

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
January 30, 2024

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

SANTA FE COUNTY

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January 30, 2024

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:03 p.m. by Chair Hank Hughes in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Katharine Clark and indicated the presence of a quorum as follows:

Members Present:

Commissioner Hank Hughes, Chair
Commissioner Camilla Bustamante, Vice Chair
Commissioner Justin Greene
Commissioner Anna Hamilton
Commissioner Anna Hansen

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hughes, and the Moment of Reflection by Will Donahoo of Community Development Department. Chair Hughes acknowledged 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."

Commissioner Hughes asked for a moment of silence for the people throughout the world suffering the ravages of war and famine.

SFC CLERK RECORDED 03/01/2024

G. Approval of Agenda

GREG SHAFFER (County Manager): Mr. Chair and Commissioners, there are no changes recommended to the agenda as currently presented. I would just note that the initial agenda for today's meeting was posted last Tuesday and the final amended agenda was posted last Friday evening in excess of 72 hours as required by the Open Meetings Act and we added to the agenda items 6. F, 6. G, and 6. H. Thank you.

CHAIR HUGHES: Thank you, Manager Shaffer.

COMMISSIONER BUSTAMANTE: I move approval

COMMISSIONER HAMILTON: I second.

CHAIR HUGHES: Okay, so we have a motion from Commissioner Bustamante, a second from Commissioner Hamilton. Any further discussion on the agenda?

The motion passed by unanimous [4-0] voice vote. [Commissioner Hansen was not present for this action and arrived shortly thereafter.]

1. H. Years of Service, Retirements, and New Hire Recognitions

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. We're going to start by recognizing County employees who are recognizing significant anniversaries with the County, namely, five, ten, twenty and twenty-five-year increments. First, with regard to employees who have been with the County for five years, we have Ken Johnson, which a little bit understates Undersheriff Johnson's service as this is his second stint with us but he has been Undersheriff now for five years.

Mark Boschello in the Medical Services Department at the Corrections Department, and then Jonathan Moore, also at the Sheriff's Department.

The following employees are recognizing ten-year anniversaries with the County, in our Housing Authority, William Baca; in our Corrections Department, Manuel Valdez. In our Community Services Department/DWI Program, Chanelle Delgado; in our Land Use Department, Manuel Olivas; in our Housing Authority, Roberta Martinez and Estrella Martinez, and in our REDD Department, Ashley Woods.

We have three individuals here who I'm going to ask to come up to specifically be recognized and to have their picture taken with the Board of County Commissioners because we do have awards to recognize their 20 years of service, and they are Lisa Katonak, Jennifer Lebar-Tapia, and Michael Delgado. In our Community Development Department, Lisa and Jennifer are both recognizing their 20 years of service with Santa Fe County. I remember fondly when I joined Santa Fe County approximately 20 years ago for the first time that those were some of my two first colleagues that I met when working in the County Attorney's Office. And then finally, we have Captain Michael Delgado who has been with the Sheriff's Department for 20 years and he tells me working for the Major that entire time. So he asked for a few bonus years of recognition to be added to his tally.

On your list of folks to recognize includes Judith Gurule. Judith actually retired at her 25-year anniversary so she's not present today and should be on the retirement list. So again, I would ask Lisa, Jennifer and Captain Delgado if they could come up and accept their token of our sincere appreciation of their service and potentially take a picture with the Board. Thank you.

[Photographs were taken.]

CHAIR HUGHES: Thank you and congratulations also to everybody who had an anniversary mark this year. Manager Shaffer, I think there's more under this item.

MANAGER SHAFFER: Yes. Thank you, Mr. Chair and Commissioners. We also wanted to recognize our somewhat extensive list of new team members who joined Santa Fe County during the month of December. In the Corrections Department we have two detention officers, Alexander Dewalt and Eric Lope. In the County Clerk's Department, Marisa Trujillo Sandoval. In the County Manager's Office, specifically in our Finance Division, Alexandro Garcia.

In our Land Use Department, Jordan Yutzy. In the Sheriff's Department, Animal Control Officer Jack Steeves, I believe. Also in our Corrections Department Edward Lucero joined our team as a detention officer. In the Project and Facilities Management Division of Public Works, we have Pablo Montano Martinez. Also in the Public Works Department we have a solid waste maintenance worker, Raymond Gonzales and a heavy equipment operator, Jose Montoya.

In the Sheriff's Department we have three employees, a records clerk, Alexis Gonzales, two deputy sheriffs, a I and a III, Duane Tewa and John Corley. In our Human Resources and Risk Management Department, we have a new director, who I think most of you have had an opportunity to meet in person, Valerie Park. In our Corrections Department, a registered nurse, Brooke Stricker joined our team. Another detention officer, Kenneth Pacheco, and we have several additional new hires in the Public Works Department. A heavy equipment operator, Gilberto Lopez, Jr. and Carl Tapia and Steven Almanzar. We also have a new maintenance foreman in Edward Salazar.

In our Assessor's Office, Shirley Gilligan, and in our Public Safety Administration we have a new project manager, Jeffrey Lossing, and finally, a sheriff deputy cadet, Martin Vigil.

So again, I want to recognize those team members who are starting out their career with Santa Fe County and in several of those areas, particularly detention officer and in our nursing staff it represents continuous improvement and progress in terms of reducing vacancies that have been pretty chronic in those areas of our operation. So please join me in welcoming our new colleagues to the County.

CHAIR HUGHES: Well, that's excellent that we have so many new hires. Thank you. Welcome to all the people who are joining our team.

1. I. Recognition of Employees for Awards, Accreditations, Recognitions, and Other Accomplishments

MANAGER SHAFFER: So we've combined on the agenda recognition of

employees for awards, accreditations and such our Employee of the Quarter recognitions as well as recognition of employees who have achieved certain New Mexico EDGE certifications. So I'm going to start with the Employee of the Quarter program.

I'm going to start with Employee of the Quarter nominations. We received three separate nominations from the Public Works group so they're cornering the market relative to recognitions today from three different areas of their operations. I'm going to read the designation or the description of what led each employee to be nominated for the Employee of the Quarter and as I do, I'm going to ask each employee to come forward and then I'll announce the winner of the Employee of the Quarter award.

So in the Public Works Department, in our Utilities Division we have Jeffrey Horne. Jeff exhibits integrity, maturity and loyalty. He has been presented with multiple high-stress situations and has handled all, with a calm and positive attitude. Jeff is always striving to motivate and mentor his fellow co-workers and has done work to research and complete training programs and to better himself as well as his co-workers. He communicates efficiently and effectively with management along with all other staff and always asks questions and contributes useful information to discussions, meetings and when other staff members need assistance. Jeff is consistently positive in his work, can be relied upon to do thing in a professional manner and always presents staff with new ideas by sharing his knowledge. So thank you, Jeff.

So we have from the administrative side of things, Deborah Leyba who is a department administrator in Public Works. Deborah was nominated because she a great team player and always cares for her fellow co-workers. She completes all of her work without complaint and always remaining positive. She has taken on new roles in a diligent and hardworking manner while providing excellent customer service to constituents. Deborah proven her time management skills to be effective and is able to stay up to date with not only her own daily tasks but also the additional duties she has taken on. If there is ever a question or concern she is approached with, she is always happy to help and if she doesn't know the answer, she will go out of her way to obtain it. Deborah is always courteous and friendly to all around her. So, Deborah, congratulations.

And then the third nominee from the Public Works Department is Andres Lujan. Andres goes above and beyond to ensure that operations are running smoothly and effectively even if that means staying late or coming into work earlier than scheduled. He always maintains a good work ethic and positive attitude. Andres has performed job duties outside of his regular assignments to assist his co-workers in getting tasks completed. He is knowledgeable in his field and always strives to ensure that work is done timely and without delay or interruption. And again, Andres is an HVAC tech lead. So congratulations to Andres Lujan.

And so, again, I appreciate everybody's hard work and extra contributions as recognized by the Public Works Department, but I'm honored to award the County Employee of the Quarter to Jeffrey Horne.

[Photographs were taken.]

MANAGER SHAFFER: Lastly, under this item, we wanted to recognize the 26 employees and elected officials who earned certifications through the New Mexico

EDGE program I believe it was in January. They were all recognized at the annual legislative conference at New Mexico Counties. The New Mexico EDGE program is a partnership between Santa Fe County and the New Mexico Cooperative Extension Service, which actually worked with the New Mexico Association of Counties to develop the New Mexico EDGE program which has a variety of different certificates and represents a comprehensive course of study to administrators, managers, elected officials and staff and local, state, tribal and national government through which participants can acquire specialized training to be utilized to help employees apply best practices, to encourage better government through education.

We have so many graduates this cycle because this was a concerted effort to move forward with a grow-your-own philosophy as it relates to our County workforce, and in particular, we wanted to provide an alternative pathway for County employees to be eligible for supervisory positions within the County. And so the New Mexico EDGE Certified Public Supervisor Certification serves as a substitute for actual supervisory experience, and in order to facilitate our employees growing in that way or having the opportunity to grow their careers in that way we partnered with New Mexico EDGE to provide the necessary course work virtually every Friday afternoon beginning in January of 2023. It might not have been exactly every Friday, but the point is we worked with New Mexico EDGE so that they could provide a higher level of service to the County and we in turn could offer that career growth pathway to our colleagues.

So one has to earn the New Mexico Certified Public Officials Certification before you earn your Certified Public Supervisor Certification. Several of our employees were able to do both within the course, I believe, of one calendar year, which is a remarkable achievement, and in addition we have several elected officials and employees who were awarded specialized certificates. So in total we had two individuals from the Assessor's Office, eight from the Clerk's Office, one from Community Services, six from the County Manager's Office, two from Growth Management and three from Public Works and four from the Treasurer's Office.

So I'm going to read out the names of the employees by the certification that they earned and ask them to come forward as I do and it's going to be a very large group photo, but I think it's a really significant achievement for our County employees and again, for the underlying goal that it represents in terms of making sure that we're continuously investing in our colleagues so that they have the opportunity to continue to grow their career with Santa Fe County.

So with regard to the eight employees who earned their New Mexico Certified Public Official Certification, they are Emma Felt, from the County Manager's Office, Maxx Hendren, from Growth Management, Jessica Lucero-Muniz, from the Finance Division, Jennifer Manzanares, our County Treasurer, Gina Montoya, in the Community Services Department, Alisha Roybal, from Public Works, Alyssa Sena, from the County Assessor's Office, and our own Sara Smith, from the County Manager's Office.

We have 14 individuals who earned both the New Mexico Certified Public Official and New Mexico Certified Public Supervisor Certifications. They are Lillian Armijo from the Treasurer's Office, Sarah Berry from Public Works, Mitchell Cox from the Clerk's Office, Sky Korber from Clerk's Office, Abraham Maes from the Clerk's Office, Brandon Martinez from the Finance Division, Melissa Martinez from our Human

Resources Division, Beverly Perez from the Public Works Department, Destiny Romero with Growth Management, Joseph Sanchez from the Clerk's Office, Gabrielle Schultz from the Clerk's Office, Andrea Tapia from the Clerk's Office, Jessica Ulibarri from the Assessor's Office, and Jennifer Wilson from the Clerk's Office.

And then finally, our County Clerk, Katharine Clark, earned the New Mexico Certified Public Official and New Mexico Certified County Clerk Certificates. Eppie Tapia from our Human Resources and Risk Management Division earned the New Mexico Certified Risk Manager Professional Certificate. And Frances Martinez and Victor Vigil of the Treasurer's Office earned three certificates: the New Mexico Certified Public Official, Public Supervisor, and Treasury Official certificates.

So again, a tremendous accomplishment by so many people at the County, and again, very proud of what it represents in terms of the County's investment in our colleagues. So congratulations to everyone. Thank you.

[Photographs were taken.]

COMMISSIONER HANSEN: Mr. Chair, all the graduates, I would like to say something to all of you. I really appreciate what you have done because I know how hard it is. I have taken EDGE classes. I think they are really, really important. I've encouraged my colleagues up here to take the EDGE classes. I think it is really great that all of you made such an effort, because I know it's an effort. Every Friday afternoon I know, I would call here, and people would say, well, I'm busy. I'm on a class. And I'm like, yay. Because self-improvement, working for the County, all of these things is so important, and I just want to salute all of you and tell you how great I think it is. So thank you, thank you, thank you.

CHAIR HUGHES: I agree with everything that Commissioner Hansen just said. Thank you very much. Any other comments from the Board?

COMMISSIONER BUSTAMANTE: Mr. Chair, I also want to commend the management that has allowed people and worked with people towards their professional development. I think it speaks volume to see people working within the organization to improve themselves and seeing ways to do better. And thank you very much.

CHAIR HUGHES: Very good. Thank you all.

2. Approval of Meeting Minutes

A. Request Approval of the December 12, 2023 Board of County Commissioner Meeting Minutes.

CHAIR HUGHES: Any changes or comments from the Board on the December 12th minutes? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. I found a few little things. There was one misspelling and some minor corrections. I can go over them with the reporter, if that's okay. But one was instead of teamed out it was termed out. One said love but it was sad to lose somebody. And there was a remove a work both and then at one point UN was instead of UNM. So it's four minor changes but changes nonetheless.

COMMISSIONER HANSEN: Are you making a motion?

COMMISSIONER GREENE: If there are no other changes, I'll make a motion with those things. A motion to approve the minutes with those minor changes.

COMMISSIONER HANSEN: I second, and thank you, Commissioner Greene.

CHAIR HUGHES: Further discussion on the minutes. There's a motion from Commissioner Greene, a second by Commissioner Hansen to approve the minutes with those corrections.

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

2. B. Request Approval of the Corrected October 10, 2023, Board of County Commissioner Meeting Minutes

CHAIR HUGHES: What's the pleasure of the Board?

COMMISSIONER HANSEN: I move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Hansen, second by Commissioner Hamilton. Any further discussion?

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

3. Consideration Proclamations, Resolutions, and/or Recognitions

None were brought forward.

4. Consent Agenda

A. Final Order for Case # 23-5110 Miguel Hernandez Variance Appeal.

Miguel Hernandez, Appellant, Appealed the Santa Fe County Planning Commission's Final Order Regarding a Variance Request. The Appellant Requested a Variance from the Setback Requirements Illustrated in SLDC Section 9.8. The 1.25-Acre Property is Zoned as Residential Estate (RES-E) Within the La Cienega & La Cieneguilla Community District Overlay (LCLCCD). The Setback Within the LCLCCD RES-E Zoning District is 25' From the Front of the Property and 50' From the Side and Rear of the Property Line. The Site is Located at 6 South Estrellas Road, Within Township 16 North, Range 8 East, Section 27, SDA-2 (Commission District 3) (Growth Management Department/Jose E. Larrañaga, Case Manager) (APPROVED 5-0)

B. Resolution No. 2024-014, a Resolution Requesting a Budget Adjustment to Increase the Fire Operations Fund (244) in the Amount of \$300,000 (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)

C. Resolution No. 2024-015, a Resolution Requesting a Budget Increase

to the Housing Capital Improvement Fund (301) in the Amount of \$2,341 (Finance Division/Yvonne S. Herrera and Community Development Department/J. Jordan Barela)

- D.** Request (1) Approval to Utilize Statewide Price Agreement No. 20-00000-22-0043 with Ben E. Keith Foods to Purchase an Indefinite Quantity of Food Items for the Senior Services Division; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders (Purchasing Division/Bill Taylor and Community Services Department/Matilda Byers) **ISOLATED FOR DISCUSSION**
- E.** **Request (1) Approval of Amendment No. 4 to Agreement No. 2021-0028-B-HR/CW with Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers to Provide Employment Medical and Physical Examinations, Extending the Term an Additional Year and Increasing Compensation by \$80,000 for a Total Not to Exceed Amount of \$320,000, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Human Resources & Risk Management Division/Valerie Aghaei Park and Purchasing Division/Bill Taylor)**
- F.** **Request (1) Approval of Agreement No. 2024-0089-FIN, a Four-Year Agreement with Modrall, Sperling, Roehl, Harris & Sisk, P.A. to Provide Bond Counsel Services, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Finance Division/Yvonne S. Herrera and Purchasing Division/Bill Taylor)**
- G.** **Resolution No. 2024-016, a Resolution Granting Authority to the County Manager to Sign All Documents Necessary for the Sale of the County's Building and Property Located at 901 W. Alameda, Santa Fe, New Mexico to Southwest Care (Public Works Department/Brian Snyder, Phillip Montano, and Scott Kaseman)**
- H.** **Request Approval of Agreement No. 2024-018-PW/BT, an Intergovernmental Agreement Between Santa Fe County and the Administrative Office of the Courts for Security Improvements at the Judge Steve Herrera Judicial Complex (Public Works Department/ Phillip Montano and County Manager's Office/Sara Smith)**

CHAIR HUGHES: Are there any items on the Consent Agenda that anyone wishes to remove? Commissioner Greene.

COMMISSIONER GREENE: Mr. Chair, probably just a minor question with item D, but let's remove it so I can ask the question please.

CHAIR HUGHES: Okay. Any other items people wanted to discuss? So we'll take item D off. Is there a motion for the rest?

COMMISSIONER HANSEN: So, Mr. Chair, I move to approve the Consent Agenda with the removal of item D.

COMMISSIONER GREENE: I'll second that.

CHAIR HUGHES: All right. We have a motion from Commissioner

Hansen, seconded by Commissioner Greene.

The motion to approve the Consent Agenda with the exception of item D passed by unanimous [5-0] voice vote.

[The Clerk's Office provided the resolution numbers throughout the meeting.]

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

CHAIR HUGHES: I assume that we have Bill or Yvonne to answer questions. Commissioner Greene, why don't you tell us what the question is.

COMMISSIONER GREENE: Thank you, Mr. Chair. I'm just wondering, when something says purchase an indefinite – the word "indefinite" scares me in these sort of things. So I'm wondering if that is a common practice, or it is a not to exceed. It just seems "indefinite" seems undefined might be better. Indefinite sounds like we could feed the world with our budget. So it just seemed like the wrong work in this case.

YVONNE HERRERA (Finance Director): Mr. Chair, Commissioner Greene, we are limited to – I can't answer the question as to the indefinite quantity but we are limited to the amount that we either budget or that we have on purchase order, which actually drives the purchases that we do during the year. I do know that we do several of – I have seen several of these items to the Board for the indefinite quantity and I'm just reading through the memo. I'll let Matilda or Director –

MANAGER SHAFFER: Mr. Chair and Commissioner Greene, I can maybe take a swing at it. So indefinite just means that there's no limit on how much we could order under the agreement as a contractual matter. The control, as Finance Division Director Herrera indicated is at the budgetary level. We're not going to use this other than for Senior Services, and then as further refined by the purchase order that is actually cut against the budget. So again, the control amount, so that we're not trying to feed the world, so to speak, does come from the budget that is set aside for our Senior Services program specifically for the meals. I hope that answers the question.

COMMISSIONER GREENE: It does. Thank you very much. It just seems like it would be great to throw that number in there instead of indefinite, but it would be fine. I'll pass it on. I think I've stated my case to this.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: My apologies, Mr. Chair. I have to say that I absolutely see your point. Why would we put "indefinite" or to put not to exceed the \$250,000. It seems that it would be clearer than an indefinite amount of food, because it actually is definite. I know we're mincing words here but it seems to be something that would be clearer to those of us who expect clarity.

COMMISSIONER GREENE: I agree. Thank you.

CHAIR HUGHES: Other discussion on this item. Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm sure it's fine either way. I have no problem with the word "indefinite." When you're purchasing things like that, this is not something that – it's common language because you're not ordering something like one vehicle and you know exactly what the price is. So if you're ordering bananas and you don't know how much they are on Tuesday and they're a different price on Friday, so for x-amount you're getting five bananas one time and 20 bananas the next time. That's what indefinite – that's the only use of the word. So to me, it doesn't make any material or immaterial difference in like what the purchase – in the controls on the purchase order, which is a valid concern. I just don't see it making a material difference. If it makes you more comfortable to know the reasoning, it's there.

COMMISSIONER GREENE: Thank you. If we were able to pull up the number it would great of a not to exceed as opposed to an indefinite, right? Because we know that number is somewhere else in the budget. It just seems like it would be the right place to put that number, not to exceed. It could be a generalized term that says not to exceed, instead of indefinite, to use the term the not to exceed the budgetary request previously approved.

MANAGER SHAFFER: If I could, Mr. Chair, Commissioners, we could also have the approval be such that my general signature authority is \$250,000, so if we hit above that we would bring the purchase order to the Board to approve. So that way we would not be creating new rules but just working within our existing framework. And so that may be a way to I think achieve what I understand to be a desire for certainty and oversight without also creating the need to have busy work amendments to the contract itself. It would just come from the purchase order, if that's amenable to the Board.

COMMISSIONER GREENE: Absolutely for me, and thank you very much.

CHAIR HUGHES: Okay, would someone care to make a motion on this so that we can get the food to the seniors?

