,600 vacant positions and so you just have an opportunity to make a significant difference in a small way to the availability of housing, not for the folks who need support who are below 50 percent of AMI, but for the workforce. Folks who need to work, need to live and after a year of driving from Rio Rancho, they don't live-work here anymore.

So I think you have an important decision to make and thanks very much for the time.

CHAIR HANSEN: Thank you very much, Erik. Next in the chambers.

[Previously sworn, Steve Brugger testified as follows:]

STEVE BRUGGER: Madam Chair, Commissioners, my name's Steve Brugger, 5 Casa del Oro Way. My background is affordable housing of 30 years but I will not speak to that. Others have and they've spoken well. Assuming that you're still

SFC CLERK RECORDED 02/14/2024

open to some changes to the ordinance 2022-07, I'd like to offer four. I would prefer that non-owner-occupied short-term rentals not be allowed, but if they are I'd ask that you please consider four changes. Assuming that whether you define non-owner-occupied short-term rentals as commercial or residential, it is a commercial hotel use in a residential neighborhood, which may have impacts on people who thought that they bought into an exclusively residential area.

The four suggestions that I offer are the following: Change Section 4, permissible locations to state that all new applications for non-owner-occupied STRs are not allowed by right in residential neighborhoods, but shall be subject to a public hearing where at minimum, all adjacent owners are invited to comment on the proposed use prior to any County decision on the application, to give folks a chance to weigh in. Right now it's administrative. Whatever the form of public hearing, give people who bought into a neighborhood, assuming that it was going to be purely residential the chance to weigh in and comment on what possible impacts there may be.

Change Section 6.3, Procedure, to include that a non-owner-occupied short-term rental application and submittal requirements that the owner must provide first class mail notice at the time of application for all adjacent owners, and that the County shall provide sufficient time in the review process so as to consider comments from neighboring residents as an addition criterion in the evaluation of the short-term rental application. Right now, the only public notice requirement I see in the existing ordinance is after approval, the owner has to let people know 15 days after it's been approved. Given them a chance to weigh in before it was approved.

Change Section 7.9, Noise and Quiet Hours. Assume that you're putting a baby to bed or a grandbaby, that you want to get them asleep by eight, quiet hours, change it to eight to seven.

Last one, add a requirement specifying a minimum distance between STRs in order to maintain the integrity of the residential neighborhood. I don't have the number but there are plenty of examples out there. Thank you.

CHAIR HANSEN: Thank you. Next.

[Previously sworn, Hilario Romero testified as follows:]

HILARIO ROMERO: Hilario Romero, 1561 La Cieneguita. I was just reading the news. Well, actually, I was listening to a CNN report last week and it states that 35 percent – there's 35 percent of hedge fund purchases of new condos and 28 percent of homes. And then LLCs following in applying for new Airbnbs, that's going on all over the country. So it's also happening in Oregon and in Washington State, and both Senators, Senator Adam Smith and Jeff Merkely of Oregon are trying to put a stop to it. They are interested in national legislation to do something about it now.

Many of the large cities and popular cities in both of those states are already cutting off and creating bans on non-owner-occupied short-term rentals

So then the next thing I do is I see the paper today and it says over 400 homeless in Santa Fe currently without support services and lodging because basically they're having to hand out sleeping bags. Zero degree sleeping bags to people right now because of this situation we have now with the temperatures going down and the snow and everything.

And then the state, that's the other headline, the state spent millions of dollars on

SNAP and other programs to help poor people in poverty and for the poor in New Mexico and the poverty level is still holding in New Mexico and this county. So I'm thinking, wow, here we are talking about people wanting to make money on homes, on extra homes, on extra casitas or whatever and I just thought, wow, that's incredible.

And then here we are trying to end homelessness and poverty while hedge-funders are out there basically and they're here, folks. They're here in Santa Fe. They've already arrived. And they're looking at it. They're looking at this place. It's very popular.

In fact, La Fonda has already purchased and set up an LLC. They've been purchasing homes in the downtown area. And so they're even into the STRs. Are they considered a homeowner-occupied? I don't understand it. It makes no sense to me. And then the City approved 7,000 units to be built and three percent so far in the whole push to end this craziness about affordable housing that we can't seem to get to, three percent. That's all we've done. Three percent at the city. In the county I don't know what it is, but that's absurd. That's totally absurd.

So I think that we need a ban on non-owner-occupied short-term rentals, for sure. That for sure. And that we've got to have more of a handle on the enforcement of the STRs that are in operation now because the problem is they're not being enforced. There are still people that are doing it and are getting away with it, because they have over the limit. They have over the limit of one in the city. So in the county you're going to have to really work on enforcement for this. Thank you very much for your time.