COMMISSIONER GREENE: Yes, they're hungry. As being somebody who works in the food business, food is very important, so I move to approve item 4. D, request for approval to utilize statewide pricing agreement No. 20-00000-22-0043 with Ben E. Keith Foods to purchase an quantity of food not to exceed the signing authority of the County Manager for the Senior Services Division; and two, delegation of signature authority to the County Manager to sign the purchase orders.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Thank you. We have a motion from Commissioner Greene, a second from several people but I think I heard Commissioner Bustamante first. Any further discussion?

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

5. Appointments/Reappointments

None were presented.

6. Miscellaneous Action Items

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

CHAIR HUGHES: And here to explain that I would think is Brett Clavio and Jordan Yutzy, I assume. Thank you, gentlemen. Go ahead, and tell us what we're voting on here.

BRETT CLAVIO (Planning Manager): Thank you, Chairman Hughes. Good afternoon, Commissioners. I have with me Mr. Jordan Yutzy, Santa Fe County Building & Development Services Department. The item that we wanted to talk to you about today is to create a brand new trail in the County's open space and trails network.

And so the issue is that due to recent increases in residential and commercial development located with the Santa Fe Community College District along New Mexico 14, and within the bounds of SDA-1, it has been determined that an amendment is required to the SLDC to amend and restate Appendix F, Map 2, which is the Santa Fe Community College District circulation map, and Appendix C, Map 5 of the official map series, which is the open space and trails resources map of the SLDC to identify a new proposed Santa Fe County trail route.

The proposed route will start at the intersection of Rancho Viejo Boulevard and NM 14 where an existing NM DOT trail ends, and then end at the New Mexico 599 Rail Runner station. By integrating this proposed County trail route into the SLDC's official map series the proposed trail would then be eligible to receive state grants such as the carbon reduction program grant, and potentially other transportation grants to allow for the design and construction of this trail.

A little background is that this new multi-use trail concept was actually sort of proposed by the developers of the new multi-family residential and commercial projects that are planned along the NM14 corridor right there. The NM 14 corridor, however, currently lacks a complete street design with no bike lanes or sidewalks to serve pedestrians or cyclists, either heading south to the Rail Runner station or north into town. Per the newly proposed and installed infrastructure required to support the multiple mixed-use and employment center driven development located within the Community College District along NM 14 and within the SDA-1 area the County has agreed to work with the real estate developers and the New Mexico Department of Transportation to improve the existing multi-use trail network in the CCD. And this proposed trail in particular NM DOT has agreed to work with the County to offer a trail easement along

their right-of-way on NM 14 and Fire Place Road.

The developers have agreed to tie into the County's proposed multi-use trail to serve their multi-family developments. This new County multi-use trail will connect to the existing NM DOT multi-use trail at NM 14 and Rancho Viejo Boulevard and extend south to the 599 Rail Runner station along NM 14 and Fire Place Road. This proposed test amendment of Appendix Map F-2 also necessitates amending Appendix C, Map 5. It is in the County's and in the public's interest to update both maps to ensure complete streets within the planned multi-family developments and the commercial developments within the CCD. The proposed trail alignment along NM 14 and Fire Place Lane to the Rail Runner station will provide an opportunity to help reduce carbon emissions while maintaining complete street goals within the Community College District.

The amendment to the SLDC is being requested in order to establish complete streets and promote walking, biking and transit in the Community College District and to ensure that multi-family developments have access to trails and public transit.

Staff recommends approval of the request to public title and general summary of the proposed ordinance as outline in attached exhibits for this request. And we stand for any questions.

CHAIR HUGHES: Thank you. Are there questions from the Board?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Do we have a process of when we move a trail like this or a proposed trail – first off, are these existing trails that are being used by people in the neighborhood that we might be moving on?

MR. CLAVIO: Currently the area is undeveloped so the project would support future development. As the CCD was envisioned some 20 years ago, it didn't have all the answers, so things changed. Now we have multi-family units being planned for that area. That's great, but we just don't have the multi-use trail aspect to support that project. So it would be new and it would serve existing establishments such as the Santa Fe Brewery. People could ride their bikes to the Santa Fe Brewery. They could ride their bike to the Rail Runner station, or they could ride their bike north to the hospital. But without this trail it would be hard to do that.

COMMISSIONER GREENE: Okay. Thank you.

CHAIR HUGHES: Thank you, Commissioner Greene. I would comment that I used to ride my bike in this area and difficult was the word. So this trail would make it much easier for people who want to bike around that area and get to the train, etc.
Commissioner Hansen.

COMMISSIONER HANSEN: Yes, as somebody who's familiar with the Community College District I think that this is really important and I appreciate you bringing this forward. I looked at both of these maps and I think it's a great benefit to the community to have more access to trails, always. So with that I would move to approve.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Any further discussion?

COMMISSIONER BUSTAMANTE: I just have a question. So it's clear that – or it appears clear that this is a long existing byways and the DOT has agreed to allow us to use some of their easements. Does any portion of this require discussion with their access to private lands? Private property?

MR. CLAVIO: No. To my knowledge the trail would be within the existing NM DOT right-of-way so no new easements would need to be acquired from private properties.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Okay Any further discussion? We have a motion from Commissioner Hansen, seconded by Commissioner Greene.

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

6. B. Request Authorization to Publish Title and General Summary on Ordinance No. 2024-___, an Ordinance Amending Ordinance No. 2012-3 to Expand the List of Roadways Within Santa Fe County Where Engine Retarders are Prohibited [Exhibit 1: Map of Engine Retarder Prohibition Areas]

CHAIR HUGHES: Maria, thank you.

MARIA GOMEZ-MOLINA (Public Works): Good afternoon, Commissioners, Chairman Hughes, Mr. Shaffer, Mr. Young. I'm the Road, Fleet, Solid Waste and Traffic Director for Santa Fe County Public Works. Several weeks ago DOT officials and Santa Fe County officials met to discuss engine retarder systems within the Galisteo area. It was accorded that we draft up an ordinance amending the existing ordinance to add this section or roadway to our existing list of roadways that already prohibit engine retarders.

With this ordinance we are proposing to amend New Mexico State Road 41 for approximately a little bit over a mile that will cover the residential area within Galisteo. There should be exhibits within the package that shows the area and with this I ask if anybody has any questions.

CHAIR HUGHES: Thank you, Maria. Are there questions from the Board? Commissioner Greene.

MANAGER SHAFFER: If I could, just to explain one thing, and I'm sorry to interject for a second. Erle Wright from our GIS Division is handing out a map that reflects existing prohibition areas within the county, as well as the new proposed prohibition area relative to the Village of Galisteo. So I just wanted to explain what you are being handed. This has also been uploaded to BoardDocs. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you, Manager Shaffer, and we'll go back to Commissioner Greene for your comment or question.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you, Greg. This is part of what of what I was asking, that we had discussed earlier this week or at the end of last week. I guess my question is is while I get the urgency of this incremental exclusion area I wonder if there has been a look at looking at the whole county comprehensively to see if 503 is a place that needs this. Or if – each one of our districts probably has areas where a jake brake is probably not the best and most invited solution. And so whether it's for fire safety or for noise safety or for noise attenuation.

So my question is – well, I'm in support of this. I would hope that we might look at the whole county and look at all of these sorts of neighborhoods where it is

inappropriate to have jake brakes used. This is a good first step and urgent for the folks in Galisteo but I think there's probably some other spots in the county that we could be looking at. That's just my thought out here and it's nice to see this all comprehensively but maybe we look at it as a whole big picture some time shortly and reach out to our community members.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Yes, so I understand your concern about this issue, Mr. Greene. I am totally in support of this for Galisteo, but over the last week or so I've had a number of constituents actually call me about the road down from Los Alamos. Is that 502?

COMMISSIONER GREENE: That's 502, yes.

COMMISSIONER HANSEN: We have a signal that we installed at the Y at 502 and one of the other roads going into Los Alamos, but the reason is people have complained is because it's filled with WIPP trucks and it seems that some of the other trucks seem to think that they can outrun a WIPP truck and cause some issues for the WIPP trucks. So I'm not blaming the WIPP trucks because they are monitored every single inch of the way by EMNRD. So we know that they're doing. It's the other trucks that are coming down off of the hill, and I had a conversation with Director Wyka, who works for NMSA this morning this problem and a number of other things on the conversation, but this is concerning to me.

So while I think that it is important that we add this section in Galisteo, I think we need to talk to NM DOT about 502 because drivers are seeming to be quite careless.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair and fellow Commissioners. A little bit of background on this, and I agree with the issues that have been brought up on these other areas. There's one thing that I want to ask. There is one thing that we have noted that there is continued growth in our county and Galisteo being one of our rural communities that is actually historic and has buildings that are as late as the mid-1800s. The Department of Transportation ownership of that byway is expanding at this point as the people have brought this concern as a result of expansion of that roadway and its potential impacts to their village.

I absolutely agree that as the county continues to grow in these small communities that actually have, for lack of a better word, a charm about them, I think out of respect also for the quality of life that people have in those areas that we are grateful that we were able to be responsive. We met with the Department of Transportation in the interest of the community members who have asked as much as couldn't the County possibly take this roadway and help us maintain our small village? It doesn't appear that that would be something that would be possible at this time. Our ability to put the jake brake ordinance in play helps that community. It is disturbing to have a byway through a small community, as these are small, rural villages, and there is a new fueling station at the end, which is a 20-minute diversion if you go through 285.

So the reasoning for this one and why it has come up as a priority is to assure that people are able to continue to work towards the maintenance of their quality of life, where they are as they start to see these larger vehicles coming through their community.

So I'm grateful for your bringing this forth. We are very responsive as a County. We want everyone to know that, that we are here in the service of our community actually ask to recognize that the Department of Transportation is willing to do the same. So thank you.

CHAIR HUGHES: Further discussion? Commissioner Bustamante, do you want to make a motion? It's in your district.

COMMISSIONER BUSTAMANTE: I'd like to motion that we – this is just to publish title and general summary of the Ordinance No. 2024- amending Ordinance 2012-3 to expand the list of roadways within Santa Fe County where engine retarders are prohibited.

COMMISSIONER HAMILTON: I second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Bustamante, a second from Commissioner Hansen.

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

6. C. Resolution No. 2024-017, a Resolution Acknowledging and Approving the FY2023 Audit

CHAIR HUGHES: Yvonne Herrera.

MS. HERRERA: Mr. Chair, Commissioners, I am here with REDW. Please come up. The County's auditors are REDW. We're here to present the results of the audit to the full Board. We did present the draft results to the Audit Committee back on November 29th with the caveat that until the State Auditor had released them. We submitted the financial statements to the State Auditor's Office on December 1st and the State Auditor approved and released them for public consumption on December 21st.

As required by DFA we're here to present the results as well as ask the Board for approval and acceptance of the audit through resolution which will then be submitted to DFA and put us in compliance for fiscal year 23. And with that I'll turn it over to Steve Montoya, John Rothweiler, and Ethan Loya.

CHAIR HUGHES: Thank you for being here, gentlemen.

STEVE MONTOYA: Thank you, Chair, Commissioners. Thank you, Yvonne. As Yvonne mentioned, I'm Steve Montoya. I'm a principal here with REDW and I'm here on behalf of REDW to present our audit results for Santa Fe County for FY 2023. With me today as Yvonne mentioned, we have Jonathan Rothweiler, who is a senior management with our firm. He served as team lead for the audit and so oversaw the audit throughout. And then also we have Ethan Loya who is a senior audit associate with our firm. He's responsible for supervising the audit throughout as well. And then we had other team members that were also involved that aren't here today but Alexis was one of our seniors and Alejandra was one of our other associates.

And then with that, I'm going to go ahead and let John go over the purpose and scope of the audit and then Ethan will present the findings that we had in our audit, and then we'll take any questions after they present their results.

JONATHAN ROTHWEILER: Chairman Hughes, Commissioners, thank you again for the opportunity to be here today. Really, the purpose of our presentation

today is to present the results of the fiscal year 2023 audit in accordance with the Open Meetings Act. The scope of our audit included not only the County's financial statements for the year ended June 30, 2023, but also a single audit component which is a federal compliance audit of the County's major programs, also for the year ended June 3, 2023.

Our financial statement and federal award audit is completed. We did sign our audited report. We dated it December 1, 2023. We did submit it to the Office of the State Auditor. It has been approved. Our audit was conducted in accordance with several different sets of standards, including US generally accepted auditing standards, government auditing standards, the Uniform Guidance, and the New Mexico State Audit Rule.

The overall objective of our audit was to provide reasonable assurance rather than absolute assurance that the County's financial statements were free from any type of material misstatements. I'm happy to report that we did issued unmodified opinions on both the financial statements as well as major federal program compliance. So those are basically the best opinions that we as independent auditors can provide.

As I stated, the financial statements were reviewed and approved by the Office of the State Auditor and are currently available on their website. Right now I'll turn it over to Ethan to take us through some internal control over financial reporting matters, the single audit and findings that we did identify during the audit. Thank you very much.

ETHAN LOYA: Thank you, John, Mr. Chair, Commissioners. So first of all, as John mentioned, so findings – there are three types of findings that we can give to the County if we don't like them. I'm just kidding. Three levels of findings. I'll name them off right now, just from least severe to most. Deficiency in internal control is the least severe. Then it can rise to a significant deficiency, and then most severe, a material weakness. We are happy to report that there were no material weaknesses or significant deficiencies identified in the audit of the financials or of the major federal program compliance.

So with the major federal program compliance, as John mentioned, you can also call that the single audit. We picked three major federal programs to audit. Those were the Housing voucher cluster, the public housing capital fund program, and lastly, the corona virus state and local fiscal recovery fund. You might know that as the program under the American Rescue Plan Act as well.

And so with the single audit there was finding for this year. It was a single audit report submission. It was submitted past the deadline.

And then there were four other findings, all related to compliance with the New Mexico State Audit Rule. We went over these with the Audit Committee back on November 29th. One is collateralization of public funds, so not enough pledged collateral to cover the uninsured deposits. The second one is cash receipts, so some cash receipts were not deposited within the next succeeding business day as is required by the State Audit Rule. Another is capital asset annual inventory, so the County did not receive certified inventory counts for seven departments. And then lastly, information technology policies. So that last one just kind of covers – there's a lack of written policies to cover IT policies and procedures, so the policies and procedures are in place; just they're not all written out.

So status of prior year audit findings: two of the findings that I just mentioned,

they are repeat findings. That would be the collateralization of public funds and the cash receipts. So both of those were findings in the 2022 audit, and so now they're repeat in the 2023, and two findings from the 2022 audit were cleared, and that would be allowable costs, that was related to some allowable costs within single audit, and then a financial close and reporting finding that we had.

And with that, we are done. We leave it open to questions and answers.

CHAIR HUGHES: Thank you very much. Questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. It's very nice to see you in person. It's been a long time. So I know that a number of these audit findings are with the Treasurer's Office and we have been working with the Treasurer's Office to clean up this uninsured collateral and I'm hoping that we've made progress there. It might have taken us all of this year to get through that, but if there's some way that we need to work with the Treasurer's Office more, or the County needs to oversee some more – I would like to hear what you consider because this is an ongoing issue and having audits done on time is like number one in my book, but if we have findings that's how we learn to improve. And I want us to improve. We're not children; we have a few problems that we need to fix. And so I want to make sure that we're working to fix those problems.

MR. MONTOYA: Chair, Commissioner Hansen, yes, I did want to mention that there was some improvement from last year regarding that matter. So last year I think it was the CDs, there were four accounts that were uninsured and uncollateralized and this year I think we only had one account that was uninsured and uncollateralized. So I think the CDs got taken care of, that issue, but it was one other bank account that had uninsured funds. Yvonne, if you want to mention anything else. Thank you, Mr. Chair.

MS. HERRERA: Mr. Chair, Commissioner Hansen, it was one account, as Steve mentioned, and it was just – it ended up being a balance that transferred to – like a money market account but it was called Save the Count that was covered by FDIC insurance and I don't think that we were aware that it was there and so it was available to be reinvested. So an investment matured. We didn't do anything with those funds so UBS put it into a savings account. Unfortunately, it ended up exceeding the insurance. But as Steve mentioned, we've made significant progress and so has the Treasurer in addressing the other accounts from the prior years, and I believe the Treasurer is online if she would like to make any comments towards this finding.

COMMISSIONER HANSEN: Thank you, Yvonne, I really appreciate that, and I don't know –

CHAIR HUGHES: Are there other questions from the Board or does Jennifer –

COMMISSIONER HANSEN: Is she trying to log in? Does she have anything to say? Okay.

CHAIR HUGHES: Other questions? Commissioner Greene.

COMMISSIONER GREENE: Just thank you, auditors. Thank you very much, and thank you, Yvonne, for getting it done on time and keeping a pretty tight ship. These are relatively minor issues in the scheme of things, things that can be easily corrected, I think, and we hope that if we don't know the answer that we can control that

you would advise us of some best practices if it wasn't apparent to us already. I think we've taken care of most of them with some of the new banking arrangements that we've been setting up and if it's a UBS or whoever our banker is, moving money into an account, we should have triggers with them. They are – we're giving them a lot of money to sit with and so they should know what rules that we have and we should probably have an agreement with them that says if this is going to trigger for us don't take a pro-active stance to roll something into an account that suddenly triggers a finding.

Maybe there's some best practices that are out there that other communities that are subject to this have that are agreements with their banks that you may know of that we could adopt and if not, maybe we need to actually invent those agreements so that we can go to our banks and say, look, if you're going to bump over whatever that insurance level, \$250,000 per account, say, look, when you get close, please tell us. Open another account, tell us what we need to do to not get dinged with these things. But they're relatively minor. I appreciate you getting it done on time and working with us and if there's anything we can do to be better, please tell us. Thank you. Good job, Yvonne. Good job, team.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I just want to say thank you because I do really appreciate all of the hard work that it takes to do this audit and I am incredibly, eternally grateful to Yvonne and to all your hard work, because this – tomorrow, the audit starts again. And it's ongoing and I recognize how difficult and challenging it is to keep everybody under the roof behaved and get all the information. And so I just want to sincerely thank you and thank the auditors also.

CHAIR HUGHES: Yes, thank you very much for that and I'm glad that our audit is clean and too bad we had some findings. I was going to suggest to the Treasurer that perhaps at our Investment Committee meeting on Thursday we could have this as an agenda item, and Daniel, does the Treasurer want to say something now?

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, I do see the Deputy Treasurer's hand raised on Webex.

CHAIR HUGHES: Okay, well let's go ahead and hear from the Deputy Treasurer.

JENNIFER MANZANARES (Treasurer via Webex): Thank you, Mr. Chair. It's Treasurer Manzanares. If I could just jump in quickly, and also the Deputy would like to elaborate on the findings that were presented. We – UBS was something that – a one-time event. So thank you, Commissioner Greene, for suggesting the measures that you did. We work very closely with Sunflower to avoid these issues and so the Deputy Treasurer can speak to that.

And then internal policies, now that we're done with the tax rush we're going to be implementing an in-office procedure that will help with the 24-hour deposit. We know it's been a finding and we definitely are looking – we've got to correct this. Hiring another vacancy for a cashier will also assist with that, so we're aware of what we're looking at and how we're going to correct that.

CHAIR HUGHES: Thank you, Madam Treasurer. Any other comments from the Treasurer's Office? Go ahead, Deputy Treasurer.

PATRICK VARELA (Deputy Treasurer via Webex): The Treasurer

wanted me to update on the USB. What happened was in 2020 during COVID there was – the velocity of money was pretty much at zero. There was too much cash, so they opened up a secondary type of money market, and at the time it was covered with treasuries because at that time the Feds were buying nothing but treasuries or they were backing them, and we were never aware that they changed them so what Yvonne said was correct. They never really informed us. So when we found out that there was a potential finding we had them switch it over to a government secured money market.

The Treasurer, what she was talking about is on the 24-hour rule, we're working on a policy and procedure to hopefully eliminate that in the future.

CHAIR HUGHES: Thank you, Deputy Treasurer. That sounds good to me that you're working on it and hopefully we'll have a different set of findings next year. Go ahead, Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. And I know we've opened up a new bank account with US Bank which if I know where US Bank is their only branch is significantly further from our offices, from the Treasurer's Office. There's a bank literally across the street from 100 Catron, and so if to solve the 24-hour deposits, that we just start using Enterprise Bank just for getting the money in a bank account immediately to get rid of that finding, then transferring it to these holding accounts a day later. It's fine. It's deposited. It's not sitting on somebody's desk and it get rids of that finding. It may make it easier than to send somebody literally walking across the street with deposits as opposed to having to drive two miles across town to St. Mike's to take care of this. Anyway, just thinking out loud as to ways to solve this. If that solves it maybe that's a great recommendation for us to get it into the bank and take care of that as opposed to having stuff sit on somebody's desk and having us dinged once or twice over the course of a year. But thank you.

CHAIR HUGHES: Further discussion? Questions? If not, what's the pleasure of the Board in terms of –

COMMISSIONER GREENE: I will make a motion to approve a resolution acknowledging and approving the fiscal year 2023 audits.

COMMISSIONER HANSEN: And I will second approval of the resolution acknowledging and approving. Thank you.

CHAIR HUGHES: Any further discussion? We have a motion by Commissioner Greene, a second by Commissioner Hansen.

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

CHAIR HUGHES: Thank you, Yvonne. Thank you to our auditors. Good work, everybody.

MS. HERRERA: Thank you, Mr. Chair, Commissioners. I want to thank REDW. This is their eighth and final year with the County so they'll have to rotate off. We'll have new auditors next year. I also want to thank County Manager Shaffer as well as the Board, as well as the Finance Division staff and all of the entire County for their support and help in preparing this 300-page document. Thank you.

CHAIR HUGHES: Thank you very much, and new auditors will find new findings.

6. D. Request Approval of Santa Fe County Lodgers' Tax Grant Awards to Organizations as Recommended by the Santa Fe County Lodgers' Tax Advisory Board

CHAIR HUGHES: Lisa, nice to see you. Go ahead.

LISA KATONAK (Community Development): Thank you. Good afternoon, Commissioners. The agenda item this afternoon is to request approval of Santa Fe County lodgers' tax grant awards to organizations as recommended by the Santa Fe County Lodgers' Tax Advisory Board.

A little bit of background: On December 4, 2023 the Santa Fe County Lodgers' Tax Advisory Board and the Santa Fe County Community Development Department released a notice of funding availability, known as a NOFA for the Santa Fe County lodgers' tax grant program seeking applications for the advertising, publicizing or promoting of tourist attractions and tourism related events in Santa Fe County. Grant program funding would be available from February 2024 through December 31, 2024. It is a reimbursable grant with the authorized program areas being limited to advertising, publicizing or promoting tourist attractions and events in Santa Fe County.

Applicants would delineate how their activities are intended to increase tourism activities and visitors to the county. Eligible applicants are limited to government entities and non-profits that have the required qualifying documents for advertising, publicizing or promoting these attractions, and applicants were due to the Community Development Department to staff by Monday, December 18th at 9:00 to be considered as eligible applicants.

The total grant funding for the fiscal year 2024 is \$180,000 with grant awards to include \$12,000 awards, \$8,000 awards, \$5,000 awards, and \$3,000 awards. The highest grant award provided to an organization is a \$12,000 award for consideration for organizations that exhibit that they hold multiple events a year and/or year-round programming with matching funds of at least \$12,000 for marketing in their application.

The Santa Fe County Lodgers' Tax Advisory Board held a special meeting on Wednesday, December 20th to review and score applications and provide recommendations for grant funding. Twenty-three organizations submitted their grant applications for review and consideration to meet the deadline and there were a total of \$216,000 of funding requests with \$180,000 total grant funding for the fiscal year.

In your packet is a list of the organizations that submitted their applications in the order that the application was submitted, and 18 of the 23 organizations submitted complete grant applications packets and those 18 organizations are the recommendations of the Lodgers' Tax Advisory Board for funding and those I will go in order? New Mexico Wildlife Association, doing business as Wildlife West Nature Park in Edgewood, for the year-round programming, \$5,000; El Rancho de las Golondrinas Living History Museum for their 2024 season of Golondrinas programming for \$12,000; Santa Fe Farmers Market Institute for their local harvest restaurant celebration in September for \$8,000; the New Mexico Wildlife Center in Arroyo Seco for their summer wings event in July for \$8,000; Mountain and Valley Wool Association for their Wool Festival in October for \$8,000.

Santa Fe Children's Museum for their year-round programming for \$12,000; Santa Fe Opera for their 2024 opera season June 28th through August 24th for \$12,000; Atrisco Heritage Foundation for the traditional Spanish Market for July 2024, as well as the Winter Spanish Market, December 2024 for \$12,000; Santa Fe Century Committee for the 2024 Santa Fe Century Bike Race in May for \$8,000; fiscal agent/Santa Fe International Film Institute for the Santa Fe International Film Festival occurring October 16th through the 20th for \$8,000; Northern Rio Grande National Heritage Area for their publication Land, Water, People, Time, for \$12,000. This is a year-round publication that incorporates the National Heritage Areas, that encompasses of course, Santa Fe County, Rio Arriba County, Taos County.

Parallel Studios, Inc. for their Currents New Media Festival of 2024 from June 14th through the 23rd, \$8,000; fiscal agent/United Way of Central New Mexico for the Art and Soul Winter Arts Festival. That will be occurring this upcoming month, February 9th through the 19th for \$5,000; Santa Fe Symphony Orchestra and Chorus for the 24 performances starting in February through July of 2024 for \$12,000; fiscal agent/Kiwanis Club of Santa Fe for Downtown Kiwanis Foundation for multiple events including a Fourth of July event, the 100th Burning of Zozobra in September, Dia de los Muertos in October, and the New Year's Eve celebration for \$12,000.

Santa Fe Desert Chorale for the Summer Festival July 14th through August 3rd, and their Winter Festival, December 13th through the 22nd for \$12,000; Santa Fe Wine and Chili Fiesta for their Wine and Chili Fiesta in September, as well as their special auction dinners in March, May and the winter holiday auction in December for \$12,000; Santa Fe Fiesta, Inc. for their 312th annual Fiesta de Santa Fe, which is scheduled August 31st through September 8th, supporting their Mariachi Extravaganza de Santa Fe at the Santa Fe Opera on August 31st for \$12,000. And that completes the list of the recommendations.

CHAIR HUGHES: Thank you, Lisa. Are there questions from the Board? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, Lisa, so for those who are not funded, is there – how do we understand for those entities are not funded what was decided or how it was decided that they wouldn't receive funds?

MS. KATONAK: Thank you so much, Commissioner, for your question. So there's two components to the application process. One is the required qualifying documents that makes them eligible to submit their application. Those that did not submit their qualifying documents, staff worked very closely with those entities to ensure that they would meet that requirement and provide those documents. So everyone provided those qualifying documents. However, in the proposal application, which there are different criteria and sections in which they are voted on, there was some lacking information per the proposal criteria that they did not submit. And so unfortunately, we have limited funding and always an abundance of requests.

COMMISSIONER BUSTAMANTE: So, Mr. Chair, when the applicants receive a letter saying that they were not funded, is it very specific as to what documents they were missing or what part of the information that was requested was not included in their packet?

MS. KATONAK: Yes. Based on previous cycles, if an applicant did not

receive funding it's specified in the letter informing them of what section or what sections were lacking within the proposal or where there was not information.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Lisa. So everyone who wasn't funded, it wasn't a decision made by us but it was made by their incomplete submission; correct? It wasn't like a) we ran out of money, or b) decided – we chose not to award this but in fact they hadn't completed their submission in its entirety.

MS. KATONAK: So those that are being recommended, they completed both the required documents and the application process in its entirety.

COMMISSIONER GREENE: And the ones that were not funded had a deficiency.

MS. KATONAK: Had a deficiency. So the required documents, staff worked with every organization in order to make sure that they would have sufficient information in order to be eligible.

COMMISSIONER GREENE: Okay. Great. Thank you. And then a question. What is the balance of the funds that you had? Did we use all the money that we had allotted for this this year?

MS. KATONAK: So this fiscal year's funding cycle was \$180,000 and based on this recommendation we will request \$178,000 to be spent.

COMMISSIONER GREENE: So pretty close.

MS. KATONAK: Yes.

COMMISSIONER GREENE: And if we had had one more at \$5,000 we would have had to have made a decision.

MS. KATONAK: Yes.

COMMISSIONER GREENE: Have these rates of 12, 8 and 5 changed in the last few years? I know inflation is eating into everybody. Is it possible to change? So answer that first.

MS. KATONAK: Thank you so much, Commissioner for the question. So last fiscal year and in previous fiscal years the cap was at \$5,000. However, due to inflation rates, as you know, especially with advertising, marketing and promotion we have seen some of the rates increase by over 120 percent. That's the reality of inflation right now for marketing. So in order to be able to provide sufficient funds for these organizations to be able to put on events and to market and advertise their events at full capacity we wanted to fund them at a rate that would be comparable to compensate for inflation. And also to be able to provide for those organizations that do year-round programming or have multiple events to incentivize in order to keep them going.

COMMISSIONER GREENE: Okay, so the new – the \$12,000 and the \$8,000 are new categories of money for that.

MS. KATONAK: Yes.

COMMISSIONER GREENE: Okay. Wonderful. And do these organizations have to cite a little thank you to Santa Fe County to make sure that they know where some of their money is coming from?

MS. KATONAK: Yes. Part of the requirement is that they do provide a thank you to Santa Fe County, but also include the Santa Fe County government logo

within their materials.

COMMISSIONER GREENE: Wonderful. Thank you very much. Good job. Thank you.

MS. KATONAK: Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you, Lisa. I think this list looks very fair and I think it's unfortunate that some people couldn't get their applications completed, but I know that your staff did the best job that you could to get them to the finish line. Because I've heard that you do an excellent job. So I just wanted to state that, and with that I want to request approval of the Santa Fe County Lodgers' tax grant awards to organizations as recommended by the Santa Fe County Lodgers' Tax Advisory Board.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: Okay. I have a question myself before we go to the vote, which is would you envision putting more lodgers' tax money towards this program next year? Since there appear to be – if people get their act together there'll be more requests than money next year.

MS. KATONAK: Yes. Thank you so much, Chairman Hughes for the question. Right now we're going to be doing the budget kick-off, which is this week and I anticipate, based on the lodgers' tax collection, it's a very positive note that we have been seeing some great increases that we would be able to allocate a bigger dollar amount to fund more organizations. Last fiscal year we provided support for I believe it was 16 organizations, and this year, because of the increase in the awards, we were able to fund 18.

CHAIR HUGHES: Thank you. And I'm glad we're able to keep increasing. It seems like a good use of the lodgers' tax money. Is there further discussion from the Board? Okay, we had a motion by Commissioner Hansen seconded by Commissioner Greene.

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

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

South of Rabbit Road, Within Section 16, Township 16 North, Range 9 East (Commission District 4) (APPROVED 3-2)

CHAIR HUGHES: As most of you probably know, or Manager Shaffer will now explain why this is on the agenda.

MANAGER SHAFFER: Yes. I'd be happy to explain this housekeeping change as to how final orders and cases that were not unanimous are presented. Not to engender further discussion or debate about the merits of the underlying case, but ordinary course in a unanimous decision we place that on the Consent Agenda as we did today for a different land use case. Again, that's item 4. A. But when you have a split decision putting it on Consent seemingly leaves the folks, the Commissioners who were in the minority view with one of two options. They can pull it off of Consent so that they're not misinterpreted as voting in favor of a case that they voted against – that's really the risk of putting it on Consent.

So by placing it on Miscellaneous Action Items, really all that we're trying to do is make sure that folks' vote and views on the case are accurately recorded and consistent. So if a Commissioner voted against the case they could abstain from voting on the final order, or they could vote no on the final order, both of which would signify that the order being adopted represents the views of the majority and not those who voted against the case.

So again, this is very much just a procedural issue to try and keep the record clear. Mr. Larrañaga is present if there are any questions about the final order, but again, our intent was not to engender further discussion unless the Board deems it necessary but instead was to make sure that everybody's vote and position was clear. Thank you.

CHAIR HUGHES: Thank you, Manager Shaffer. Could we have a motion from one of the majority Commissioners?

COMMISSIONER HANSEN: There is a mistake in the minutes, but I'm still going to move to approve because it says in the minutes it says I voted for and against. And you didn't vote. Throughout our course of our life here together, Commissioner Hamilton.

COMMISSIONER HAMILTON: Sorry I was delinquent but I'm glad you took up the slack.

COMMISSIONER HANSEN: So I will make a motion to approve.

COMMISSIONER HAMILTON: And to be perfectly honest, I voted against this specifically because of the traffic circle. I thought it was unnecessary. But I have no intention of voting against. The project itself should go forward now that we've crossed that. So I will second this.

CHAIR HUGHES: Right. So we have a motion from Commissioner Hansen and a second by Commissioner Hamilton, which we acknowledge are two different people. Commissioner Greene, under discussion.

COMMISSIONER GREENE: Thank you very much. I did vote against this in the first route because I thought this was a bad case of urbanism. It's a bedroom community with two access points and an excess of curvy road that is just really – as an architect this is really a disappointing design in my book. But I will abstain from this but I really hope that our Land Use folks can start to get some better, more walkable

communities developed as opposed these just bedroom communities. So thank you.

CHAIR HUGHES: Okay. Any other discussion?

The motion passed by unanimous [4-0] voice vote with Commissioner Greene abstaining.

6. F. Request Approval of Agreement Between Santa Fe County, New Mexico and the American Federation of State, County, and Municipal Employees; New Mexico Council 18, Local 1782, AFL-CIO, January 30, 2024 Through December 31, 2027 [Exhibit 2: Power Point on Compensation and Classification System]

CHAIR HUGHES: Rachel Brown, welcome.

MANAGER SHAFFER: Mr. Chair and Commissioners, before we turn over the show to Ms. Brown and Ms. Park, I wanted to provide the Board with a high level overview of the next two items on the agenda and how they relate to some historic investments that the Board of County Commissioners, working with our union partners, have made over the last several years. And so Daniel, let me now when we're ready to project.

So we're going to start in July and August of 2022. There was a three percent cost of living adjustment that was implemented. There were additional significant raises that were implemented for the deputy sheriffs' bargaining unit. That's NMCP SO, Deputy Sheriffs Association. And then the cost of living adjustment funds were used to adjust the pay scale for our firefighters union, IAF 4366.

In October of 2022 the Board of County Commissioners adopted Resolution No. 2022-086. That effected a significant change to the County's compensation and classification system. First of all, the ranges that were developed and assigned were based upon a comprehensive labor market analysis. The number of ranges was drastically reduced from, I want to say, approximately 69 down to 20. We created step-eligible positions, generally for ranges 1 through 13, which provided defined salary growth for employees that correspond to their years of experience and/or education above the minimum qualifications for the position. It also helped us ensure that we were appropriately placing individuals in the pay ranges and in the scale.

It required no less frequently than every two years that the Human Resources Director would conduct a comprehensive labor market analysis for all County positions other than those in Public Safety bargaining units. That was again a significant change to how the County approached compensation and classification, while the actual dollar amounts varied as well as percentage increases, because certain employees at the time were paid in excess of the midpoint or full market pay for the position. Again, there was some variance but overall, the average increase of that action was approximately 7.14 percent, although the actual percentages again did vary from zero to something much higher than that.

Moving forward, in January of 2023 there was a 1.5 percent cost of living adjustment, and in January 13 of 2023 the Board approved amendment #7 to the collective bargaining agreement with AFSCME 1782. That amendment generally

replicated the classification and compensation system that had been adopted the previous October for non-union positions. And the pay ranges and the steps that were adopted as part of that amendment had been adjusted for the 1.5 percent cost of living adjustment.

In July of 2023 there was a six percent cost of living adjustment that was provided for non-union positions, AFSCME 1782 positions, NMCP/Deputy Sheriffs, IAF Local 4366, as well as our ASCME 1413M bargaining unit which is the medical, nurses primarily and some other medical positions within the adult detention facility.

In addition, at that time, due to some elimination of some positions, additional significant raises were implemented for the RECC bargaining unit as well as our Corrections Department.

And then finally, in October of 2023 the BCC approved a negotiated amendment to the collective bargaining agreement that provided additional significant raises for our Corrections Medical bargaining unit.

We've got a way to go but I'm pleased to report that the return on investment of those significant again investments made by the Board with our union partners in our workforce has started to positively impact the County's vacancy rate across the County. In June of 2022 our overall vacancy rate was approximately 29 percent. But in December of 2023 that was now down to approximately 19 percent. Again, the actual vacancy rate varies by department and unit within the department but overall it showed very positive momentum relative to our vacancy rate, although we would like to see that closer to ten percent or high single digits over time.

So relative to the current investment in our workforce that the Board is being asked to approve today, you may remember from the budget for fiscal year 2024 that approximately \$3.7 million in recurring revenue was not budgeted specifically so that the Board would be in a position to implement the recommendations of the comprehensive labor market study. That was completed in December of 2023. We found with very few exceptions that positions seemed to be appropriately placed in the pay ranges that had been assigned to them, and it recommended a comprehensive adjustment to the ranges and any corresponding steps. Specifically, two percent in order to sustain a match compensation strategy with current market conditions, and then looking forward, the recommendation was for an additional four percent to maintain market competitiveness throughout calendar year 2024.

In that regard I would just note that that seems in line with what the legislature is proposing for state employees. In other words, as I understand it, the current draft of the General Appropriation Act of 2024 provides a two percent across the board increase for state employees and would appropriate adequate funds to provide an average additional increase of about two percent, depending on appropriate placement. So again, we are trying to project forward where we think we need to be in order to maintain market competitiveness.

What follows after this presentation, there are two items. One is agenda item 6. F which is a new collective bargaining agreement with AFSCME 1782. Agenda item 6. G is a resolution approving market rate adjustments to Santa Fe County's compensation and classification system for positions that are not part of any bargaining unit. We estimate – this is an annualized figure – we estimate that on an annual basis, the cost for this investment would be approximately \$3.3 million, both for our current employees as well

as to fill vacant positions at midpoint.

I would emphasize that this is not a cost of living adjustment. Again, this only impacts non-union and AFSCME 1782 positions and that while most employees who are in such positions will receive a six percent increase as a result of these actions, the impact to individual employees may be less than that, depending upon their current salary vis-à-vis current and future midpoint of their range for their positions.

So again, a handful of employees will still remain above the adjusted midpoint and a few employees will be adjusted to the midpoint but given their starting point the amount of the increase will be less than six percent.

I wanted to also just forward look in terms of the future and the additional investments we will likely need to make elsewhere in the County as well as to the two groups of employees that are being benefited by these actions today. First, we do have two significant collective bargaining agreements that will expire at the end of this year. That's the collective bargaining agreement for our Deputy Sheriffs Association, as well as our firefighters union. On August 1, 2025 the collective bargaining agreement with AFSCME 14213M expires, and in October of 2025 the collective bargaining agreement with RECC is set to expire. I'm looking again to this group, the non-union positions and AFSCME 1782 positions, we would be due for another comprehensive labor market analysis in the fall/winter of 2025, and then there's an economic re-opener for AFSCME 1782 in January of 2026. And then finally in August of 2026 the collective bargaining agreement for AFSCME 1413 expires.

So I provide all of this information, both to recap the significant investment that the Board of County Commissioners has made over the last two years in our workforce, which is again our single biggest asset, and also look forward to continuing in anticipated investments that we will have to make in other areas or anticipated to make in other areas of the County so that we can continue to maintain competitive wages.

With that I will just say one additional thing before turning it over to Ms. Brown and Ms. Park, which is these types of achievements and investments aren't possible without the leadership of the Board of County Commissioners and they're not possible without the leadership and partnership of our union leaders, without whom we can't move things like this forward. So I'd be happy to answer any questions, but otherwise I'll turn it over to Ms. Brown and Ms. Park, and I believe we also have representatives from AFSCME 1782 to discuss the new collective bargaining agreement.

CHAIR HUGHES: Thank you, Manager Shaffer, and welcome Ms. Park to the meeting. Do you guys have anything you want to add? I assume you do.

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Board members, we have before you today the proposed replacement to the collective bargaining agreement for AFSCME 1782, which expired on December 31st, just a couple of weeks ago. We have worked diligently with the union team lead by Roxanne Lujan, their president, and their vice president, Matthew Hernandez, accompanied by the AFSCME Council 18 representative Sam Chavez. We've been working since July 2023 meeting regularly, and then increasing the frequency and duration of our meetings in the last few months to meet this aspiration of having a new contract in place quickly in succession to the expiration of the existing agreement.

And I want to thank the AFSCME negotiating team for the hard work they put in

in creating what I think both union and management think is a strong contract to lead us through the next four years.

I'll go over generally some of the high level revisions that we made, and I will note that there was one revision that was left out of the memo, so I'll highlight that when I get to it. And if any of this is too repetitive from the memo please urge me along to go faster.

The collective bargaining agreement first of all was modified so that we took out any gender-specific language that was contained in the agreement in keeping with changes that we've made in other contracts as we've moved them forward recently. We have also, as part of the negotiations, recognized that not all of the AFSCME positions that we thought were part of the bargaining unit were recognized by the Labor Board as part of the bargaining unit and so AFSCME representatives in the County jointly filed petitions too with the Labor Board to clarify what positions are in this bargaining unit so that no one has any doubt as to who their representative is and what their status at the County is.

The first accretion petition was completed about two weeks ago. The second one is almost done. We'll have a hearing on February 6th with the Labor Board to conclude that proceeding and then all of the positions that we're aware of that should be in the bargaining unit, will be recognized as part of this bargaining unit. And that was a major cleanup that is something that we've been anticipating for several years and we finally accomplished it.