CHAIR HANSEN: Thank you, Hilario. Next. Possibly we've listed to everyone in the chambers. I'm going to go to online. William Mee, I see you have your hand raised.

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE: William 2073 Camino Samuel Montoya, Santa Fe, New Mexico, 87507, and I'm under oath. I'm in Agua Fria Village and we're a traditional historic community, and the proposed regulations kind of concern me because I don't know how the traditional communities will be treated under this particular ordinance. I oppose corporations investing in STRs, but our traditional historic communities may be caught in any limitations of ownership.

I'll give you some examples and I know that Commissioner Greene mentioned the people that had a house from the 1920s and they were holding the land for the next generation, and this is the kind of thing that's happening. I know people who already have a home and they might have a rental there, and so when they inherit another one, if the limitation is just one, they're going to be adversely impacted, even though they've been there for generations. And I was thinking maybe a ten-year ownership rule could kind of help the traditional historic communities.

The other thing is will there be a livestock exemption under the property taxes? People are renting some short-term rentals that part of the lure of going to the short-term rental is that it's on a working ranch, and so people get to see the cows and the horses and that kind of thing. So will they become primarily more commercial endeavor of the short-term rental or will they still retain the livestock exemption that the Assessor offers us.

I know that I have an instance where someone's mom passed in 2022 and they're dad in 2020 and they already have an STR, and what if that – how is that passed to them?

Would they be able to run that STR? And it's in a traditional historic community also.

So I think maybe just some more work on the ordinance would benefit all of our questions. Thank you.

CHAIR HANSEN: Thank you. Is there anyone else online that wishes to make a public comment? I don't see anybody else's hand raised. Daniel, do you see anyone else who has raised their hand?

MR. FRESQUEZ: Madam Chair, I do not see any other users online.

CHAIR HANSEN: And is there anyone else in the chambers that needs to make a comment.

MR. FRESQUEZ: I also do not see any other people in chambers that would want to speak during this item. Madam Chair, Assessor Romero would like to say a few words.

CHAIR HANSEN: Assessor Romero. Okay. Do you want to speak under public comment? Is that the right place for him to speak, Jeff? Please come forward, Isaiah.

MR. YOUNG: Madam Chair, it's at the Chair's discretion whether you'd like to close public comment at this time and take a comment from the Assessor.

CHAIR HANSEN: Okay. I'm going to close public comment but I still plan to hear from Assessor Romero. So public comment is closed. Assessor Romero, please come forward.

ISAIAH ROMERO (County Assessor): Madam Chair, Commissioners, I just wanted to answer the questions of William Mee regarding short-term rentals and agricultural property. First of all, there's two classifications in state taxation and that would be non-residential and residential. There are many properties that are receiving the special method valuation, agricultural special method valuation that are non-residential. So you do have instances where there's a non-residential valuation and they do receive the special method valuation because they're utilizing the property for the agriculture purpose. That's all. Thank you.

CHAIR HANSEN: Assessor Romero, I have another question for you. I believe that you know we've been getting these emails all day.

ASSESSOR ROMERO: Yes. Actually did you receive one from a Betty Boop? Because I did.

CHAIR HANSEN: Right. We've all received like at least ten or 20 of them.

ASSESSOR ROMERO: Yes. If you take a look at their email addresses they're all coming from the same source, or a majority from the same source. One was from a Betty Boop. Many others I've checked to see if they own property in Santa Fe County and a good amount of them don't. I think what we have is maybe some sort of outfit that may email Commissioners, Assessors emails, the same exact email, to flood your email address. And again, I didn't find a Betty Boop in our tax rolls.

CHAIR HANSEN: So these are basically just email fillers?

ASSESSOR ROMERO: Not all of them, but a good majority of them were.

CHAIR HANSEN: Okay. Commissioner Hughes, I know made an effort to send many of them to you. Okay. Thank you on that. I hope you stay in case there's

any other questions from Commissioners.

Back to questions from the Board, or comments.

COMMISSIONER HAMILTON: Madam Chair, can we go back to the question of non-owner-occupied per individual or entity? Because I know when Penny and Erle talked to us individually we talked about that, but it's still five. We did all talk about making that a lower number. I just wondered if you were coming back to that.

CHAIR HANSEN: I was hoping that somebody would bring that up, so I do believe that we should lower that number to two, one, two. I would like to hear what other Commissioners feel on that. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, much like what was stated by Commissioner Hughes, many in my district would rather have a more neighborhood and would not like to see additional. So in the interest of compromise, two would be sufficient. Thank you.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I think two is fine. I guess what I'm thinking is – just correct me if I'm wrong – if somebody was renting out a bedroom in their house they could also own two non-owner-occupied STRs? Is that right? So essentially they could have three, on that they occupied and two than they didn't. Would that be how you would read that?

CHAIR HANSEN: That's how I understand it.

COMMISSIONER GREENE: Madam Chair, as it was explained to me by Penny in a meeting it was actually – when it was at five, it was five inclusive of your owner-occupied.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I actually think, looking at the ordinance, it is related to business licenses only so that's only non-owner-occupied. So I apologize if I misspoke on that. Let's see. 7.12 says no person or entity may have an ownership interest or revenue sharing interest in more than five STR licenses. So that would be the non-owner-occupied.

CHAIR HANSEN: So if we reduce that to two –

MS. ELLIS-GREEN: Correct. So if you move that to two you could have one owner-occupied, and you could have two non-owner-occupied. Bearing in mind, some of our owner-occupied properties, people may be able to rent out a room in their house and have an accessory dwelling unit, rent that out as well, and that's all under one owner-occupied registration.

CHAIR HANSEN: I think there seems to be consensus on the idea of two non-owner-occupied is what I'm hearing.

COMMISSIONER GREENE: Madam Chair, may I clarify and ask a few more questions about that?

CHAIR HANSEN: Yes, of course.

COMMISSIONER GREENE: So if – I'm happily married. I own common interest in property with my wife. How does that work, then, if my family owns two, but if we divide our property we would be able to have four? How does that work? I have an interest in something, but I only own 50 percent of it.

MS. ELLIS-GREEN: Madam Chair, Commissioners, the language says if

you have an ownership interest or revenue sharing interest. So if you have an interest in four, you would be limited. If the change went in you would be limited to two.

COMMISSIONER GREENE: And then what do you do with an LLC? How do you define that?

MS. ELLIS-GREEN: Maybe Jeff can help with that one. I think we would look at the ownership of it.

COMMISSIONER GREENE: Okay.

MR. YOUNG: Madam Chair, Commissioner Greene, that is correct. So if had an ownership interest in the LLC that owned an STR, that would be counted as one ownership interest in an STR. If the LLC that you had an ownership interest had two STRs, that would be two STRs. And the limit of two STRs, you would not be permitted to go beyond that to get three STRs owned by the LLC. We could go into various circumstances, right? But I hope that answers your question.

COMMISSIONER GREENE: It's back to the family ownership. If you have a family that owns in a family state or something like that, a family trust, that are owning multiple properties to keep in a family trust, they would only be allowed to have two?

MR. YOUNG: In the situation where you have two individuals who are married, New Mexico is a community property state, so you've got – that ownership would be considered, it would be counted against those two STRs. So yes, I think to answer your question you would just be capped at two STRs.

COMMISSIONER GREENE: This is a marriage penalty, effectively a marriage penalty.

MR. YOUNG: A marriage penalty?

COMMISSIONER GREENE: Yes. In a community state you would have the right to one per person, based on a couple of two people, as opposed to if a single person – it effectively becomes a marriage penalty.

MR. YOUNG: Madam Chair, Commissioner Greene, that would be sort of – it's how people want to handle their affairs, obviously, and I don't know that this is a marriage penalty per se, but that is the effect is that if an individual wanted to separate property, they could separate property, right?

CHAIR HANSEN: I would just like to say that a family owns, inherits a house, they do not have to use it as a short-term rental. They can rent it for long term and they can still make money off of that piece of property. I don't believe that we are denying people the right to rent long term. I think what we are looking for – and what I'm hearing from the other Commissioners is that we're looking to make sure that we have people who are residents in our neighborhood and that there is not people coming and going every other day or every three days. So I think that's what I heard. If I'm wrong, please correct me, Commissioner Hughes or Commissioner Bustamante. Go ahead, Commissioner Hughes.

COMMISSIONER HUGHES: Madam Chair, I think you are correct. I think we had at least three of us who wanted to limit it to two. And as Penny explained, that means you could actually have three if you counted your own house. You could have an owner-occupied and two non-owner-occupied.

CHAIR HANSEN: And it's actually more generous in the city.

COMMISSIONER GREENE: It is not more generous in the city because the City allows not by divided interest.

CHAIR HANSEN: But they only allow one.

COMMISSIONER GREENE: Per entity or per person.

CHAIR HANSEN: I don't know this. So we have three people who will support that one entity can only own two short-term rentals, so do we need to make a motion on each change? How do you want us to do this, Jeff or Penny?