You'll see language in the contract that makes clear that as positions are brought in through the accretion process before the Labor Board, the contract will govern them, and if the Labor Board takes out any positions from this bargaining unit they would no longer be governed by the contract.

Article 4, which is the Union and Management Rights section was revised to comply with changes to the Public Employee Bargaining Act that were brought into effect a couple of years ago. In particular, the union is able to utilize County facilities for union meetings, and union representatives are able to attend our orientations for new employees, and attend disciplinary proceedings and all of those processes and rights are articulated in Article 4 now.

We also clarified an area where there was some ambiguity in our last contract, and that is when do we compensate a union representative for being present at a meeting. And so those clarifications are made and Article 4 is significantly improved because of that.

Article 6 dealt with layoffs, furloughs and recalls, and it was revised to ensure that when we come up with a layoff plan or a furlough plan, and let's hope we never have to, that that plan would be shared with the union and they would be able to meet with management to discuss the plan before it comes forward to the Commission for action, so that we would have meaningful input before that action is taken.

It was also amended to make sure that if people are brought back to employment after a furlough that they're placed on the pay scale in accordance with our new comp and class process.

Article 13 is new this year, and that is an article describes what a performance improvement plan is, how it should be used, and encourages supervisors to use that tool

to ensure that there's strong communication between our employees and their supervisors to maximize the possibility of success of any given employee in their position. And that is a new concept in the bargaining agreement that had not been present previously, and we will be rolling out training for all supervisors on performance improvement plans. They're not a new concept to the County; they're a tool that we have always used but this inclusion in the contract will bring them to the forefront of everyone's mind and ensure that we're using them more effectively.

Article 14 was significantly revised and that is our corrective disciplinary action article. There's a laundry list of changes, most of which have to do with how we schedule the timing of the disciplinary process, and how we advise employees of what is happening in the disciplinary process, in particular emphasizing the importance of confidentiality and communication.

We did articulate some examples of what is considered when we're evaluating disciplinary actions, the level of discipline and where discipline should occur so that those elements are more clear to the employees who are governed by the contract.

We made some revisions to how documents are delivered in the process and allowed those who don't really use email very often to opt out of having disciplinary matters delivered by email. If they're not frequently reading their email we wouldn't want them to miss knowing that a disciplinary matter is moving forward.

We clarified that after a year following a written reprimand, if an employee had received no further disciplinary action they could request that that disciplinary action be moved to the confidential section of their personnel file, and then set forth the rules by which people could access that document thereafter.

We also put in place a commitment to those who have long suspensions of 15 days or more that those suspensions would not be served in a single pay period, because of the financial challenge that that presents, and so we committed to spreading them out over pay periods.

We added a description of some of the elements of formal investigations. The contract had not previously described anything about how a disciplinary investigation occurs, and we added language that talks about how you get notice, how long you have to secure your representatives, and whether you can record the meetings that occur and details of that nature.

We changed some of the terminology. The pre-disciplinary gathering that occurs is now referred to as a meeting rather than a hearing because it really is a meeting to hear from the employee whether we've missed something that we should be considering before taking action on a discipline.

And bargaining unit employees have a little bit more time to appeal a disciplinary decision of the Human Resources Director to the County Manager, and the Human Resources Director has additional time to consider what discipline to impose, and has a hard deadline that if they miss, ends the disciplinary process.

And we added a little bit of time after the County Manager's action on a discipline to afford the union time to gather and decide whether they would want to support financially an arbitration of a discipline that they contest. So they were given ten rather than five days to move that process forward so that they would have time to gather their board and hold a meeting.

The element of the contract that was revised and not put into the memo – and I apologize for that is the grievance process. We made some revisions to that process as well. Specifically we included a provision that says that before you file your grievance it may be productive to sit and talk with your supervisor, and we encourage supervisors and employees to talk with one another before the grievance gets going to see if they can resolve whatever the dispute is prior to such a formal process starting.

We also added language at the request of the union to clarify that if a bargaining unit employee decides to go forward with arbitration and the union doesn't support that action, the union is not financially responsible for what comes after. If that decision is made it is the financial responsibility of the employee. We've seen in other bargaining units where lack of clarity about that financial obligation can create problems. And so we put that clarity into the contract and procedures on how an employee can move forward to arbitration of a grievance without the bargaining unit support.

We also added in language that clarified what kind of recording can occur during grievance proceedings and interviews and so that was also clarified.

Within Article 17, which is leaves of absence, we added some process for people who either abandon their job – resign – by not coming back to work, and not communicating with their supervisors, or go out on leave without pay or medical leave and don't come back and don't communicate with their supervisors. And rather than treating that as an automatic resignation, we put in place a process so that those individuals, if they dispute that they've resigned, could come forward and explain their absence. So that was added into Article 17.

Within Article 18, the filling of vacancies, for bargaining unit employees who've applied for promotions and are not successful we made it clear that they could meet with Human Resources to identify where there are trainings of other skills that they could invest in developing to make themselves competitive in the future. So that encouragement for interaction with the Human Resources Department to strengthen our workforce is present in the contract.

Article 19 is our Health and Safety article and it increased the safety boot allowance, which had been \$125 per pair to \$170 to address the increased cost of safety boots. We also increased the amount available for snow boots from \$75 to \$150 for the same reason. And we developed a new chart of who receives uniforms and who receives safety boots and snow boots so it's very clear what any position is entitled to and how often those boots would be provided.

We also, within Article 21, Uniforms, increased the clothing allowance from \$300 to \$350 per year, also to address the increased cost of uniforms for many employees, not for all, and the table that I described that's part of this contract specifies for each position how much they're entitled to in the way of a clothing allowance.

Mr. Shaffer already spoke significantly about Article 28, the Classification and Compensation section, and you will find in this collective bargaining agreement a new pay scale that is a six percent increase from the pay scale that is currently in effect, and that is to address those market adjustments that were recommended through the class and comp study.

We also recited within the contract all of the positions that pursuant to this new class and comp process were re-evaluated mid-contract and determined needed to be

increased in range. So there were positions where the union and the County worked together, recognized that we weren't at market rate for a particular position and moved it up, and there are a couple of positions in this contract that were moved up at the recommendation at our new comp and class study.

Finally, we have the term of the contract, which is four years, but two years into the contract, in January of 2026 we will have a financial reopener to address the next comp and class study to see what changes we might need to make to a financial article, as well as a non-financial article, and we will negotiate one article at that time. The collective bargaining agreement continues to offer cost of living increases to this bargaining unit when non-bargaining unit employees receive cost of living increases, and that is separate from implementation of this pay scale.

Does anybody have questions for me?

MANAGER SHAFFER: And now HR Director Park will read the entire agreement. So thank you.

MS. BROWN: Sorry to be so long.

CHAIR HUGHES: I'm sure that would take care of any insomnia that the rest of us are suffering from. Thank you Rachel and Valerie. Did we want to have anyone from the union –

MS. BROWN: I do want to invite, if it's possible, Mr. Chavez and Ms. Lujan up to speak.

ROXANNE LUJAN: Good afternoon, Mr. Chair, Commissioners. I am Roxanne Lujan. I am the president of AFSCME Local 1782. Regretfully, I'm sad to say that the vice president, Matthew Hernandez is luckily out on vacation and was not able to be here today. I'm really missing him. I really wanted him to be part of this meeting today because he was very instrumental and very helpful with all this that we did with the contract, the changes that we made, the updates.

I'd like to thank Deputy County Manager Leandro Cordova. I'd like to thank Deputy County Attorney Rachel Brown. I'd like to thank Human Resources Director Valerie Park, and I'd like to give a shout-out to our former Human Resources, Sonya Quintana who was very instrumental also with our negotiating. So thank you all. I really hope that the employees take the time to read this contract. We put a lot of collaborative effort between the union and the negotiating team, the County Manager. We all have the employees' best interest at heart and we really, really tried hard to make this a lot of mutual concessions in this contract. So I'd like to thank everybody. So thank you for all of your time and your effort and it's very much appreciated. Thank you.

CHAIR HUGHES: Thank you.

SAM CHAVEZ: Good afternoon. Sam Chavez with AFSCME Council 18. I thank the County's negotiating team, Mr. Cordova, Rachel Brown, Sonya – it was a lot of work. It was more than in July. Last year we worked on part of the salary structure and it's been interesting negotiation this time. We got through it. We're done, so we look forward to the future. And I also thank Mr. Shaffer. Thank you all.

CHAIR HUGHES: Thank you all for the hard work. Let's see if there are questions from the Board. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you and the questions for our union members. Thank you very much. I'm very pro-labor. Thank you. The questions

that I have and for the hard work that you put in on behalf of your colleagues, specifically, when we look at those elements that really could, really be afforded to everyone, they seem quite civil. And I think it's important to point out that when we talk about the financial impacts and we talk about competitive versus market rates and cost of living rates, I don't believe that a person shows up just for the dollar amount or we wouldn't have teachers and other things. The reality is it's not about being competitive, with all due respect, Manager Shaffer. It's about being at the market, what's consistent throughout a particular system and what those cost of living adjustments need to be. It's not so much about trying to get someone to the County to work here except that it needs to be a good place to work.

So when we look at things like that and those things that have been negotiated and how much of this is afforded to those who are non-union, my questions: How soon after a person starts working at the County can they become a union member.

MR. CHAVEZ: One year.

COMMISSIONER BUSTAMANTE: One year. So a person has to have worked for the County for one year. Is that consistent at most government entities?

MR. CHAVEZ: It's consistent with the probationary period.

COMMISSIONER BUSTAMANTE: Is that at the County only or is that at most City and County –

MR. CHAVEZ: It's different in different places. State is a year. Some of our city locals are six months. It's just how long they're on probation. Once they come off probation that's when they're eligible.

COMMISSIONER BUSTAMANTE: So it's a probationary issue no matter where you're working throughout any governmental entity for AFSCME. Okay. That being said, the filling the vacancies and the opportunity to work with HR to identify trainings and augment skills, is that something, when we look at these adjustments, that again, just seem to be the right way to treat people. Are those afforded to people who are non-union, or maybe that's not a union question. When it's something that's been negotiated on behalf of the union members, and we see that this is something that can actually make it a good place to work, a place that people know that they can go, be employed and give their best where they have those skill sets. Is this something that's afforded to people who are non-AFSCME? Or is it just that's the case only for union.

MR. CHAVEZ: I think it's about like the EDGE program that you guys spoke about earlier that were up here. Some of the employees advance themselves so they offer different things, for opportunity for advancements.

COMMISSIONER BUSTAMANTE: Okay. Mr. Chair, I think that the Human Resources Director would like to – please step to the mic. I'd like to understand how much of this actually goes to other employees.

VALERIE PARK (HR Director): This was written specifically into this contract because they wanted to ensure that. I would never turn an employee away who wanted to have a conversation about how they could grow and develop and how we can help them as employees within the County to further and better themselves, or understand why they didn't qualify for the position that they were applying for. I encourage that and I always think it's a great thing we can offer for our employees.

COMMISSIONER BUSTAMANTE: Thank you. And the same with the

something like reprimand moved to confidential component of a personnel file, would that be something that would be afforded as well to other employees,

MS. PARK: That is a negotiated element.

COMMISSIONER BUSTAMANTE: So in other words it wouldn't be afforded to other employees.

MS. PARK: It is not.

COMMISSIONER BUSTAMANTE: Okay. Thank you. And then Section 3.A, the opportunity to correct and improve behavior, is that afforded to other employees? Or is that something that's just been negotiated and not afforded to other employees?

MS. PARK: Performance improvement plans?

COMMISSIONER BUSTAMANTE: See Section 3.A, provides an opportunity to correct and improve behavior upon a reprimand. Is that afforded to other employees or is that just negotiated?

MS. PARK: Phone a friend help here.

MS. BROWN: Mr. Chair, Commissioner Bustamante, the performance improvement plan concept, which is what gives us that communication about what's not going well and how to improve, is used throughout the County in every bargaining unit, with non-bargaining unit employees.

COMMISSIONER BUSTAMANTE: And there's very clear direction in those performance improvement plans that say specifically – I guess the question would be from me, Mr. Chair, that why we would have to have it negotiated if it's something that's consistent throughout the County. If it's consistent throughout the County why would it be a negotiated point?

MS. BROWN: The performance improvement plans have varied in terms of what their content is and how frequently they're used throughout the County and through this training that's about to roll out. It is anticipated that consistency will be accomplished because the training will lay out elements that should be in the performance improvement plan, what it's format should be and bring that consistency that we were hoping for.

COMMISSIONER BUSTAMANTE: Thank you. I guess I will –

MS. LUJAN: If I may, it was not consistent before and there was not a program or not a process in line that we felt was being applied consistently at the time, and that's why we brought this new article so that there would be some consistency across the board for everyone, for the employees. Whether you're union or not we wanted something in writing that was consistent and that would be applied fairly with everyone.

COMMISSIONER BUSTAMANTE: Thank you. I won't ask the specific questions. I am going to restate what I said earlier. It's not about having competitive wages. It's about having a work place that improves one's quality of life. It's a work quality of life. And that is what draws people to work at any institution. And I'm going to go ahead and just say it for the record. Take it from someone who left a national lab where I was making a lot of money and went to work for \$21,000 a year. So six digits to \$21,000 because it's about feeling good about what you do and who you're doing it for.

When we look at a community of service, and that's what our staff is at Santa Fe County, a community of service, it's really about those who we have working for us,

working with us to serve our communities and assuring them the best quality of work life that we can, not just about compensating them to bear a day. So I'm grateful for the negotiations that you've provided. I understand – I've worked with a number of areas that have had unionization and I'm grateful for your good work.

So thank you. I really, really request that we really listen to those types of requests that are put in for even those who may not be union. These are the things that improve the work quality of life, and I mean that sincerely, because if we say no, this is only what's been negotiated and it's not what's afforded to all employees, then we really have places to improve. And we've seen it before. Not everyone is a good fit right where they are, and we can do things to improve and let's just say stop the revolving door for those who continue in and either they're not going to work or they're not – we're a County. We're here to serve people at all levels and we can work with our employees better to do that, because they are residents in our communities.

So thank you for your good work, sincerely.

CHAIR HUGHES: Thank you, Commissioner. Are there other comments from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you, Rachel, Ms. Park and the members of AFSCME. This takes a lot of brain damage, right? You're not trained for this, right? Our team is kind of trained for this and so I appreciate the time that it takes to do this. This is really a labor of love, right? We're up here, kind of doing this for our community and you're doing it representing your community. And so it's really great to see that you've put the time. So thank you for doing that.

I encourage you to get all the assistance you can to help represent your team as best you can. There's a level that we're not allowed to help you very much but I know that the greater bosses of the union support at the national and the state level have the resources for you so please use them as much as possible to help you make it easier. Thank you to our team for doing this. This is not easy as well and there's a lot of them to do it. So it's like you're not the only team. And then there's the folks that are the individuals that are out there.

Again, to reiterate what Commissioner Bustamante said, it's not only money. It's a humane and a good collaborative effort to allow people to move up the ladder, to make the right amount of money, to have the right amount of benefits, to have the right support, to have the right level of opportunity to succeed, but also to make a mistake and to be put back into circulation because sometimes we love where we work and we just have a bad day or just a miscommunication or something like that. So those are those little details that really take a lot of time and I appreciate that those are in this contract. I hope you're happy with them. I hope we're all happy with them, and here we are and thank you very much for the time and diligence. Thank you.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I also want to thank you both for your hard work on this. I also want to thank Rachel and Valerie who I haven't had the honor to meet and welcome to our team. I find these hard and so putting in the hard work – one of my favorite quotes is hard work is hard work by Obama. This is hard work. And we all know that. So I want to recognize Rachel and of course Sonya and Manager Shaffer and

Leandro Cordova and of course all the union representatives, you and Matt, because it's hard work. And so thank you for that hard work, because it pays off. And I also want to specifically thank Rachel for making this gender neutral, so to speak. That was something that I really care about and I think as we move forward in this day and age that the more we can create a more harmonious, equal workplace for men, women, LGBT, non-binary, all people, the better off we are. So thank you very much.

CHAIR HUGHES: Thank you. I believe Commissioner Bustamante has one more question which you promised would be short.

COMMISSIONER BUSTAMANTE: I did, and at this time I will apologize. I need an example of what – afford an employee a process to dispute a voluntary resignation resulting from unauthorized absence. If a person does not show up, I've understood that to just be an unstated, I'm out of here. So can I understand why a person may not have – might be able to come back and dispute it? I say this tongue in cheek, but short of falling into a coma and coming back – okay. So it's a serious illness that made it impossible to come back or to let someone know what's happening. Okay.

MS. PARK: Death of a family member. They had to leave. They didn't have a phone – truly, their phone died, they had to travel. They don't have internet. They have –

COMMISSIONER BUSTAMANTE: Understood. Thank you.

MS. PARK: We offer the option of saying can you give me something to preserve your employment.

COMMISSIONER BUSTAMANTE: Thank you very much.

CHAIR HUGHES: Thank you, Commissioner, and I just want to add that I'm very proud that we have such strong unions at the County. I was listening to a podcast yesterday about the Ladies Garment Workers Union and all the rights that we have secured as working people from the union movement whether or not we were ever members of a union, but it's just so important and I really appreciate everyone involved. And with that, I'm wondering if someone wants to make a motion.

COMMISSIONER HANSEN: Mr. Chair, I would like to request approval of agreement between Santa Fe County, New Mexico and the AFSCME Federation of State, County, and Municipal Workers, New Mexico Council 18, Local 1782, AFL-CIO, January 30, 2024 through December 31, 2027.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay, on a motion by Commissioner Hansen seconded by Commissioner Hamilton. Any further discussion?

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

MS. LUJAN: One last thing, Mr. Commissioner, if I may. I'd like to thank all the employees out there because they're in the trenches, they're working hard. I would just like to give a shout-out to all the employees. We do appreciate everything that they do, day in and day out for Santa Fe County and the constituents. So thank you.

CHAIR HUGHES: Thank you.

6. G. Resolution No. 2024-018, a Resolution Approving Market Rate

Adjustments to Santa Fe County's Compensation and Classification System for Positions That Are Not Part of Any Bargaining Unit Pursuant to Section 13.1.1 of the Santa Fe County Human Resources Handbook Based Upon a Comprehensive Labor Market Analysis.

CHAIR HUGHES: With that I think we come back to Rachel and Valerie again.

MANAGER SHAFFER: I actually volunteered, Mr. Chair, to answer any questions. I'm not going to belabor things. This is the resolution that would implement seeing market-based adjustment for County positions that are not part of any bargaining unit pursuant to Section 13.1.1 of the Santa Fe County Human Resources Handbook. I went over at a high level what it accomplishes as well as the nuances relative to the fact that this is not a cost of living adjustment, but again is a market-based adjustment based upon the comprehensive labor analysis that was done, and I'd be pleased to answer any questions that the Board had.

CHAIR HUGHES: Thank you, Manager Shaffer. Are there any questions?
Commissioner Hansen.

COMMISSIONER HANSEN: I'm going to make a motion if I may.

CHAIR HUGHES: Go ahead.

COMMISSIONER HANSEN: I would like to make a motion to approve market rate adjustments to Santa Fe County's Compensation and Classification System for positions that are not part of any bargaining unit pursuant to Section 13.1.1 of the Santa Fe County Human Resources Handbook based upon a comprehensive labor market analysis.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: Any discussion? Okay, that's a motion by
Commissioner Hansen, seconded by Commissioner Greene.

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

CHAIR HUGHES: My understanding is – Manager Shaffer, correct me if I'm wrong, we need a five minute recess to set up for item H. Is that correct?

MANAGER SHAFFER: Yes. Thank you, Mr. Chair. I thought that we could move some chairs up to the podium as mid-year budget adjustment does impact multiple departments, so I'd like department directors and/or other representatives to be present to quickly answer any questions that the Board might have.

CHAIR HUGHES: Okay, so we will take a five minute break and come back at 4:29.

[The Commission recessed from 4: 25 to 4:35.]

6. H. Resolution No. 2024-019, a Resolution Requesting a Budget Increase

to Various Funds for Departments Mid-Year Budget Requests

CHAIR HUGHES: All right. Let's come back to order. Is that okay, Yvonne?

MS. HERRERA: Mr. Chair, yes.

CHAIR HUGHES: All right. Go ahead, Yvonne Herrera. Give us the opportunity to own the budget adjustments that are being requested tonight.

MS. HERRERA: Mr. Chair, Commissioners, I'd like to really quickly introduce Gaby Trujillo. She is the new budget administrator who is going to be taking over budget, and I can take a long needed vacation.

CHAIR HUGHES: Welcome. Thank you.

MS. HERRERA: Mr. Chair, we're here to present the mid-year BAR for fiscal year 24. In January we met with departments to review the status of the 24 budget to see how things were going, to see what needs they may have through June 30th. As far as the procedures for the mid-year review, we generally evaluated requests within the following parameters: the first one is FTE requests were generally deferred to the fiscal year 25 budget process so that all such recurring requests could be evaluated at the same time.