MR. YOUNG: Madam Chair, we could certainly take note of the changes in the motion that is made on this but certainly clarity is helpful before we get to that motion time. One thing I might add as well, and not on this issue, but it's the issue of potentially grandfathering in people who have obtained a license, for example a non-owner-occupied license prior to the effective date of this ordinance and whether the Board would like to add that as well. A separate issue but just to think about.

CHAIR HANSEN: To grandfather in owner-occupied?

COMMISSIONER HAMILTON: No, non-owner-occupied that already exists.

MR. YOUNG: Madam Chair, that is correct. It would be the non-owner-occupied licenses, for example, when we're talking about percentages and limiting five percent to a certain CDP, that those individuals who, for example who may be – for example, there might be STRs over the limit already as we sit here today in those areas, to the extent that there are those people in those areas, that they be potentially grandfathered in, is what I was mentioning there.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I didn't actually remember any areas that are already over our limit, but certainly I would grandfather in whatever exists but with respect to the limited number per owner, I would assume we would grandfather in any already existing non-owner-occupied at whatever their ownership level is and make it for all new applicants going forward. I can't imagine doing it any other way. But if there is another way somebody can find it.

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Hamilton, I agree that we would want – it seems appropriate and fair to grandfather in those that are already existing. What my recommendation would be, for those that are already over a two percent –

COMMISSIONER HAMILTON: Two per entity. Two non-owner-occupied per entity.

COMMISSIONER BUSTAMANTE: Which one are we talking about? Percentage or –

CHAIR HANSEN: We haven't gotten to the percentage, Commissioner Bustamante. We haven't talked about the percentages. We're still talking about –

COMMISSIONER BUSTAMANTE: Okay, so you're referring to two additional units, is that correct?

COMMISSIONER HAMILTON: You guys seem to be talking about the CDP. My apologies. I was talking about how many non-owner-occupied any one entity could own, lowering it from five to two, whatever we set it at. If it's two, but we'd

grandfather in whatever already exists.

COMMISSIONER BUSTAMANTE: Grandfather what already exists.

COMMISSIONER HAMILTON: Or grandmother them.

COMMISSIONER BUSTAMANTE: We're going to grandmother them in, but then as they decrease in those particular areas, get to the two percent, that would be my recommendation.

COMMISSIONER HAMILTON: Okay, so for clarity, I don't think we have any CDPs that are over – they're certainly not over five percent. If there are some that are over two percent, it's a separate issue.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we have Hyde Park and Seton Village that are over the three percent. I haven't looked at the two percent.

COMMISSIONER HAMILTON: If it's over three it's over two. I can do that much math. And actually we haven't talked about the percentage at all. It's still set at five and ten, and from my point of view, if we only do those two percentages, I have those two areas that are already at three percent, and I would agree. I'm happy to set it at three and say we're not going to make anybody close but we're not going to give any additional permits. If something closes and it goes down to three, they're not going to get grandfathered in at 3.5 percent.

MS. ELLIS-GREEN: Madam Chair, Commissioners, also on the list that I handed out, those two, Hyde Park and Seaton Village, were at the higher percentage. So we advertised this at a five percent and a ten percent. The Commission has talked about taking the five percent down to three. If they were also still looking at a higher number, Seaton Village and Hyde Park CDPs are both in the higher number category.

COMMISSIONER HAMILTON: Yes. But I would potentially take down that higher number, at least for those two areas. But that percentage, I agree with you, but it's also completely different from the number. That's a separate issue. [inaudible] So we have to decide two things. The percentages and non-owner-occupied.

CHAIR HANSEN: I believe we have come to clarity on the non-owner-occupied, that they only be allowed to own two in the county.

COMMISSIONER HAMILTON: Yes. Except for the grandfathering issue. If there are some entities that own more than two non-owner-occupied, and unless you're going to go and say retro-actively, we may have permitted you but you now have to give one up, you have to grandfather them in.

CHAIR HANSEN: We'll grandfather or grandmother then in. But we have not set that limit before. This is a new – we put it in the ordinance this time.

The next thing is the percentages. We've dealt with the number of owners. Now the percentages. Penny sent out this piece of paper that she gave to everybody where we have non-owner-occupied STRs should be limited in numbers as follows: 6.1.5.1 in the following census designated areas, and number of non-owner-occupied STRs shall be limited to five percent of the housing stock. Do we want to – and then there's a ten percent section. Do we want to lower that to three percent?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd recommend two percent.

CHAIR HANSEN: Or two percent? So do we want to lower the five percent to two percent?

SFC CLERK RECORDED 02/14/2024

COMMISSIONER BUSTAMANTE: Yes, ma'am.

COMMISSIONER HUGHES: I could go –

COMMISSIONER GREENE: There are some that are already over that.
Are we trying to cut back on this? Or are we –

COMMISSIONER HAMILTON: The understanding is that the ten percent, the group under ten percent, could either stay ten or be lowered to seven, or 6.92 or – I think there's still two categories.

CHAIR HANSEN: There are two categories.

COMMISSIONER HAMILTON: Right.

CHAIR HANSEN: There is a five percent and a ten percent. At the moment, if we're interested in lowering the five percent to two percent, then I have to ask you a question, Commissioner Bustamante. Where do you want Madrid? Do you want Madrid to be in the five percent, two percent, or the percent?

COMMISSIONER BUSTAMANTE: I need to get some clarification, our breaking up of percentage versus numbers why we would be doing that.

CHAIR HANSEN: So if you look up – if you look on the chart, the RU, underlying –

COMMISSIONER BUSTAMANTE: Yes. If you go down to the –

COMMISSIONER BUSTAMANTE: [inaudible] percentage, because they already have the resident STRs. So I'm not concerned about that. But I want to get some clarification from staff on what the value is, what are we haggling over in the percent versus the raw number of two units versus percentage? When we were going over these numbers, if we went for the percentage in those areas that had very low residences then you had all of three – in some cases – I'm not going to go so far and be extreme and say you had more houses that were short-term rentals than you had actual long-term residences but you came pretty close when we were going percentage-wise. Can you assist us with that, please?

MS. ELLIS-GREEN: Madam Chair, Commissioner Bustamante, yes. In Madrid you have three non-owner-occupied. Your total housing stock is 140. So two percent is exactly what they've got right now, which is three. Three percent would allow them one more. Four percent would allow them three more. The five percent would allow them to go to seven, which is four more.

And so originally, we took a five and a ten percent. I know one Commissioner, Commissioner Greene, when I met with him, liked the ten percent and thought maybe countywide should be ten percent. Many of the other Commissioners thought the five percent was even too high and wanted to move that down. If staff had to look at this maybe at three percent. Or if it's getting close to that and you want to move it to the higher category we could do that as well.

COMMISSIONER BUSTAMANTE: Madam Chair, I have no interest in going to a higher category. Maintaining it as two percent, even in a community that is clearly, at least in District 3 the most tourist-oriented, it's clearly the most tourist-oriented in District 3.

COMMISSIONER HAMILTON: Which community is that? I'm sorry.

COMMISSIONER BUSTAMANTE: Madrid. For it to be at two percent for non-owner-occupied is sufficient. So I see the value of going with the raw number

versus the percentage knowing that we're trying to maintain a ratio. If we were to, say with a solid two units, then as a community grows then two units it is. So I don't know that you want to –

CHAIR HANSEN: That's two different –

COMMISSIONER BUSTAMANTE: They're not two different in how they end up actually as they develop. Yes, they are two different numbers and they'll ultimately have two different impacts. As the community has more population, more of the housing would be allowed to be short-term rental. If we went with a raw number of two units, then that would be it. And then if the population grew in that area, then it would be two units. So I don't think we make a vote on one or the other. My druthers would be to make a motion that would say that we're at two units or two percent, whichever remains lower at any given time.

COMMISSIONER HAMILTON: The two units and the percent are two different things.

COMMISSIONER BUSTAMANTE: I know. I understand that.

CHAIR HANSEN: Wait a second. Commissioner Hughes I think you had your hand up.

COMMISSIONER HUGHES: Yes, I was hoping I could address Commissioner Bustamante's question.

CHAIR HANSEN: Go ahead.

COMMISSIONER HUGHES: Commissioner Bustamante –

COMMISSIONER BUSTAMANTE: I get it.

COMMISSIONER HUGHES: Okay. You figured it out.

COMMISSIONER GREENE: No. That's one thing. The percentage in Madrid, it's three units in the whole community.

CHAIR HANSEN: Of non-owner-occupied.

COMMISSIONER HAMILTON: To be honest, I was going for the three percent number for those communities, and something like seven percent in the communities where the limit isn't so logical. It's not so necessary. That's my comfort level.

MS. ELLIS-GREEN: Madam Chair, maybe to assist using this document, but instead of the five percent, move that to three percent, and the 6.1.5.2 move to seven percent. And then we could make a decision of you wanted to move any of the CDPs from one category to another. If we were at three percent, the only –

COMMISSIONER BUSTAMANTE: I'm sorry. Why are we moving it to three percent instead of two?