The second one, recurring funding requests were evaluated based upon funding source in alignment with County strategic goals and core mission, time constraints and health and safety issues.

In addition to budgetary needs we also noted several budgetary cleanup items that needed to be done to move funding around so the departments could actually use the funding that was budgeted for 24.

In terms of the source of funding that we deemed to be available, as we noted from reviewing the 2023 audit, the County's fund balance increased in recent fiscal years due to a variety of factors, including: unanticipated and uncertain increase in gross receipts tax; significant vacancy savings due to the great resignation and subsequent labor shortages, as well as lower expenditure levels as a result of the vacancies; and then prudent budgetary practices.

In addition, during the 2024 budget process, the Board made several additional decisions that allows the County to be able to respond to unanticipated budgetary needs. First, the Board consciously chose to not fund all available capital and maintenance resources so that unidentified needs, such as stucco repair at Camino de Jacobo administrative offices or removal of retaining wall at the Esperanza Shelter could be addressed. And second, the Board consciously chose not to budget all nonrecurring revenue.

These factors and projected revenue that is exceeding budgeted revenue has positioned the Board of County Commissioners to be able to respond favorably to the departments' mid-year requests. With regard to revenue, it appears that the fiscal year 24 gross receipts tax revenue will significantly outperform the budgeted revenues. In preparation for the 2025 budget cycle, the County again contracted with Erebor, LLC to estimate County revenues. When evaluating his estimates, we noted that his revised mean estimate for fiscal year 2024 is \$100,279,395.

During the 2024 budget we had assumed, we had \$89,368,458, which results in a

difference of just under \$11 million in anticipated gross receipts tax revenue for fiscal year 24.

Mr. Chair, I can go, depending on what the Board would like, I could go through each of the items or I could do highlights and answer any questions along with the department directors and the various requests.

CHAIR HUGHES: Thank you, Yvonne. I think highlights is probably fine.

MS. HERRERA: Yes, Mr. Chair. So the general fund, we're requesting an increase of \$1.4 million for various departments. Some of the highlighted items within the Finance Division, we're requesting an additional \$60,000 to fund contractual services for contract drafting, which would help provide some efficiencies within our Purchasing Division or Purchasing group when it comes to drafting contracts for various goods and services. In addition, we are looking to \$100,000 for the enterprise resource planning requirements assistance selection services. This will allow the County to move forward with the strategic plan initiative of looking for a new accounting system or VIP system.

In addition to the contract drafting services within Finance we're also looking for \$60,000 within the Legal Division for contractual services for ordinance drafting, again, to find a resource that specializes in ordinance drafting to allow the attorneys to focus on other department needs.

And then we have the Public Works Department. Some of the highlights for the Public Works is we are looking to request funding to purchase six Chevy Volts for the motor pool, for a total amount of \$180,000. Three of the Chevy Volts would be located at the Public Works campus, while the other three will be located downtown here at 100 Catron. In addition to the Chevy Volts, Solid Waste Division in Public Works is looking to improve operational efficiencies in eliminating manual processes with the purchase of tough books which will allow for the collection centers to collect data as well as I believe collect payment, too, right? Instead of having such manual and paper processes which result in potential reconciling issues, items lost, data not accurate.

Other items within the general fund, we do want to make a note that the Clerk's Office did provide an additional request. Unfortunately, it came after we had already evaluated so we need to bring a separate item on behalf of Madam Clerk. And that's it for the general fund, for the general operations within the general fund.

Then we go to some of the other items, is item #11, which is the road maintenance fund. We're requesting a net increase of \$414,000. In addition, we're asking for an increase in the amount of \$7 million from the first one-eighth hold harmless GRT fund to transfer into the road maintenance fund. The purpose of this transfer is part of the submission of the County's budget and actual operations to DFA's LGIP system is that the general fund and the road fund are required to maintain a specific reserve per DFA. So not only does the County have requirements within its reserve policy for various County funds, specifically in the road fund I believe it is ten percent of the budgeted expenditures. DFA also requires that we keep one-twelfth of the budgeted expenditures of that fiscal year as a reserve.

When we prepared the budget for 24 we were in compliance with that reserve requirement but as we've brought forth to the Board various budget adjustments, specifically for purchase roll-overs, one of the few items that we bring to the Board for

year-end cleanup because we end up having two fiscal years open at the same time while we work on accruals before we close out the new year to roll everything over into the next, we discovered that the fund was not in compliance with DFA's requirement of having one-twelfth of budget expenditures as available cash balance. So unfortunately, any budget adjustments that we bring forth to the Board we're unable to submit to DFA because the system will not allow us to submit those items with this fund having sufficient cash.

In addition to that we are looking at item 14 which is the healthcare assistance program. We're looking for an increase of \$250,000. The Community Services Department is looking to expand its safety net health services by contracting with Presbyterian Medical Services, a federally qualified health center.

In the developer fees fund, item 15, we're looking for an increase of \$4 million. This is to provide funding for the affordable housing developer assistance program. The Board approved the developer assistance program regulations in October of 2023. Funding will allow the County to accept applications within the developer fees fund.

Another item is item 17. This is funding coming into the general fund from the fire operations fund in the amount of \$200,000. So further recommendations, OEM will be housed within the County Manager's Office. Originally, when we prepared the 2024 budget we put the funding for the OEM under the fire operations fund so we just want to move that amount from fund 244 into the general fund so that that funding is available for when we begin to fill those positions.

Another item of interest is item 19, the law enforcement operations fund. They're looking for an increase of \$371,000. The funding would be used to purchase handguns with enhanced sighting, which will allow for the deputies to have a better – public safety will be increased because they'll be able to – the accuracy of having to possibly use those weapons. It will provide better public safety.

In addition to that we are providing funding for electric patrol vehicles for two of them for the EV pilot project that was mentioned during the 24 budget hearings in the amount of \$251,000.

Corrections operational fund, which is item 20, we are looking for an increase of a million dollars to help fund the adult detention facility recreational yard construction project. This project specifically provides for increased outdoor recreational opportunities for inmates in special management housing, which will reduce the number of inmates classified under state law as being in restricted housing. It also allows for the safer transport of such inmates to the recreation facilities. This is one of several ongoing and planned investments in the health and safety of inmates as well as staff.

Item 22 is the capital outlay GRT fund. We're looking for an increase of \$300,000 and this is to provide funding to the Housing Authority to provide – to be able to provide the last piece of funding needed for the Camino de Jacobo sidewalk project.

In the Utilities enterprise fund, we're looking for an increase of \$781,000 and change. This one is to provide funding for immediate maintenance on unplanned maintenance on a backhoe, the Rancho Viejo booster station, and infrastructure at the Metro Center pressure relief valve. Funds are also needed for various operational supplies as well as the TL2N waterline connection off of the West Las Vegas Highway.

And finally, the Community Services Department, we are just looking for the

funding reallocation. During fiscal year 24, \$450,000 was budgeted to help the County address behavioral health assistance surrounding youth with a specific focus on females, LGBTQIA and non-binary youth as demonstrated during presentation to the Board on national and local statistics of this vulnerable population. At the time funding was approved a plan of action had not been developed. The Community Services Department would like to allocate part of this funding for a youth intensive case manager position to help youth and their families in assessing behavioral health services. The estimated cost of this position is \$98,794, which includes salary, benefits and this portion will just be allocated from the \$450,000 that was budgeted within the contractual services.

In addition to the budget adjustments, as previously asked by the Board, we did provide a summary of the impact to the various funds due to as a result of budget increases, providing information on the available fund balance as of June 30, 2023, showing the amounts that are available to fund these budget increases, taking into account prior amounts that were already approved by the Board and then showing how much of the fund balance to date we have used and what is still available. And with that, Mr. Chair, we stand for any questions.

CHAIR HUGHES: Thank you. Are there questions from the Board?

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I think this one is for the County Manager. There had been a request for additional space at the Edgewood – and it was understood that it was going to be part of the mid-year budget request, and I don't see it anywhere on this list. I do understand that there's a presentation next month regarding what the extension offices do, but that doesn't do anything to address something that was requested in August when we first discussed the potential for having office space for the Santa Fe County Extension in Edgewood. Is there a reason why we don't see it here?

MANAGER SHAFFER: Yes, Mr. Chair, Commissioner Bustamante. It's because it's not needed for the space this year, rather as we previously communicated, Public Works, working with the Extension Office had concluded that they could fund the requested space out of the existing year's budget, so there's no additional money that's necessary. So next meeting, not only will there be a presentation by the Extension Office but there will also be a request to approve – I think it's a lease arrangement, for that space.

COMMISSIONER BUSTAMANTE: So Mr. Chair, Mr. Shaffer, this will be – so it wasn't required to have the mid-year budget request. It will be covered and they will be having space in Edgewood this year.

MANAGER SHAFFER: That is correct, and again, during the remaining months of the year they can collect data as to how that impacted their operations so that as a go-forward request there'd be some data to help support that.

COMMISSIONER BUSTAMANTE: Wonderful. Thank you. And I'm sorry if I missed the message that it would be part of the mid-year but that it was going to be covered. That's good news. Thank you.

CHAIR HUGHES: Thank you. Other questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Yvonne, thank you for the presentation and all the details here. It was pretty clear and easy to understand for

those of us that deal with it at an upper level. So thank you. First off, I'd like to congratulate Management and the Sheriff's Office for getting the EV pilot project off the ground. I think that's going to be exciting and I think there's going to be a few Sheriff's deputies that are going to be driving around in style and saving the planet at the same time, so it will be great

Also, in the Camino de Jacobo sidewalk project, I would hope that this project has two aspects other than just sidewalks, that it has rain gardens. We've talked about them here in the past, and I would hope that in some of the design of the sidewalks that we would provide a way to collect some of the water off of the streets and put them into ponds. And street trees, because a lot of times we end up not providing shady spaces in our housing projects, so it would be really great if we were able to include that in there.

Specifically, a request that I would hope that my fellow Commissioners might entertain here today, I have two jurisdictions that are part of my district, or one that is a part of my district and one that is a part of all of our districts. And so that have put requests to us and to me specifically for support for programs that we collaborate in or that our constituents use. And so the first one is the Española Rio Arriba County E-911 system which manages the system in the very northern tier of Santa Fe County along the Espanola and northern tier around County Road 76. They've in the past – they've asked for about \$50,000 a year for support for the services that they provide to our constituents in that area.

And so as of my proposal here would be \$25,000 for the half year that would be contingent on if they were going to accept this money that they would start the conversation between our E-911 board and their E-911 board, to start talking about consolidation of services into a more efficient regional system or systems with partners such as Santa Fe and Taos. Both of those have upgraded their systems. Santa Fe, as we know, is building a new facility and it's going to be state of the art, and Taos has done the same in the last few years. They would not necessarily result in a loss of jobs for the folks up there. They would actually – the staff that work up there could be transferred to these two new facilities here in Santa Fe and in Taos if that was the way that they decided to go, and they would be paid significantly more than they're paid up there. They currently make around \$13 or \$14 an hour and we pay our staff here significantly more. So we would be able to augment the vacancies, bring people in that were trained, and also expand our efficiencies here.

The second item that I'd like to bring up that the City of Santa Fe has brought up that we do not operate any libraries but we are a very large percentage of the library patrons, our county constituents, and so as a support measure from our budget, given the fact that we do have a little bit of extra money this year I'm going to request \$25,000 to go towards the City of Santa Fe's library system so that we can do our part in supporting the library system here in there City of Santa Fe that supports folks for a wide range of various – from Glorieta to Espanola to around here. So those are the two things that I'd like to say congratulations for and the two things that I would like to put as a budget request in.

CHAIR HUGHES: Thank you. Other comments? Commissioner Hansen.

COMMISSIONER HANSEN: So I'm going to respond to Commissioner Greene's request. First of all, who will we guarantee that the \$25,000 is going to go to the

libraries if we give it to the City? I don't see how that is a guaranteed thing that will happen. We do have a library. We have a library in Eldorado. I believe we have a library up north. I don't know how we could guarantee that that is going to go to the library system in the City by giving them \$25,000. I don't have faith.

Okay, second of all, the RECC, that's regulated by a JPA. So in order for something like that to happen we need to change the JPA, which we have asked the City to work on for the seven years that I have been in office. And they refuse to work on it. So if we don't have a working partner to bring somebody like the northern partner in, and the City of Santa Fe refuses to work on the JPA to make it a better document, then I think there's a big discrepancy there.

COMMISSIONER GREENE: If I may, Mr. Chair.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you. So in terms of the – for the library, we can make it a condition. It's an intergovernmental agreement to offer this money but we're putting it in our budget. If they decide that they are not going to put it into library services they can't accept the money, and we do that internally with a control and says it has to go to the – the City has to accept it with a pledge to put it towards library services. They've got a budget just like we do and they have – I think the libraries actually have a specific pot of money and they would have to accept it and put it into the library budget.

And in terms of the Rio Arriba County E-911 system, that would be, again, put with a contingency that if they wanted this money that they would have to sit down with us and discuss – start the discussions of a consolidation program. There's been many years that we haven't paid them for this service and I think that this would be a nice token to both carrot and enticement to the negotiating table. It's not an offer without an ask. It is an offer of money with a specific ask that they would start to sit down with the E-911 system here to understand how we could consolidate.

COMMISSIONER HANSEN: So do you think you can get the City to come to the table and rework the JPA?

COMMISSIONER GREENE: I'd be willing to try, but –

COMMISSIONER HANSEN: We've been trying for seven years so I find that shocking.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd like to get like a report out from maybe the County Manager or the Fire Chief, because I don't see RECC here, or whoever's appropriate on what the status of what our interactions have been, because with the Espanola E-911, because the service – you slipped a comment in that the service we get from them that we haven't paid for. But service on those cross-jurisdictional lines go in both directions. We do the same thing for them, so it's really, in my mind, unless they correct me on what this is, it's not an unpaid service. It is a traded service. And I think the idea of putting an ask on them that they come, that's the wrong direction. That's not who we have to have come to the table. That's missing the boat a little. The bigger group has to be to come to the table.

So Commissioner Hansen didn't quite put it in those terms but this, I think, just is something that needs to be looked into more, because we're giving the money and we're

doing an ask that's really not meaningful to the situation. If they're wanting to become part of the bigger regional thing the whole regional RECC group has to be willing to come to the table.

So once we get confirmation of that, like, if that's really something that's in the offing, great. We don't have to pay Espanola E-911 to do that. If we really owe the money, if there's something other – some other justification, but that's what I'd really like to hear something about. Because like I said, I think it's kind of like what we do with the borders with the city and the county, they respond on some of our things; we respond on some of their things. There is this reciprocity that you have to have at the border.

MANAGER SHAFFER: If I could.

CHAIR HUGHES: Let's maybe go to Manager Shaffer. I have a similar question which I'll add mine on to Commissioner Hamilton's, which is if we are going to consider requests from Commission members, would it not be maybe more appropriate to put those out to staff to evaluate and bring to us so that we can vote on them?

COMMISSIONER HAMILTON: That's a good point.

CHAIR HUGHES: And maybe not try and tack things on to this one?

MANAGER SHAFFER: Mr. Chair, Commissioners, a couple different questions which I'll try and take in the order that they were asked. With regard to negotiations with the City of Santa Fe and the Town of Edgewood for the Santa Fe County Regional Emergency Communications Center, as I recall, there was a desire on behalf – I'm talking about our own RECC. So the Town of Edgewood and the City of Santa Fe, as I recall, there was a desire on the part of our partners to receive the recommendations from an independent third party, Federal Engineering, relative to staffing funding mechanisms and governance and the like. I think they felt and we didn't disagree that then everybody would be starting from the same knowledge base and would make for more fruitful negotiations.

I'm looking to Deputy County Manager Bernardino. He may be able to give an update as to when that phase of Federal Engineering's work is due, but I think we just recently cut the purchase order so again, I'm thinking that would be in a six-month timeframe, thereabouts. So that's on the negotiations for our own joint powers agreement and that could then lead into discussions about how another surrounding dispatch center could be absorbed.

With regard to the – what I understood to be the question about cross-jurisdictional services, I believe it is fair to say that that does very much run in both directions. I believe the number I heard Chief Black just mention to me is that we responded to approximately 200 calls last year in the City of Espanola and in Rio Arriba County, so certainly to the extent there are dispatch services that may be related to citizens who live in the Santa Fe County portion of the City of Espanola there are corresponding services that are being provided without any sort of reimbursement as it should be in those areas of public safety.

Relative to the Chair's request that items be put forward and looked at as part of the fiscal year 2025 budget process or as part of this mid-year budget process, so that they can be fully evaluated, that certainly makes sense to me as the approach if the Board wanted to adopt that, that we could step back and do that. And again, or they could be considered as part of the fiscal year 25 budget process, depending upon the relevant

urgency of things.

Did I address all the questions that were posed in my direction?

CHAIR HUGHES: I think so. Commissioner Hamilton, did you –

COMMISSIONER HAMILTON: For the most part, but there is a little bit of a follow-up, because was there history where we used to pay?

MANAGER SHAFFER: I think I understand the question. I'm sorry to interrupt. Mr. Chair and Commissioner Hamilton, the County of Santa Fe used to be a partner to the joint powers agreement with Rio Arriba County and the City of Espanola and others. Forgive me; I don't have that information right at my fingertips, but I believe that the County terminated its participation in the joint powers agreement in or about 2009. Harry Montoya was the County Commissioner, so that places it in that era. So it's been some time since we've had any legal obligation to contribute to the operations of that center. Again, I don't have the information right at my fingertips. There may have been one fiscal year in the intervening, I guess 15 years when we may have made a contribution to their operations, but the short answer is we don't have a legal obligation and we haven't for some time. And I don't believe that we had anything approaching a regular practice of contributing and I believe it may have only been one occasion. But I can get you that – I'll follow up with specific information because I don't want to inadvertently give you bad information from memory.

COMMISSIONER HAMILTON: So Mr. Chair, it's not that I'm opposed to considering expansions and regional expansions at all. I just think your idea of having them presented and evaluated so that we can consider it in a more educated, informed manner, I would strongly support that. And in this case, since we're doing this same exact kind of evaluation internally with Edgewood, I just think it's a big kind of move. So just to suggest casually to enter into conversation about regionalization. We have a process that we've done that we're currently doing. And I would strongly support taking that route.

CHAIR HUGHES: Other comments from the Board?

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. In that interest, and I appreciate that for issues as big as this, when we're looking at what's up for mid-year, but I think that in the interest of process, it would be ideal and better served for our time is that these are big issues that require a bit of investigation and working and understanding the nuances, that those be brought in advance to our meetings with the County Manager. Voting on those today, without having had the opportunity to evaluate each aspect of it isn't really an appropriate way to actually get something established, unless there was something that would be brought up as matters from the Commissioners to ask for further follow-up so that we could actually make an informed decision. I would request that of all of us, including myself, that anything that would be brought new in this interest at any budget would be for future consideration. But there's nothing – I have nothing against either of the ideas and concept, but it wouldn't be appropriate for us to spend the amount of time necessary today that would turn into well into tonight to really understand all the nuances, especially since we know that there are other libraries that we have, that the RECC is a complicated, negotiated item. Items like that, ideally would be brought to the Manager in advance and work with the specific staff so that we could make an informed decision. I would appreciate it. Thank you, Mr. Chair and

Commissioner Greene.

CHAIR HUGHES: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So one thing I did want to bring up at mid-term is that we did pass during the strategic plan is the Arts Commission and the Arts Council, and I want to know where that might be in the mid-term budget because that is something that is on the strategic plan and I don't know how much it's going to cost to set that up but that is something that I know myself and Commissioner Bustamante have been advocating for for quite some time. So if that – if Community Development has it in their budget already to do this then great. But if not then maybe it's something that needs to be added at mid-term.

MANAGER SHAFFER: Mr. Chair, Commissioner, any cost associated with the Art Council I believe would be addressed as part of the fiscal year 25 budget process, is where that would be addressed. Most strategic plan initiatives would be captured there, which isn't to say that there won't be work put forward to lay the groundwork for that but any cost associated, that's my understanding as to when they were going to be captured and Paul, if I got that wrong you can correct me, but that's the plan.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Okay. It also occurred to me that some of the rest of us may have little things, dollar amounts – your dollar amounts were small, Commissioner Greene, but your ideas were huge, so if it's things I'm thinking about the dollar amounts are bigger but the ideas are smaller. But it seems like we might want to bring a few things to the attention of the County Manager to perhaps add to this mid-year process or go into the 25 process going forward. I think there's lots of good things in here. We're buying electric cars and making our sheriff's more efficient and the jail more humane. So does anybody want to go ahead and move this one forward?

COMMISSIONER HANSEN: Mr. Chair, I will move to request a budget increase to various funds for department mid-year budget requests.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: We have a motion from Commissioner Hansen, seconded by Commissioner Greene with his microphone off, I believe. Any further discussion?