MS. ELLIS-GREEN: I just thought –

COMMISSIONER HAMILTON: Just trying to negotiate. Because you said two and I said three and you said, well, okay. And she thought you said okay. That's why.

MS. ELLIS-GREEN: If you move it to two or three, and the ten percent, either to leave it at ten percent or seven percent. And then we could make – if any Commissioners wanted to move a community CDP from the lower percentage to the higher percentage, or the other way around, we could do that. But if we could get may direction on the two percentages first, and get agreement on that, and then we could see if

we needed to change any CDPs.

CHAIR HANSEN: What I want to know is – I'm going to go to Commissioner Hughes. Are you with the lower?

COMMISSIONER HUGHES: I'm good with either two or three percent, I think. I think those are both reasonable limits. Sorry I'm not being that helpful there. And I assume we would also have the grandfather clause if we had a community that we set at two percent but it was at 2.5 percent, we wouldn't take away anybody's license, just as they sold, it would get down to the lower percentage.

CHAIR HANSEN: And then go to seven percent on the 6.1.5.2, that's at ten percent.

COMMISSIONER HUGHES: Yes, I think seven percent is probably fine.

CHAIR HANSEN: Okay. I'm now going to go to Commissioner Hamilton, I'm going to go to you.

COMMISSIONER HAMILTON: Seven percent worked for all my higher communities and three percent works for my other communities. So I have to do some looking if we go down as low as two percent.

CHAIR HANSEN: Okay, so you're good with three and seven. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I would prefer two and seven.

CHAIR HANSEN: Okay. Commissioner Greene.

COMMISSIONER GREENE: I'd like all of the lodgers' tax and gross receipts tax that goes into the general fund in districts that have a higher percentage to go to those districts. You want to restrict your income from that.

CHAIR HANSEN: It doesn't work that way.

COMMISSIONER GREENE: I understand that. I'm more joking than I am just trying to say that, first off, the two percent is a very low number for some small communities. I do believe that this is a lifestyle choice and when people decide that they want to go stay in Madrid or in Chupadero to stay near their family for Thanksgiving, that they have an opportunity to do that when there's no hotel nearby, and in my district I have hotel rooms – I do have a bunch of hotel rooms but they're all close to \$1,000 a room. And so to have an opportunity for people to come back home, stay near the family in a rented house is not a bad idea.

COMMISSIONER BUSTAMANTE: Madam Chair, I disagree. This is just non-resident. There are others that are resident-owned.

COMMISSIONER GREENE: I understand. During the holidays most people with resident homes, they have family in their home already, so the opportunity to do it is not there. These are usually in down times that these things are available. I'm fine with the seven percent. None of my districts or CDPs get that close to it. I think Tesuque is probably the closest to it. So seven percent in those areas is fine. I think restricting it to two percent in some of these smaller communities is very, very tight. And you're already above it. So you basically shut these people out.

CHAIR HANSEN: Okay. I'm going to say that I'm going to go for the three percent and the seven percent. So I think we have agreement there so that we can move forward.

MS. ELLIS-GREEN: Madam Chair, one other point. I would like to

clarify that in Exhibit B we have taken out the condo areas for Chupadero and for Bishop's Lodge. So the Tesuque areas. And so we would want to note that it does not include those condominium areas. Some of them are still operating as time-shares. Some of them are independent condominiums. They may operate in different ways but they were all mass-planned for rental use.

CHAIR HANSEN: So now, I need to know if I have agreement from my Board on three percent and seven percent.

COMMISSIONER HAMILTON: Yes.

COMMISSIONER GREENE: Yes.

COMMISSIONER HUGHES: That is good with me.

CHAIR HANSEN: Okay, so we can move on to the next question. What else do we need to decide? We've changed it to two that they can own. One other item.

COMMISSIONER GREENE: Madam Chair, may I make a point on that to see if we can clarify and allow not to have the marriage penalty in there, so that each individual person can own two? And anybody with a shared interest over 20 percent –

COMMISSIONER HAMILTON: Well, what happens when you have an LLC? Now you can make every LLC – there are 20 partners and 20 homes. That's what we're trying to avoid.

COMMISSIONER GREENE: Yes, and that's definitely kind of an issue. There needs to be one –

COMMISSIONER BUSTAMANTE: Madam Chair, I can't agree with that. I'm sorry.

COMMISSIONER GREENE: I just look at it like the liquor licenses. If you have over a certain percentage you have to be on the liquor license, but if you're below a certain percentage you're not.

COMMISSIONER HAMILTON: I don't understand.