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

7. **Presentations**

A. **Presentation on Planned Use of Capital Improvement Funds Granted to Santa Fe County for the Santa Fe Recovery Center**

CHAIR HUGHES: And thank you to Yvonne and Finance staff and all the directors for being here to answer the questions we didn't ask. Looks like we have our presentation team assembled. Director O'Connor, do you want to get us started?

RACHEL O'CONNOR (Community Services Director): We are here this afternoon with the Santa Fe Recovery Center and I'm going to ask that the two members that have come from the staff of the Santa Fe Recovery Center introduce themselves. We

are here this afternoon to provide you with information about capital funding that Santa Fe County received from the New Mexico Legislature to expend on a building to expand services for the Santa Fe Recovery Center.

I've also asked Public Works, P.J. Montano, to join us today so that we could discuss the plans in moving forward. As any of you can see from the presentation, the County started receiving money in 2019 to expand services and we have received about \$7 million over a five-year time period to support that. So before we move forward with the presentation, I'm going to ask Mr. Orr and Mr. Sanchez to introduce themselves and give us their titles and then we'll move into the presentation to talk about the capital funding and the Recovery Center's plan to move forward with the renovation of a building. Thank you.

BARRY ORR: Mr. Chair, Commissioners, thank you for having us today for our presentation. My name is Barry Orr and I'm the Chief Prevention and Recovery Officer and Santa Fe Recovery Center.

ERIC SANCHEZ: Mr. Chair, Commissioners, my name is Eric Sanchez. I'm the Director of General Services at Santa Fe Recovery Center.

MR. ORR: We're happy to be here today and thank you for the ongoing partnership with the County that's so vital for us to be able to provide these services for the community, and of course we provide substance use treatment services and are the largest of the residential treatment providers in the state. And this particular project is just a vital project for us to relocate the gender specific of our men's residential program.

This is a large program. We have a new facility that's located at 1931 Warner Avenue that this funding will go toward. So we'll be renovating that business at a cost of \$290 a square foot and we're here to share more information about the plans for that project. So we purchased this property on Warner Avenue back in 2021 and the original plan included the design and renovation to house 48 30-day residentials, that level of care for the 30-day residential treatment, and another 26 beds for extended residential, which is sort of a step-down service. Very often people need more treatment services than can be accomplished in 30 days, so extended residential.

So that was the original plan. These services are currently delivered at the mid-town campus and of course our lease at the mid-town campus ends in November. So in the context of this plan, we have a plan in place to renovate the new location at Warner Avenue that we've purchased by the end of October.

And just to share with you a thank you to everybody, to the community and to the County Commissioners for your patience and understanding as we navigate this project. It's a fairly large project and we've of course, as can be anticipated, running into some natural challenges. Among those include the original bids for design and construction, that process took 11 months to get in the bids and when we did get the bids back we were shocked at how much more the bids came in and we're learning that in today's environment that's not atypical for projects of this size and scope. I think some related to the pandemic and the supply chain issues associated with the pandemic and the bids are coming in higher than we could have anticipated. So that is one of the dynamics that has affected this project and caused us to have to shift gears a little bit.

So with the new bids that came in we did an in-depth review with our executive team and our board and we determined that it was necessary to make modifications to the

project's scope to be able to come in within the amount that's covered by this funding. So that's what we're here to share a little bit about today, and I'm going to actually turn it over a little to Eric to talk a little bit about the specifics of the project as he's leading this project for us.

MR. SANCHEZ: Thanks, Barry. Commissioners, so this project is basically a scaled-down version of the first iteration, just trying to get it under budget to match with the capital allocation fund. It will house solely our men's 30-day residential program. The updated design is designed for a different type of therapy that we're planning on implementing in the future. So we will have milieus of pods within the layout of the structure. I think it's actually four 12-bed pods for 48 total. So it does increase our current capacity by 20 percent for our men's 30-day residential.

Our current lease at mid-town campus suns-down on November 1st. You've probably heard that the City is planning in redeveloping the mid-town campus area, so that's why that became necessary. We've already contracted with NC Architects out of Albuquerque and Insight Construction in CMAR capacity construction manager at risk to help design the new building and get us all the documents and things we need.

Construction is estimated right now to be completed in October of 2024 to get us in by the November 1st deadline.

So we've already started the planning process, starting in October. It ran through December and in January we've implemented a sooner than normal demo schedule to help – they'll be done before the design docs are complete to help us quicken the process a little bit. We're expecting construction to go through the rest of the year and be finished at the end of October.

We had our project kick-off meeting October 19th of last year. It's been information gathering and meeting with the architects. We went through a bid process with a couple of different architects including the RMKM out of Albuquerque and Mass Design here in Santa Fe. NCA, really they came in with the best plan and hitting the really small timeline that we have. They're the ones that suggested an early demolition package to help us with our construction documents. They're planning on getting that done and starting the permit process in March and the goal is October 31st to finish construction.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So do you have all your documents? Do you need to get any permits from the City?

MR. SANCHEZ: We're in the process of signing contracts right now. So they have a demo plan ready and inside we'll pull the demo contract as soon as the contracts get signed up. We're expecting this upcoming week.

COMMISSIONER HANSEN: So since this is Santa Fe County property, correct?

MR. SANCHEZ: Not right now, purchased. It is purchased by Santa Fe Recovery Center right now.

COMMISSIONER HANSEN: Okay, so we're just the fiscal agent?

MR. SANCHEZ: Correct. Yes.

COMMISSIONER HANSEN: Okay.

MR. SANCHEZ: We'll be readying the project and it will be a sail to Santa Fe County after we're done.

MANAGER SHAFFER: Mr. Chair, Commissioners, I think the contemplated transaction is that the project would be managed by Santa Fe Recovery Center and then consistent with the appropriation language the County would utilize the funds that have been appropriated by the legislature to purchase the property from the Recovery Center so that they could retire any project-related debt that was incurred. Ultimately, in order to comply with state regulations and the state constitution there would be a lease in exchange for services agreement, I think is what is contemplated. But again, those are things that are down the road. But this is a long-term commitment that the County would be entering into, or a long-term relationship with the Recovery Center in order for these funds to be accessed. If I mischaracterized what the Recovery Center was thinking, correct me, but that was my understand based upon how these projects are required to work from the state.

CHAIR HUGHES: Thank you, Mr. Chair. Rachel.

MS. O'CONNOR: Mr. Chair and members of the Commission, if I could just add a tiny bit to what the County Manager said. The presentation is coming today because we're working in the County to ask for an extension of some of this grant funding to be utilized for this purpose. The funds were initially allocated to the County in 2019. It's been a five-year period that the funds have stacked from the New Mexico Legislature, so we will be submitting an extension to move forward with the plan and that's why we asked the Recovery Center to speak today about what plans they have moving forward.

CHAIR HUGHES: Okay. Thank you.

COMMISSIONER HANSEN: I'm sorry to interrupt, Mr. Chair. I just wondering what was going on.

CHAIR HUGHES: I think Commissioner Hamilton has a question as well.

COMMISSIONER HAMILTON: Yes. I think what we're doing jointly is wonderful. I'm fully in support. It just I seem to have caught the same thing that Commissioner Hansen glommed onto, administering a project where you can start the project before you get the permits to do it. And you have on the timeline doing demolition before the permitting, and that's -- in all the other worlds I work in that's asking for trouble. So I wanted to ask about that.

MR. SANCHEZ: Thank you, Mr. Chair and Commissioner Hamilton. It is a different type of project for sure because of the deadline given to us by the City of Santa Fe. We've been kind of working hand in hand with Insight Construction and NCA to address these challenges. A lot of the groundwork for this project was done in the previous version of this, so they were kind of ahead of it in terms of what the design plans and the layout's a little bit different but in terms of the rest of the project, a lot of it's going to be similar to what we'd already done and pulled permits for. So we will be submitting those but you are correct; it is a challenge and the whole timeline is going to be a challenge, yes.

COMMISSIONER HAMILTON: Okay. You're thinking about it too.

CHAIR HUGHES: Well, is there a chance that your lease at mid-town could be extended six months if things don't go as planned?

MR. SANCHEZ: That's the hope, Mr. Chair. They extended our lease this last year to November 1st and their biggest thing is that they're planning on redeveloping the mid-town area, but they don't have anything in place right now either, as far as I know in my conversations with them. So for us, getting started and showing progress on this I think is important, so as City of Santa Fe sees that it's my hope that they'll extend it for a couple more months after.

CHAIR HUGHES: Thank you. Another question, Commissioner Hansen.

COMMISSIONER HANSEN: So the other reason I ask is because if this is a County project sometimes we have an agreement with the City that we can easily get permits without a lot of rigmarole. But it doesn't sound like this is actually a County project and I'm looking to P.J. to confirm that.

P.J. MONTANO (Public Works): Mr. Chair, Commissioner Hansen, that's correct. This is not run by the Santa Fe County projects team. We have offered to assist with anything, to review plans or just to extend our knowledge from the team. But this would be run through City permitting, not state permitting. So it would go through the City.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Have you – so some of this money looks like it sunsets pretty soon. Have you gone to the legislature to ask for an extension or reauthorization?

MS. O'CONNOR: Mr. Chair, Commissioner, Santa Fe County actually requests the carrier of these funds to be utilized for this purpose. So the County has submitted the appropriate paperwork for consideration by the legislature.

COMMISSIONER GREENE: Is there something that we need to do to talk to our legislators to make sure that we don't lose out on this because time crunches are bad for business.

MS. O'CONNOR: Mr. Chair, Commissioner Greene, I think that – and I'm sorry that Sam is not here today, but we have had ongoing discussions with Senator Rodriguez who is a very active participant in this process and who has allocated the funding for this project, as well as her team. So the County will be requesting to carry over the funding. There is some ambiguity about some of the funding that did sunset. We were asked to submit some paperwork and ask the state to carry that over. We have not been notified, I believe because there's some issues with the state capital funding whether or not that money has carried over or if the project will lose that funding.

COMMISSIONER GREENE: Do we know if that money – so it's already potentially at risk and clawed back. And do we know, does that make this infeasible or is this something that –

MS. O'CONNOR: Mr. Chair and Commissioner, we believe that – we are requesting an extension for two of the grants that are included in the list in your packet. We are hoping to get carryover of those grants. Previous to that we also had some funding that was sunsetting that we submitted paperwork for to ask for an extension. I think the important thing, Mr. Chair and Commissioner is that the County started working with Santa Fe Recovery Center in 2019 on this project so I don't think it was the expectation of any of us for this project to have lasted quite so long. And so we are trying

to extend the grant period.

Any time there's a staggered grant period like this where funding comes in and stacks up over a period of time it gets complicated.

COMMISSIONER GREENE: Thank you. Have you worked with your architect to work on some of these long lead time things. I just ordered an electrical panel that was 36 weeks. Now, 36 weeks gets you past October and to be able to think that you can open this thing and be done by then, the supply chain hasn't figured itself out 100 percent yet, and so I re-engineered a project to down-size my electric panel to create a solution that gets me to a 20-week panel. You may not be able to do that. This may be too large a project to do that but the HVAC system, a ten-ton unit is taking 45 weeks right now. An electrical panel, PNM, have you gotten all the things from PNM to get your electrical service engineered. Maybe it's turn-key; maybe the building's already ready to go but most buildings are not and so –

So have you submitted to PNM? Is there something that we can help with with PNM? Anyway, do you have those things lined up or are we sort of wishing about where we're at at the stage of this, because October is now, right? October you need to be putting the building back together, not starting construction in a few weeks.

MR. SANCHEZ: Right. Chairman, Commissioner Greene, that's a great question and these are all challenges that we've discussed with the architect and CMAR, the construction manager at risk to help us solve some of these challenges. So we haven't submitted anything specifically to PNM or any of the supply chain stuff, but those are all things that the architects and the construction company are aware of and are part of the discussion. So over the initial discussions, they feel like they have solutions for those. We have to set the timeline knowing that we have a November 1st deadline.

So to answer your question, no specific discussions with any of them but with the architect, yes and with the construction company, yes.

COMMISSIONER GREENE: Okay. Do we currently give you money for services? Do we know that at the end of the day, when we're all done with this, when you're done with this project, are we giving you money currently that balances out this purchase and lease-back or whatever – lease for services program? Have you looked at those numbers?

MR. SANCHEZ: As far as I'm aware, not for the men's 30-day residential program. We run our detox services through the County and we do have a similar program in place with our detox services at Galisteo and it works really well.

COMMISSIONER GREENE: Is that La Sala?

MR. SANCHEZ: Yes.

COMMISSIONER GREENE: That's your program over there.

MR. SANCHEZ: Yes.

COMMISSIONER GREENE: So this would be an additional program, just a longer-term bed facility.

MR. SANCHEZ: Correct.

COMMISSIONER GREENE: Okay. Great. Do you have your – does this budget here cover all of the renovations currently?

MR. SANCHEZ: It does. Yes, sir.

COMMISSIONER GREENE: You've priced it out with a general

contractor?

MR. SANCHEZ: Yes. Our current budget, it fits right underneath with the current budget. I have the numbers here. The construction estimate came in at \$4.72 million for just construction alone. Of course there's non-construction costs and extra costs, permitting, things like that. So everything total comes right at \$7.092 million. It's just under the \$7.2 million of this grant.

COMMISSIONER GREENE: Okay. Great. And how far are you in the drawings? Are you in construction documents? Do you have those ready? When do you expect to submit to the City for permits?

MR. SANCHEZ: In March. So they are in design drawing phase right now.

COMMISSIONER GREENE: And you've done pre-permitting – all the pre-application stuff with the City? Because best case scenario is three weeks. That's got to be a spotless set of drawings and I've never seen anybody get through the gauntlet in one submission. So – okay. Is Public Works able to assist in some level of procurement, construction management? This is a critical piece of infrastructure for our Community Services, but I don't want it to fall apart because we didn't do our – where we can assist but also that you didn't have the wherewithal to ask for help or to have it all lined up?

MR. SANCHEZ: P.J. and I worked together on the last version of this project and he was able to see the final versions of the construction documents for the last version of this project. It was my hope that he'd take a look at the newest version of the project as soon as it's ready and asking for his assistance in some of this. So, yes, we've been in contact before over the last version of this project. I'm hoping for his help in this next version as well.

MR. MONTANO: Mr. Chair, Commissioner Greene, we have offered to help review plans or just offer any knowledge that we can from the projects team on the last version. I have not been part of this new version but we still offer that as of right now.

COMMISSIONER GREENE: Thank you, because that's what you're good at and these guys are good at something else. So construction unit, we can help with our – The encumbrance deadline of June? Is that – that means a contract? A general contractor with the demolition in the project out there, or how does that work? Because I'm worried that this money is going to be clawed back and you're going to be short if things slip. What do you need to do to get this thing there? Or do we just have to go to legislature and buy you another year?

MANAGER SHAFFER: Mr. Chair and Commissioners, if I could just interject one second. Unless I'm ill informed, the June 30 deadline is a hard expenditure deadline, so that's not just being under contract. That's good and services received and you have an actual obligation to pay. So I don't believe that, absent an extension, I don't believe there's any feasible way for that amount of money to be spent in that timeframe.

A different issue relative to some of the newer vintage appropriations, you're right in terms of getting an encumbrance in place, but we're at the end of the grant period and so that's a hard expenditure deadline. I hope I answered your question.

COMMISSIONER GREENE: You did. Thank you. And so is there a specific recommendation that you would have, County Manager, to us to help extend this

so that we can get this time? This is really our money for them and our services in a partnership. What can we do to –

MANAGER SHAFFER: I think if anything, to simply reiterate to the primary sponsor and I can get you the list of folks who have appropriated funds or allocated funds that need to be extended, but principally, as Director O'Connor mentioned, it is Senator Rodriguez and I think she's well aware of the needs and the deadlines. But I'll get you the list of folks who have allocated funds that are set to expire on June 30, 2024, if you want to follow up. I think that's the only thing we would need to do.

COMMISSIONER GREENE: Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So Senator Rodriguez, this is one of her really important projects and I am sure that she is working to reauthorize this. If she wasn't I would be shocked.

COMMISSIONER GREENE: Good. You've met with her in this session? In the last two weeks? Specifically on this issue?

MS. O'CONNOR: Mr. Chair, Commissioner, we have spoken with Senator Rodriguez as well as her lobbyist, Linda Segal. I apologize. The lobbyist for Santa Fe Recovery Center, and Stacy Martin, the CEO regarding the project. I do want to back up just a little bit. We do fund the Santa Fe Recovery Center to provide detox services. We also provide the building free and have renovated the building at La Sala for the detox services that are provided there. We also own, I believe, another building on Lucia Lane that we provide to the Santa Fe Recovery Center. So the arrangement would be similar in this case. The County would purchase the building. We would own the building and then the services would be provided in lieu of rent.

So we will be working on that going forward. And we have been in touch, Santa Fe County has been in close touch, both through the lobbyists that we employ and through Hvtce Miller who is our representative, and through the County Manager with Senator Rodriguez. We have not seen the plans. The Public Works Department I believe, has not seen the plans. And so I do want to say that, but moving forward, we hope we can collaborate on the project.

COMMISSIONER GREENE: Okay, just one last thing. Just like, this is ultimately going to be, if the arrangement goes as you're planning, this is ultimately going to be our project, right? Our building, our facility. You're going to operate it. So I encourage us and you to work together so that we feel confident that this is a building worth investing in. The money's going through us and we are ultimately going to buy it from you in some arrangement here. And so our Public Works staff needs to be as involved as they can, not taking too much of their time, but providing some value add to you so that you can get things done faster, higher quality, better results, that we can then assume and buy this property and not buy a can a worms.

And so a rushed construction job can be a problem and so – so having the eyes on it as early as possible is something that we can add as a value if the team feels that it's the right thing. But I encourage us to do that.

CHAIR HUGHES: Thank you. Anything else from the Commissioners.

Thank you for the presentation. Very important project. Obviously, you can tell we support whatever it takes to get this done.

MR. ORR: Thank you, Mr. Chair. Thank you, Commissioners, for the support.

MR. SANCHEZ: Mr. Chair, Commissioners, thank you so much.

CHAIR HUGHES: Thank you for coming. Thank you for waiting.

7. B. Presentation on Economic Development Plan

CHAIR HUGHES: Juan Torres

JUAN TORRES (Economic Development Manager): Good evening, Commissioners, Mr. Chair. I'm here to speak about the status of the economic development plan. So right off the bat I'd like to point out that this plan has taken a bit of time and there's some internal structural reasons for that. There was some changing of department and department directors and leadership moved on, and so in the course of all those things this plan was significantly delayed.

It began, the contract was in 2019. It's had four amendments signed through 2023. I think the significant amendment was #3 in 2021 that added some significant chunks of work for the contractor and so again, those are the things that have caused the plan to be delayed.

Currently we're working to try to align the plan with the strategic goals that have been brought forth in terms of the population goals, specifically in business development, targeted sectors of outdoor recreation, working on the sustainable building business practices in multiple sectors including green and renewable energy, broadband and housing infrastructure. Those kind of work on expanding the base of economic development finance mechanisms and focus on regional collaborations as key components of the plan. So we're anticipating to complete the plan by the end of March with a presentation to this body very soon after that period.

The main take-away that I'd like to put forth is that we're not waiting on the plan to take action. So we are actively working on those components of the plan that the Commission has previously identified as strategic goals and so to that end we are working with the City of Santa Fe, most recently on the outdoor recreation conference that we put on in October. We're currently working on a regional collaboration for outdoor recreation in terms of a regional approach towards marketing the region with our different partners and we've been having several meetings along those lines.

We did do a sustainable film initiative this summer. I thought it was a very great opportunity to again, work on sustainability and film cluster development. We have a very smart consultant who came up with a lot of really interesting information about alternative electric options for providing the film industry, reducing their carbon footprint, and some of those initiatives that he identified we've also shared those both with the hazard mitigation activities in Santa Fe County and with other entities. So we're hopeful that some of those initiatives that he came up, specifically some technology to allow for plugging in of generators instead of having gas-powered generators, specifically in the fairgrounds. We've also been working with the City to encourage them to consider that technology at the plaza and other places where we could significantly reduce the use

of gas-powered generators.

Currently we are conducting research, to your point, Commissioner Hansen, on the Arts Commission concept and we hope to have a presentation available by April. We're looking at the legal aspects of some of these things in terms of costs associated with the different options for how to position the Commission, per diem expenses, all sorts of things, whether they're allowable or not. There's some questions about copyright issues associated with the purchase of art, and so we're trying to look at other – we're looking specifically at Rio Rancho and also Bernalillo for what they've done. We've been looking at the City, although the City has moved their activities to the department level, which significantly changes the dynamic. We're also looking for recurring funding sources that we could recommend, such as the one percent capital cost. Rio Rancho currently uses that and it does generate a significant amount of funding.

So again, we'll have a lot more information once we can bring the plan forth, hopefully by the end of March, and I can address the specific issues with regards to that, but I'm open to any questions on the plan or where things stand right now.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: We have a question from Commissioner Hansen.

COMMISSIONER HANSEN: So I'd be happy to share with you a number of resolutions and ideas that I have from NACo. I sit on the Arts & Culture Commission with NACo and Jay Dick, who is with Americans for the Arts is on the commission, so I think that that's an important aspect for you to look at. And then also it seems that we do have a fair amount of one percent money already at the state for art, to purchase art for the County. And so that is something else that we should think about how we are going to move forward with that.

I think – I like the idea of art in roundabouts and one of my main reasons for advocating for this is that we have this new building called Catron that I believe deserves to have a number of pieces of art, because it has some beautiful big walls, and if any of you have been to the Bernalillo County building, their building is filled with art and it is impressive and they did that through supporting local artists. That is one of the things that I think is really important is that we start supporting local artists in the county to invest in their careers and help them – give them some recognition. We don't have to buy famous, famous art. We can buy art that is tasteful and well executed but also emerging artists who have bills and qualities.

MR. TORRES: Mr. Chair, Commissioner Hansen, I agree. I think Bernalillo has an incredible program and that's one of the – again, developing a scope to present to this body in terms of they have a full-time employee dedicated to that who has a background in arts for many years, and they also have – I believe they do as well as Rio Rancho, their own one percent capital allocation towards the arts. So we're trying to look at the whole portfolio to give the Commission a decent presentation for deciding on what the scope of that committee or that council might be. So I agree that there's a lot of – and to the one percent, the state level, that's a question we're kind of grappling with in term of there's already a system of sorts in place for selecting those. So how do we shift over to this commission or how do we integrate that? Those are the infrastructure issues that we're looking at so that we can make a set of recommendations that this body can look at carefully.

But I agree also to your point about the options of just purchasing art in placement or providing more direct resources to artists, workshops. So there's a palette of different options and we're hoping to narrow those down for the Commission's consideration.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair and thank you, Madam Commissioner. The other one – and I'm grateful that Commissioner Hansen will provide you the information. The real take-away at the first NACo meeting that I went to for the arts in Travis County was the amount – first, is there anyone in here who has never heard of South by Southwest? And the people who run South by Southwest did a presentation on what it meant to work with Travis County. And we know that South by Southwest, if it's not the single most – popular is an understatement – music events in the country. It was through the collaboration with Travis County that that really emerged. And I know that there are other Commissioners who have talked about what would it mean to have an event space? How could we work towards building these types of relationships with artists?

I agree completely on how we start to illuminate the talent that we have in our area because there are people who move here in the interest of art, so that kind of thing. But if you look at the Travis County, I don't know what kind of documentation they would have to that effect but you could probably approach – it was the executive director I believe, and I apologize if I'm getting it wrong, of the South by Southwest. But we did have the two main heads. One of the founders and then the current president or leader/director of South by Southwest who spoke on what it meant to have the relationship with the county. And that has done a lot for Travis County.

We have a real opportunity here. We have a lot of talent. So I assume contacting them but if you let them know that you were aware of the NACo presentation as shared with you by the County Commissioners, I'm certain that they have a lot of good information. So thank you for looking into that opportunity. You might all have to go on a field trip. I'm not trying to push anything.

MR. TORRES: Commissioner Bustamante, Mr. Chair, I appreciate the direction and I'll look into that. Oklahoma does some very amazing stuff and we have a lot of very good online tools that we've been looking at very carefully. I think they were funded through the NEA and those tools are out there. We're looking at those for appropriate recommendations on setting up the organization going forward. And to your point about advance plays or a space, those are the types of things that we're looking at too. Again, try to balance out what kind of a recommendation that we could make that could be effective in the immediate period that doesn't preclude future expansions into other areas that would obviously be – requiring additional funding from other sources and that would give us time to look for that.

So that's kind of where we're at and I appreciate your direction.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. We also have a strong interest in the Madrid/Edgewood. This is how it first showed up in my email and then subsequent conversations, which is not usually viewed, I would just say, historically as a born and reared around here kind of gal, that hasn't really been like the big point. That's where all the art's happening, but boy, oh, boy do they want to see this happen. So I'm really grateful for your work and how this pulls together that we're seeing this

comprehensively would be very wonderful.

MR. TORRES: Mr. Chair, Commissioner Bustamante, so I've had the pleasure of working with the community of Madrid over the summer on a couple of different appropriations and I found it to be incredibly dynamic and engaged and one of the projects is the walkway design that will unify the ball field and I was very surprised to see the amount of activity going around that community, the reclamation project behind there for some open space, the work that the County's doing on the ball field, and given the complexity of that location with a number of different private interests and public interests, I could appreciate that it's a challenging process, but it has been very fulfilling to meet and work with the community, especially on their most recent project which is trying to revive their Christmas walk and we're still working with the Outdoor Recreation Department to try to figure out how we can help them do that.

COMMISSIONER BUSTAMANTE: They've also started a film festival and to even know that Edgewood has this interest and sooner enough I'll eventually share with you the names in Edgewood. That being said, the notion of the art – I would say the art tour, but the San Pedro area going through the mountain there and creating that trail, an art trail throughout the county is a real opportunity and it's that kind of thing that brings that kind of – where people know they can go on their art trail. So thank you for that good work.

MR. TORRES: Commissioner Bustamante and Mr. Chair, I appreciate that and I definitely will fold your ideas into our work and reach out as we go forward with the rest of the Commission on your ideas and thoughts specifically to an Arts Commission or Arts Council.

CHAIR HUGHES: Thank you. Anything else on economic development or are we ready to move onto broadband?

COMMISSIONER GREENE: I think I have something related, but thank you. If I may. Just two second. Just an encouragement. Good luck with this. These things are living documents and five years is a long time to wait to get these things so let's get it done. Let's hit our priorities. I'm a little disappointed that film is not at least addressed in this and it was removed from this but maybe film has its own sort of standalone place with a City-County sort of collaborative space. But some mention of that should be in there I think.

MR. TORRES: Mr. Chair, Commissioner Greene, I agree. That's why we're currently revising the plan to address film and tourism, because we still work very closely with film and tourism. They are separate divisions now but we still work closely with them. Again, I would point to the sustainable film project that we worked on over the summer and working collaboratively with tourism right now on a new trail map that we hope to bring out and get out there in the next six months.

COMMISSIONER GREENE: And just as a sort of like overarching, this economic development plan could be that sort of like the affordable housing plan with subsections which then sort of live underneath there. So our priorities are addressed at the upper level, some level of staffing and budget and so one. But then a tourism plan, a film plan, an outdoor recreation plan that become those little modules so we don't have to go through all the brain damage of updating the entire plan but that as things address individual subsections or priorities for the County then we just go, oh, let's retool this, or

let's add a new section without having to deal with the whole thing at the top. But I encourage – I look forward to this.

MR. TORRES: Mr. Chair, Commissioner Greene, thank you very much and I'll incorporate those thoughts into our revision of the plan.

COMMISSIONER GREENE: Thank you.

7. C. Presentation and Update from the Broadband Working Group

CHAIR HUGHES: Mr. Torres, that's you as well.

MR. TORRES: Okay, so this is a much more involved presentation on broadband activities that we've undertaken. So just very quickly, just a reiteration of what happened in the past. So in 2009 Santa Fe County joined along with Los Alamos County, Rio Arriba, City of Espanola, the Pueblo of Tesuque, the Pueblo of Santa Clara, Pueblo of Pojoaque, Okey Owingeh, along with the North Central Economic Development District to submit a request and application for the BTOP program funding. The group received a \$25 million grant and that grant was used to create essentially what we now know as the REDI-Net.

So currently the REDI-Net is a middle-mile network. It was completed in 2013. It has a number of features and the organization has gone a significant way towards developing their operational capacities to this point. In the most recent period, in 2022, the Economic Development Division submitted a grant proposal to NTIA for a project called Rural Connect. You might be familiar with it. A middle-mile infrastructure project that would expand the REDI-Net network into rural Santa Fe County. It would be proposed to go 22 miles towards Glorietta and 22 miles south to connect Cerrillos and Madrid.

Unfortunately, that request was not funded in this last NTIA round, but luckily another entity submitted a proposal. This is the map, just so everybody can see, of the proposal to NTIA, and you can see that 14 on the left. There's blue in the majority of the expansion going towards the east.

In 2023 we were informed that we were not recipients of the grant but in fact a telecommunications company called Plateau received a grant as part of the infrastructure law, and in that grant they were given basically the entire length of Highway 14 to run fiber down that way. So half an apple, if you will. We had applied for a larger piece but we still have an opportunity to leverage that grant through Plateau. The map that's showing here is the first portion of their grant that they've received, and this is the city portion, which has approximately 12 anchor institutions in that component.

The overall map here that shows Highway 14 and eventually this project loops out into Bernalillo County includes another 12 anchor institutions that are in Santa Fe County. Here we have a list of those institutions. So early on, Plateau reached out to us and they offered us the ability to review those anchors and add some or change so as needed. We worked with them to do that and we submitted an updated list of potential additional anchors that they might consider in this project. This is their timeline for that NTIA grant. They're hoping that construction is completed by 2028 and the majority of construction will happen because 2025 and 2026.

So in those discussions with Plateau we also engaged in a conversation about

potentially that organization submitting on behalf of Santa Fe County grant requests through the BEAD funding, and I'll go into a little bit more detail about the broadband access and expansion program. But we are in the process of following up with Plateau on that request or that recommendation and we will be pursuing that which would help us extend broadband into southern Santa Fe County.

One of the things that we've done is to bring together a broadband working ground within the County, and that includes all the department directors, Public Works, IT, GIS. We'll also include the Clerk's Office because of their need for cyber security and solid broadband in polling sites. And we also have participation by the County Manager's Office. So the group has been meeting since August of 2023 on a regular basis, approximately every couple of weeks, and we are looking at a number of different options. One of the main things we're looking at and we're hoping to do that in this next month is to issue a request for information to internet service providers that are interested in requesting some of the state funding to see how we might be able to partner with those entities going forward.

So the broadband working group has recently submitted a grant request for a broadband plan through the Office of Broadband Adoption and Expansion. And the idea is that this plan will help us strategically figure out what the Santa Fe County needs and how we should approach broadband expansion, enable the County operations to be enhanced, but also to help expand the REDI-Net network. We're not anticipating specific funding, pursuing a lot of funding requests in the meantime until we start getting this plan in order. So again, even if we don't have the grant we do have the funding allocated in broadband specifically, so if we didn't get the grant we would still move forward with an RFP to get a broadband plan for Santa Fe County. We just finished the scope of work and I've submitted the request to the Office of Broadband Adoption with the state.

So I'll talk a little bit about the specific scope of work that we just submitted. The plan should have an assessment of similar plans, metrics, lessons learned, strategies for leveraging federal funding for last mile projects, state connect New Mexico funding for middle mile and last mile, a clear scope and vision to include access, equity, affordability, technical and demographic data, identify additional potential partners, anchors, other stakeholders, and identification and GIS mapping of all County-owned broadband assets, including all REDI-Net equipment contained within Santa Fe County. And that would be potentially a public-facing web-enabled system that people could search and look at to see where the broadband is in terms of Santa Fe County.

Additional parts of the scope of work are partnership opportunities for governmental and non-governmental business and civic stakeholders, estimation of capital and operational budgets, economic, social and other impacts for Santa Fe County, one-, three-, and five-year goals, milestones, and a risk assessment including mitigation strategies for significant risks to successful plan implementation. So all of these aspects are contained in the scope of work that we propose to put into an RFP for a broadband planning grant contractor.

I'll talk a little bit about current funding opportunities that exist right now. So the Office of Broadband Expansion in December of 2023 opened up a funding opportunity through the Connect New Mexico fund. Minimum grant requests are \$250,000; maximum is \$6 million. The requirement is for a 25 percent match. The key focus is that

a lot of these funding mechanisms are geared towards internet service providers and not necessarily communities. And so as a result this is causing us to try to figure out how we can best partner with internet service providers in the short term while we get this plan built out in the long term that could help us strategically think about how we want to deploy fiber in the future.

The request, this particular funding opportunity will close in March of 2024, so a very tight window for making those requests, and the broadband working group is reviewing anchor institutions for eligibility under this particular funding mechanism. So when I say we're not going after any funding I would amend that to say we would go after any funding for critically required areas of Santa Fe County and so far we have a few of those sites. One is the Stanley Cyclone Center as identified as an underserved or unserved area. The Nancy Rodriguez Community Center is also on that list, so we're reviewing other potential areas brought forth from the Clerk's Office as well as from others to see if there's some low hanging fruit, if you will, that we can easily apply for that funding and then find some contractor to execute that in again, a very, very tight timeline, which is March 11th of this year.

There's also – so I mentioned, the GWEPP. That's the Grant Writing, Engineering and Planning Program, that's where we just applied for a \$100,000 request that will fund a broadband plan for Santa Fe County.

There's also the BEAD funding. So you might have heard about the BEAD funding and BEAD funding is an interesting – it's part of the \$675 million – all these are part of the \$675 million federal appropriation to New Mexico, and that funding is really focused on technical aspects of internet service providers. We've attended a number of different information events and they're strictly for the technical aspects of up/down They're moving the goalposts a little bit to go 100 up and 25 down from 25 up and 7 down. So that's improving that significantly, but we keep an eye on this funding and potentially we might be able to request additional funds in the future but for right now, we're just keeping an eye on it because it seems to be mostly focused on internet service providers.

And there's also a question of the legalities of what kind of partnerships we could enter into in these sorts of opportunities, given that we can't necessarily enter into an exclusivity agreement with any one carrier. So we're working with Legal as well as the State Office of Broadband Adoption to try to figure out what mechanisms they would recommend for partnerships going forward in this funding.

Just a brief timeline of our activities there from the beginning of the previous year until now. So we've gone to a lot of meetings, entertained a lot of funding opportunities and continue to have a lot of conversations both with internet service providers as well as communities such as Albuquerque and Bernalillo to try to get the benefit of their knowledge so far. I'll note that Bernalillo specifically has entered into agreements with Plateau and that would be for the fiber that will come out of Santa Fe County and end in Bernalillo, so that could be a very good model for us to look at as we consider a partnership with Plateau.

Just next steps on timelines, again, we've just submitted the OBA grant in February. We're looking to issue the request for information to get internet service providers here to give us some input on what they're looking at in Santa Fe County, what

they would consider applying for funding for, and how we might help facilitate those activities. We're also going to be sending out the request for proposal on the broadband grant, the planning grant. In March we're considering potentially applying for some of that Connect New Mexico funding again, if we have some very clear areas that we can quickly put into a grant request such as Stanley, such as Nancy Rodriguez, then we would go ahead and submit those grant requests through those programs.

We're going to continue to work with Legal on the different aspects of things, and then there's a component of a challenge. And so there's a challenge process where you can challenge the incumbents through the mapping system to say some areas are – they might say some areas are covered but you can challenge that and say, no, it isn't. It's a little bit of a labor-intensive things, but we've been speaking with Commissioner Greene and others to try to help figure out is there a path forward to make a blanket challenge for the County in certain areas that could hold up. So we're still investigating that possibility.

And we'll be meeting with Plateau to formalize our discussions about extending broadband off of 14 and what BEAD funding they might consider applying for on our behalf. We'll continue to do that through April and we are ongoing evaluating options for how we can expand broadband in Santa Fe County. And with that I stand for questions.

CHAIR HUGHES: Thank you very much. Questions from the Board? Comments? Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you for that. It was really gratifying to see a lot of work being done on this because it's clearly important. People have been working on it for quite a while. Obviously it's become more important since – we recognize its importance since COVID. What kind of inputs do you need or are you taking for identifying additional areas that need service?

MR. TORRES: So Mr. Chair, Commissioner Hamilton, we are in the process of developing some public surveys and we're going to try to set up some public input – kind of go to a place and get people to come. We're hoping to do that on the initial part with the broadband grant contractor in place. We want to start activities right away in that area. But if not, we'd be prepared to do that ourselves in working with partners. So we're going to try to schedule public outreach events that we can take input. We're going to try to do electronic surveys, and we're going to try to use technology as much as possible to try to get input.

COMMISSIONER HAMILTON: That will be helpful. The county is such a challenge being so spread out and everything, but it would be a shame to leave the next few years when we have these opportunities and have big areas of the county. There are a lot of areas in District 4 that are poorly covered and just have never been addressed. So I'd love to chat with you about that maybe.

MR. TORRES: Mr. Chair, Commissioner Hamilton, I'd love to follow up with you on your thoughts. We've identified a number of different areas that are kind of key interest. The Lamy area is an area that again, part of the challenge is for the federal funding, we have to anchor ourselves into unserved areas and when you're – if a satellite provider such as the Starlink says we can cover this –

COMMISSIONER HAMILTON: Satellites can cover any place.

MR. TORRES: Right. In our conversations with NTIA they've directed us towards ways of addressing that from a challenge standpoint, so cost is one of the factors,

and upfront costs, equipment and those sorts of things. So we have a mechanism through which we can address those things at least as we look at that federal funding.

COMMISSIONER HAMILTON: I'm actually very grateful that you're looking at it in detail and strongly to the challenge issue, because that has given us a lot of trouble previously, as you all know. Thank you. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you. Other comments? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So are you working with North Central on these grants?

MR. TORRES: Yes, Mr. Chair, Commissioner Hansen. Yes. We initially started with North Central on the planning grant, but when it became obvious that it was a very basic process that we could handle ourselves we decided to do that internally, versus use that resource up. They're in the process of doing a lot of grants. But we will definitely be counting on them for any BEAD or Connect New Mexico funding, which is more in their area on the technical aspects. With regard to the planning grant we basically did it in-house through the broadband planning group. But yes. We are going to be relying on North Central and their grant writing expertise to help us going forward.

COMMISSIONER HANSEN: So I find it – I don't know what the right word exactly is but disingenuous, maybe. Like clearly there's no good service at Nancy Rodriguez. There's no good service in the middle of downtown Santa Fe. Half the time my phone in my house in midtown, somebody says, oh, you're breaking up. The reality is New Mexico has really lousy broadband service period. So my real question is is how much is Plateau really going to be able to develop and what is their business plan, and how many employees do they have and how do they have the ability? What did they put in this grant that gave them that position to do this and how are they actually going to provide services that we actually need here? I don't think I'm exaggerating when I'm speaking to somebody in downtown in Santa Fe and I live in midtown and we're getting cut off or it's intermittent.

MR. TORRES: Mr. Chair, Commissioner Hansen, Plateau doesn't actually provide service in the City of Santa Fe. They're proposing to provide service south of Santa Fe with the exception of the one component that was identified in that first slide that's mostly in downtown Santa Fe. They are primarily a middle mile provider and so as a middle mile provider, that's where they focus most of their energy. They are considering the last mile of service on the Highway 14 route, and that's going to be the basis of our conversation. You're absolutely correct that the system that's been adopted for broadband – fortunately, it's been evolving over the last 15 years and the incumbents were able to initially state that they can cover an area with certain parameters. You can get service within a certain number of days, etc. And that was accepted at the federal level. That's changing right now and it's shifting and that's what the basis of the current challenge process is. It might not affect the changes at the state level in terms of what the state OBA is looking at but ultimately hopefully it could open up the opportunity for federal funding in areas that we can challenge and say, that's not very true that somebody could just blanket say, all of this area is covered because I have a wireless system and it will cover the whole area. Because when you talk to individuals, as you just did, they'll tell you that that service is not there.

Unfortunately, it's on our end that we have to prove that. So we have to go and

find ways of showing that that service that they claim to provide is not actually being provided and it's a laborious kind of a process.

COMMISSIONER HANSEN: NACo has this test for IT service. I downloaded it on my phone, test your speed here, like that has been available for a number of years. It's not helping us, but you didn't use Northern New Mexico Economic Development to apply for the grant but Plateau got the grant. So where is REDI-Net in all of this? Are they just like not part of the picture? Did they – because you applied or however they applied, I thought REDI-Net was a middle mile provider.

MR. TORRES: Mr. Chair, Commissioner Hansen, I believe REDI-Net is going to be applying for funding in different strategic areas that they're looking to expand. We've limited our focus on Santa Fe County and the needs of Santa Fe County with respect to the plan, the planning grant. The Plateau award was through the federal NTIA program and the award that we're applying for, just for a planning grant is through the State Office of Broadband. So the criteria is significantly – it's a lower bar, if you will, for those sorts of requests. We met with NTIA over the summer after we were told that the grant that we had submitted back in 2022 was not accepted and they gave us some very good direction and information on how we can enhance or improve future requests. But for right now, most of the funding that we're focused on is in the state, directed from the federal government with very clear criteria, and most of the challenge is trying to ensure that we can meet the criteria for funding based on the different categories that have been put forth, including justice, equity, other representational aspects of geographic and demographic information.

COMMISSIONER HANSEN: Thank you. Thank you, Mr. Chair.

CHAIR HUGHES: Other questions or comments?