COMMISSIONER GREENE: In the liquor licensing in the State of New Mexico, if you're a minority partner under ten percent of owning a restaurant or a bar, you're not listed on the liquor license. And so it has no impact on it. But if you're over ten percent of ownership you have to be on it; you can't be a felon and there's a whole bunch of other restrictions in there.

CHAIR HANSEN: So we don't have those restrictions. We're not a liquor license. I think we had agreement on two – one person, one family, I guess, can own two non-owner-occupied, which still seems very fair to me.

Next. Penny, what else do we have to deal with?

MS. ELLIS-GREEN: Madam Chair, to summarize, I think that's what your discussions were. So if we ran through, you would be making changes to 6.1.5.1, changing the percentage to three percent. 6.1.5.2, changing the percentage to seven percent, adding within that area that the CDP numbers do not include the condos in Tesuque which are the Bishop's Lodge condos, and in Chupadero, which are the Rancho Encantado condos. And also a change to 7.12, to state instead of five short-term rental licenses to change that to two short-term rental licenses. I think those were the points that the Commission were amending from the ordinance.

MR. YOUNG: And Madam Chair, in addition to those identified by Penny, with respect to those that are grandfathered or grandmothers, whichever you

prefer, we would add I think s 6.1.5.3, something to say non-owner-occupied STRs licensed prior to the effective date of this ordinance may obtain a renewal notwithstanding the limitations in subsection 6.1.5.1, 6.1.5.2, which are the percentages, and then 7.12, which is the ownership issue, so long as there is no change in ownership. If you could make those revisions as well. And then reword [inaudible]

CHAIR HANSEN: That sounds correct. Thank you, Jeff. Okay so can I have a motion to approve that?

COMMISSIONER BUSTAMANTE: Is this going to be the motion for the whole ordinance?

CHAIR HANSEN: Yes.

COMMISSIONER BUSTAMANTE: I'd like to include the notification of the neighbors, pre- rather than post. A recommendation that was made by an individual.

CHAIR HANSEN: I don't know if we can do that because I don't know if it was notices.

COMMISSIONER BUSTAMANTE: I'm sorry?

CHAIR HANSEN: Please ask Jeff.

MS. ELLIS-GREEN: Madam Chair, Commissioner Bustamante, I don't believe that was in the legal notice, so I'd ask Jeff if we were able to do that. That does change our procedure. We had tried to make it really easy for people to obtain their temporary license, mail out the letters, and wouldn't have to keep coming back to us. So it would change our procedure to have people send it out then have to send back their proof of mailing before we could issue a temporary or a permanent license.

COMMISSIONER BUSTAMANTE: So at the time you're issuing a temporary they're essentially doing that pre-notification. The notification to the neighbors is just temporary.

MS. ELLIS-GREEN: No, because it becomes permanent as soon as the account is set up and we've reviewed it and everything. We're processing it.

COMMISSIONER BUSTAMANTE: So we may need to look later on how to address a process that doesn't allow the neighbors' input prior to an application. Is that –

COMMISSIONER HAMILTON: That's for the owner-occupied, right?

MS. ELLIS-GREEN: Madam Chair, Commissioners, the Board approved this allowing them as permanent uses. It's not really up to zoning but through an administrative approval. So anything we issue under administrative approval we don't always notice in advance. And we can do. We issue permits administratively. We issue home occupations administratively and they do post. But it would be a change in the procedure and I would ask Jeff, since it's not been advertised as to whether or not –

COMMISSIONER BUSTAMANTE: So it would be addressed in the procedure that could be addressed at another time. Thank you.

So with that then I would motion to approve the ordinance with the modifications and the three percent to the seven as stated by the Attorney's clarification. Is there anything else that we would need with that motion?

COMMISSIONER HAMILTON: I'll second.

COMMISSIONER GREENE: Under discussion.

CHAIR HANSEN: Okay, so I have – under discussion.

COMMISSIONER GREENE: So I applaud us for getting 90 percent of the way there. I am still concerned about this marriage and family issue of having a stake in a property at such a minority portion that it might restrict families, couples, or others. So while I'm in support of most of this I am going to actually vote against it because of this one issue, which I think is not enforceable, going to complicate the enforcement if it is even tried to be enforced, and families are going to be penalized this and I really don't think that local families that have common interest in property should be penalized in this. So thank you for working on this and including me in the debate. I think you're 90 percent there but still, I don't feel that this is the right way to pursue this.

COMMISSIONER BUSTAMANTE: In the interest of conversation, Madam Chair, and I appreciate what you're saying, I do also, as much as statistically, the impact to housing, a house that's taken off, when we talk about the impacts to families and the ability for people to live in this town, I'm more concerned about those who are unable at this time to actually live in a house than a man and a wife or a wife and a wife or a husband and a husband, whatever the married couple may be living in a residence, and their ability to take another house off the market or out of the long-term rental situation. So that's my perspective on that. And I think we heard concern about that as well.

COMMISSIONER GREENE: I understand that, and I think that's one extreme. The other extreme is what I'm talking about when a family wants to own a property, they could rent it out short term for six months of the year and have their family visit them on the holidays the rest of the year and they can still use it as a family homestead, but they can use it as a vacation rental and not have it – it doesn't become suitable for a long-term rental because they want their family here at Thanksgiving, a couple weeks in the summer, a couple weeks at Christmas and spring break and so on. But in those times in between, they use it as a short-term rental.

So there's so many uses of these properties and I just think this ownership issue and having an ownership interest and limiting it only to two, that's why I liked five, when you had the potential for a fractional owner, I would have been okay with that if it was two per living person or per – if you want it in an LLC or in a multiple ownership thing, then you could probably do that, but if it's any individual person. So anyway, thank you for hearing me out.

CHAIR HANSEN: I am sure that we are going to see this ordinance again at some point and it will be interesting as we collect the data of how this has affected it. But I think that we have tried to listen to our constituents and we are also trying to make sure that we have housing stock available for people to live in. So with that I need a roll call vote.

The motion to approve Ordinance No. 2024-01 passed by majority [4-1] roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Nay
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

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CHAIR HANSEN: Okay, thank you very much. Thank you everybody for your diligence and your hard work on this. Thank you for the opportunity to be Chair for the last year.

13. **Public Hearing on Administrative Adjudicatory Matters**

A. Case # 23-5071 Carlos Gallegos Variance Appeal. **TABLED**

14. **Informational Items/Reports**

- A. **Community Development Department November 2023 Report**
- B. **Community Services Department November 2023 Monthly Report**
- C. **Finance Division October 2023 Monthly Report**
- D. **Growth Management Department November 2023 Monthly Report**
- E. **Human Resources Division November 2023 Monthly Report**
- F. **Public Safety Department November 2023 Monthly Report**
- G. **Public Works Department November 2023 Monthly Report**

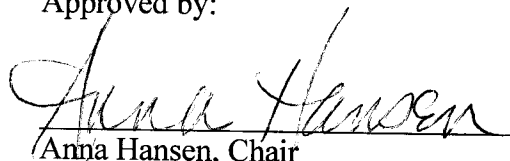
There were no comments or questions regarding the reports.

15. **Concluding Business**

- A. **Announcements**
- B. **Adjournment**

Upon motion by Commissioner Hughes and second by Commissioner Greene, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 7:00 p.m.

Approved by:


Anna Hansen, Chair

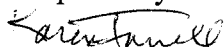
Board of County Commissioners

ATTEST TO:



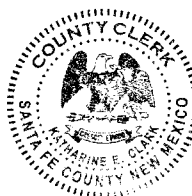
KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:



Karen Farrell, Wordswork

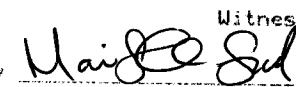
453 Cerrillos Road - Santa Fe, NM 87501



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 58

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of February, 2024 at 04:04:23 PM
And Was Duly Recorded as Instrument # 2028293
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy  County Clerk, Santa Fe, NM

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6.1.5 Non-Owner Occupied STRs shall be limited in number as follows:

6.1.5.1 In the following Census Designated Places (CDPs), the number of Non-Owner Occupied STRs shall be limited to 5% of total housing stock:

6.1.5.1.1 Agua Fria CDP, Arroyo Hondo CDP, Cañada de los Alamos CDP, Cañoncito CDP, Conejo CDP, Eldorado at Santa Fe CDP, Galisteo CDP, Glorieta CDP, La Cienega CDP, La Cueva CDP, La Tierra CDP, Lamy CDP, Las Campanas CDP, Los Cerrillos CDP, Madrid CDP, Santa Fe Foothills CDP Sunlit Hills CDP and Tres Arroyos CDP.

6.1.5.2 In the following CDPs, the number of Non-Owner Occupied STRs shall be limited to 10% of total housing stock:

6.1.5.2.1, Chimayo CDP, Chupadero CDP, Cuyamungue CDP, El Rancho CDP, El Valle de Arroyo Seco CDP, Encantado CDP, Hyde Park CDP, Jacona CDP, Jaconita CDP, Nambe CDP Pojoaque CDP, Rio en Medio CDP, San Ildefonso Pueblo CDP, Seton Village CDP, Tano Road CDP, Tesuque CDP and Valencia CDP

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