COMMISSIONER GREENE: Mr. Chair.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Thank you, Juan and thank you, Paul and thank you to the folks from the broadband working group. I've sat in on a few of these meetings and it's a great discussion when we get into it, and this presentation shows that the momentum is building in the right direction. Right? So we're doing it by a somewhat ad hoc and by committee, as opposed to a singular person. An example is Los Alamos County actually has a director of broadband. They've got lots of money, small community, let's go do it.

City of Albuquerque has a director of broadband. And so we haven't done that and we've been doing by bringing the right people around the table, so it's great that Economic Development is there. And Brian from Public Works is there, because ultimately, it is going to take all of these different parts of the County working together to do this. This is going to be potentially a Public Works project. They're not going to operate the system but Public Works might build it. And Economic Development might be the grant writer and organizer of this plan but ultimately they're not going to operate it and they're not going to build it. And so this has been a great exercise in bringing this all together.

Daniel from IT provides the insight but he's not going to run an ISP, he's going to run County IT operations. So there's a lot of collaborative sort of breaking down the silos in this working group, and it's been a great example to see working out there.

To sort of speak about a couple things – I’m going to go slightly out of order. So North Central is effectively out of money for grant writing for this year and they’re going for money for the next fiscal year right now. So asking them to do these small projects right now when there is a relatively low bar is a little tough to ask them to do that, and we should get the money. My understanding is that nobody’s been rejected from the money at this point, so we should get it on ourselves. But we will need North Central to do these bigger ones, or we could fund it ourselves using the identified resources that North Central might not have the money to do the grant writing but the same people that are good at grant writing for them, specifically for broadband has been Tony Flores, who we’re all familiar with here at Santa Fe County. He’s been writing the grants for broadband for North Central in the past few months.

Plateau, as a partner, up until now has been a last mile provider here in Santa Fe but is a last mile provider in Edgewood and in Las Vegas and in eastern New Mexico. They are broadband providers. So they’re going to get into this space here for us but for broadband. But they won’t help you with your cell phone service, probably because they’re not cell phone providers. So the phone part is sort of like an apples and oranges sort of thing in this world. It’s like – but we do need those fiber lines to do cell phone back haul so that we can get a new tower and new towers built along those routes there.

REDI-Net, for better or for worse, has gotten us to where we’re at but REDI-Net is also really good at two things. The first one is that they, because of this JPA, they are really good. They have established the rights-of-way across tribal nations and across the three counties and the city that are partners of this. So to get from here to Espanola is four or five tribes and they have negotiated the rights-of-ways to get up there. So that is one of the – that’s their really superhuman strength.

The other superhuman strength that they have is that they a general manager who can keep the lights on, for lack of a better thing. Keep the internet running. When somebody hits and downs a telephone pole that REDI-Net’s network hung on it, he’s out there at 3:00 in the morning calling somebody, just like the big telecom companies, he’s the guy who we call to make sure that it’s back up and running within a few hours.

So lastly, one of the focuses that we have that the grant application that’s due in March, pretty soon, has really three focuses of this. Wait. Let me take a step back. So to answer Commissioner Hamilton’s question about the outreach. At this point the outreach is not there to find out who has good broadband and who doesn’t. You were talking about, oh, there are areas. The FCC, Federal Communications Commission, has already produced maps that have identified – let’s not say every structure, but a high majority of structures in the country and in New Mexico and in Santa Fe County that their map is available to us. We can go send you a link to it, and you can click on your house and it will tell you who provides you with broadband. So a lot of that sort of questionnaire thing has already been done in the last few years and so doing the outreach is almost like going to take too long for this money that’s coming down the pike.

And so where we have an opportunity, because back a year ago individual people could question whether this map was legit. Now they’ve turned it only to the counties and the jurisdictions to test this map. So the City of Santa Fe doesn’t have anybody that is unserved. Santa Fe County has lots of people that are unserved, and it has some people that are served but are questionably served. And so an example of that is Eldorado.

Eldorado is served by the co-op out there and it's a great co-op, but it actually is not a qualified service provider because they're using an unlicensed spectrum. So it means that somebody else with a licensed spectrum can make it really noisy and make those issues that Commissioner Hansen was talking about having noisy transmissions and so on.

So there's an opportunity for Santa Fe County to go and say, hey, co-op, you guys are not qualified but you're doing a good job. How could we help you get qualified by just this incremental use of licensed spectrum? And then in other areas we could go question that and try to work in partnership with them.

Lastly, with this funding mechanism that is going to come down the pike in March, there were a few priorities that they put in the NOFO, the notice of funding opportunity, which is one, to go for the high cost areas, and so there are two high cost areas identified in Santa Fe County. One of them is in my district in Rio en Medio and Chupadero area, and basically the whole 592 corridor up there. And then the other one is in Commissioner Bustamante's area in sort of the southeastern segment of the county, down by Stanley and down the 285 corridor there. And those areas are qualified for zero match. So you could actually go apply for money that would have instead of the 25 percent match you could say, oh, wait a second. We don't want to – or we don't have the money or we don't want to put up our money for this, but this is an unserved area, that because it's so high cost – it's rural, it's rocky, it's whatever the reason is, that we think we should be qualified for a zero match build in those areas.

The other one is a dig-once opportunity. So a good example is the northeast-southeast connector where in the process of putting in some conduit along the northeast-southeast connector, we may be eligible to actually getting that paid for as a part of that. Or in Glorieta, there's a mutual domestic project out there. Those areas could be eligible for this grant because they want to dig once. They want to use that best practice. And so we have an opportunity to front-load those projects. The sewers in Agua Fria Village would be a great example of a dig-once project.

So I encourage us to look for those opportunities in this grant cycle right now. The big plan is going to take us a couple months longer than this grant cycle is open for, and so I think we have an opportunity to do a few projects now, get our feet wet, and then go for the longer term five-year plan with a lot of projects. I really thank you for this presentation. I asked for it. I hope this brought you up to speed about what these folks have been doing for Santa Fe County. There's a lot going on and there's a lot of moving parts.

CHAIR HUGHES: Thank you. Anything else on this topic from the Board. Thank you, Juan, very much, for the update. Looking forward to seeing your economic development plan in March.

MR. TORRES: Thank you very much.

7. D. Presentation and Update on the County's Electric Vehicle Transition Goals

CHAIR HUGHES: Welcome Jacqueline and Paul. Welcome to all four of you. Go ahead.

JACQUELINE BEAM (Sustainability Manager): Mr. Chair,

Commissioners, thank you for the opportunity to present on our efforts towards transitioning the fleet to electric as well as transportation countywide. I am accompanied with Public Works Division Director Maria Gomez-Molina, and Captain Delgado from the Public Safety Department as well, and Paul Olafson, my boss.

So transportation, the County's operations as well as countywide emissions account for nearly half of all greenhouse gas emissions and were calculated in the GHG inventories complete in 2020 and in 2022. The County has committed as everyone knows to the 2015 Paris Agreement and the net zero emissions goal by 2050. The greenhouse gas emissions reduction plan, also approved by the Board of County Commissioners, required incremental purchases of electrical vehicles and charging stations to be installed over the course of the next decade.

Increased EV usage is needed to reach net zero emission goals as outlined in the executive order 2019-003 by the Governor, and committing New Mexico to the reduction of greenhouse gas emissions by a minimum of 45 percent by 2030. Transportation is the second largest sector responsible for greenhouse gas emissions throughout the state. The following presentation serves to provide the BCC with a status update of these efforts to transition the County's fleet and countywide transportation to electric.

So action to date, we have been working on numerous foundational layers which have been established over the past five years. Fleet policy was completed – was updated, actually, in 2019, and then the Vehicle Utilization Review Board applied the fleet policy in 2020. We in Sustainability conducted an operational greenhouse gas emissions inventory which was completed in 2020, and countywide, a greenhouse gas emissions inventory was completed in 2022. The Climate Action Plan was completed in 2023 which also included transportation as a sector of focus. And Public Safety, the police vehicle research was done last year, quite extensively, and Public Works fleet and small tool research was also done in 2023. The Department of Transportation worked with us in Sustainability in June of last year and we submitted a CFI grant application, which was just recently awarded and we have been recently working on the scoping for an EV transition plan which was included in that CFI grant. Scoping is completed; procurement is in process for that plan.

The fleet policy was updated and approved by the BCC in November 2019 and the purpose of the update was to focus on ways to lower emissions, decrease unused inventory in the fleet, and strategically plan the transition to alternative fuel and EV vehicles. The Vehicle Utilization Review Board applied the new policy in 2020 as stated and some of the major changes include a carpool plan rather than assigned departmental vehicles, and GPS reporting for more emissions tracking, and detailed individualized vehicle unit data to inform decisions related to sustainability goals.

The Vehicle Utilization Review Board last met in April of 2023 and the chair is Brian Snyder and the co-chair is P.J. Montano. Several department leads attend this meeting and the next meeting scheduled is tentative for April 24th after internal budget hearings and before finalizing the budget for presentation to the BCC.

Though transportation is substantial in our emissions operationally, the largest slice of the emissions pie chart is from our facilities. That being said, the greenhouse gas emissions reduction plan requires significant focus on the transition of our fleets to EV or alternative fuel-sourced vehicles in order to meet the goals of reducing emissions to net

zero by 2050. Currently the goal is to purchase five EV vehicles each year and install two charging stations. However, that number is not sufficient to meet net zero emissions by 2050, obviously, and going forward, the plan calls for a ramp-up, which is part of the Climate Action Plan, to increase purchases in the next two decades.

Countywide, emissions reflect differently in that transportation makes up nearly half of all emissions overall. This is significant in that if we are to decrease emissions countywide and meet the countywide goal of net zero emissions by 2050 we will need to include a strategy of support for incentivizing the market to increase EV infrastructure more broadly, as well as EV purchases operationally, and provide more access to the community utilizing properties over which the County has maintenance control and legal ownership. Again, it is our intention and belief that this strategy should be guided by a formal, comprehensive, countywide and EV operational transition plan.

The County's Climate Action Plan, or CAP, was completed last year and approved by the BCC. The higher level bullet points of recommendations stated in the CAP list the promotion of electrical vehicles, increase of EV charging infrastructure throughout the county, the electrification of the County fleet with a focus on high use vehicles, a reduction of miles traveled, increasing bicycle lanes and supporting policy for lowering tailpipe emissions.

The CAP projections reflect substantial reductions in transportation emissions which you see in the graph in yellow, even with medium efforts by 2036. These projects are based upon expected expansion in the EV market, and expected corporate average fuel economy or what's frequently called CAFÉ standards, which regulate how far vehicles must travel on a gallon of fuel CAFÉ standard emissions requirements are expect to increase in mileage and decrease in emissions significantly over the next couple of decades. The National Highway Traffic Safety Administration sets CAFÉ standards for passenger cars and for light trucks, collectively light-duty vehicles and separately sets fuel consumption standards for medium and heavy-duty trucks and engines.

Which brings me to the Public Safety and police vehicle research and planning, and I am told from Captain Delgado that there are approximately 100 vehicles in Public Safety and Captain Delgado is available to answer any questions about this process. Throughout the challenge of supply chain issues and market delays in the process, even though those were happening during the pandemic, action steps for these efforts have been taking place and as you are aware from our budget presentation just recently, the Public Safety Department has researched the best options for a pilot project of two Teslas to be ordered for use by administrative staff, utilizing a mobile level 2 charging stations, and at the end of the presentation Captain Delgado is I'm sure happy to answer any questions.

Public Works also has actively dedicated their time to catching up with the supply chain challenges during the pandemic. The department seeks to purchase within the next couple of months six Chevy Volts, which are EVs, and two solar-powered level 2 chargers for the vehicle pool, ten electric weed-eaters, and one electric mower for open space. And division director Maria Gomez-Molina is available for more questions and details as well on the status of this process.

Last year the Sustainability Division partnered with the Department of Transportation to identify the best locations for EV charging station infrastructure with an

emphasis on access for rural communities as well as alignment with the DOT preferred locations based upon traffic patterns. The County applied for the federal charging and fueling infrastructure grant in June 2023 and recently received the great news that the County was awarded \$3.3 – it's actually over \$3.3 million to realize the installation plan. This is the largest amount of funding of its kind so far for rural EV infrastructure. Out of 13 locations, there will be five fast chargers installed, but we do not have all the details of what was approved in the grant itself, unfortunately, but they have let us know that that is in process and they will give us more details soon. However, if what we were awarded, which is what we wrote in our application, the grant planning and budget includes \$50,000 for a third party expert consultant to prepare a comprehensive EV transition and infrastructure plan for the County.

The EV charging locations – there are 13 with 33 ports, and as shown on the maps, those in gold are fast chargers are level 2 chargers. And they reside mainly, or they'll be located mainly in community centers as well as the Public Safety and Public Works complexes.

The challenges that are inherent in transitioning to EVs for the County relate specifically to the individual and unique needs of each department as well as the reality of the market readiness, site locations, electrical capacity, vehicle maintenance and staff roles. Also, the County's capacity, maintenance of charging stations, and the vehicle and equipment maintenance. It is imperative in order to avoid the logistical problems in a patch-worked approach that the County seek the expert guidance of EV fleet planning, consultants, and follow a strategic plan.

The areas that will be addressed in the plan in the process of procurement currently include, and this is the scope that has been developed and is in Procurement currently, market trends and County-specific considerations, fleet replacement, numbers of vehicles, procurement strategy and feasible timelines for purchase, EV charging infrastructure site identification and planning to include the charger level needs, and type of charger and maintenance plans, and a tool and equipment electrification plan.

The most important aspect of the EV transition is to collaborate effectively with all departments and divisions. If we approach the transition with the same mission goal of reducing emissions and increasing efficiency together, our efforts will be more productive and effectively realized. The EV transition plan to come will be considered a living document and therefore edited as needed to more nimbly address the County's needs and the realities of the market.

To include extreme weather challenges, which I am sure you have all seen just recently the electric vehicles that were not able to start because of extreme weather and climate change will affect the choices of our procurement decisions. The plan will be incorporated into a detailed work plan that will be a part of the Climate Action Plan, Phase 2, Work Plan, and to include the target number of EVs for purchase each year, as well as specifics regarding the number and level of charging for the stations.

Finally, the funds available through federal and state opportunities will be tracked closely. Some areas that will also be considered in the plan include grant funding, private/public partnership potential, and federal funding for further EV infrastructure, site development in rural and underserved areas. That being said, the County is not in the business of providing these services per se to the general public. In other words, we

aren't in the business of opening gas stations for people. So thinking about these public/private partnerships how can we offer the facilitation without actually managing and operating those sites? However, it can also serve to facilitate those partnerships in key areas.

And thank you. With that I thank you for your time and stand along with Maria Gomez-Molina and Captain Delgado to answer any questions the Commission may have.

CHAIR HUGHES: Thank you very much for that report on progress. Are there questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair, and thank you, Jacqueline and team that have been working on this. I'm on my tenth electric plug-in last week. And so I try to lead by example and I think that Santa Fe County is trying to lead by example as well, and that's the first step in a good leadership position for this. So congratulations for doing this and securing this three-plus million dollars. It's pretty amazing.

I have a little bit of concern about the placement of these chargers. Because if you put a charger in Eldorado at the community center, seems like a great idea, except that you're going to generate traffic from people driving up 285 that are going to be desperate for a charger, when the charger should be right located either at a gas station or at a commercial development on 285. Right? And it would still serve the Eldorado community but it would also serve the people driving up 285. Eldorado is not going to be happy with 35 Teslas driving down the road in Eldorado for a community center. And I know we're not in the business of building gas stations but we can be in the business of partnering with these folks, especially because the Anti-Donation Clause has allowed for utility grade infrastructure to be an allowable donation, as it may be.

So I see like the El Rancho Community Center. Now, we're going to ask people to get off of 502 and go half a mile north into El Rancho and park at the community manager when in fact we should be looking for a spot that's on 502 for people going to Los Alamos or wherever that is more accessible. You don't build gas stations in the middle of somebody's neighborhood. You build them at major roadways.

And so I think this is a good first step. I know that there's going to be subsequent funding and I really go look at how we can build these in what I would call community focused and transportation focused areas. So a different example is that down the \$68 million or something like that, \$60-something million that was given to southern New Mexico was for stations on I-10. It was made for major transportation routes to get the community of truckers, electric trucks going on the I-10 corridor. That's where I would be investing our money for whatever the next version of this plan is. On I-25, on 285, on Highway 14. Not a half mile off of Highway 14 so that the Cerrillos community has a charger that people are like lined up at and all this traffic in the Cerrillos community. You'll get the community freaking out. Oh, this is wonderful, until they see what happens with a charger. It's like building a gas station in the middle of your community.

I'm concerned about some of these location choices. I get it. We were building it a little bit for our own use, maybe, but honestly we should be looking for partners, and to that end, the next round of funding, I encourage us – maybe we need to create a resolution to this – we create a program, either through Sustainability or through the Metropolitan Planning Organization, or through North Central or something, where we

go for a pool of money. Say a million dollars, and say if we were to build with collaboration in a public/private partnership with gas stations, with strip malls, with restaurants, with places that people are already in the business of using and giving access to the public, and that we went and grant-wrote, or maybe not North Central, but we administered the program, where people could apply to Santa Fe County and say I'm willing to have a charger on my property and I will put the 20 percent match forward for this. My charger will be available 24/7. People driving, even if my business is closed, I won't gate it off and so on. That these assets would then become part of the community, at the same time we would do the administration of the grant application to the feds to get the money and these folks that don't have the wherewithal to actually apply for onesies and twosies of these grants, they would be able to apply with a simplified form to us once we've received the money.

So we would go apply for a million dollars and say that we're going to create a program that will be administered by us, for these community focused major corridor transportation corridor chargers, that would then be – somebody would say, oh, I want people on my property charging in public as opposed to Eldorado or Cerrillos or El Rancho that are going to kind of freak out with a lot of people doing that. I think this is great. I think this is a great first step and congratulations on this. I just hope that our next generation of this is more transportation focused as opposed to community and Santa Fe County focused for our won assets. But congratulations. I think this is huge. This is great. I'm not beating up on you. I just wish I was consulted a little a bit more early on. I was a part of this conversation to bring forward this, but I think that some of them should be on transportation corridors more directly to serve people driving and not searching for chargers. Thanks.

MS. BEAM: Commissioner Greene, Mr. Chair, if I may defend the process. This was in partnership with the Department of Transportation and it was very specific in a point system that required certain areas which were rural and underserved, and we had to have access and control, immediate access and control. So there really was not an opportunity to try to apply for the plan that you're proposing. And so I'm really very proud of our team. I'm proud of what we did in such a very short amount of time and I fell like – I think that what I'm seeing in the market and how slowly it is moving, there will not be hundreds of vehicles lined up in Eldorado for that – those two ports. Unfortunately, the market's moving very slowly in this area and absolutely, if we can find ways to create hubs, but we would still have to have sit control and we also have to consider expert opinion on transportation.

And so that is really where we are headed in looking at a plan that is strategic and it's based on best practices. So we aren't just flying by the seat of our pants on how we roll out.

COMMISSIONER GREENE: If I may, go look at Alamosa, Colorado. There's a line out at the one super-charger that's up – not super-charger but level 3 charger there, because people are desperate to go there and people would search it out wherever it was along that corridor. So I think Eldorado, considering it's going to be the only charger from all the way 285, you're going to have a lot of people driving into Eldorado to find that charger because they don't think they're going to make it into Santa Fe. But it's going to be great. You guys did great. This is a great – going in the right

direction. But thank you. Good job.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So congratulations. I'm incredibly proud of what we've done. I'm incredibly proud that we joined the Paris Accord and that we're working to meet that. I think that that is really important. I agree that we're not in the business of providing gas stations, so to speak, but whatever we can do is a good thing. But we also have a State Transportation that's also installing electrical vehicle stations, and we're not the only ones doing it. At least I hope not. I hope that the Governor and others are allocating money towards EV charging stations, so that we can get them along I-10, I-40, I-25, and state roads. I would like to see them – I think it's important to have them on state roads and the places that we have access, like our community centers, we can put them there and they can provide service to the local people, which encourages I think EV purchases, if the local people know that they can charge their car right there.

The statistics say that in general, most people will be charging at home, and so that's a big part of it also. But when people are traveling, they're going to want to find a place. I would personally, if I had to charge and wait 15 minutes I'd rather be at a community center than on the highway. Just my own personal position. So just congratulations and thank you for everything you've done, everybody – Paul, Jacqueline, Maria, Captain – I think it's great. So thank you.

CHAIR HUGHES: Thank you. Any comments or questions on this item. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, thank you very, very much. I think it's exceptional. I'm really glad that people will have less range anxiety and thank you for your good work, sincerely.

CHAIR HUGHES: I just have a question for Captain Delgado. How is the Sheriff's Office going to use your two vehicles? When I first read about it I envisioned you catching bad buys because the Teslas are so fast you're right on their tail no matter what they have. But I suspect that's not what you envision.

MICHAEL DELGADO (Sheriff's Office): Well, Mr. Chair, Commissioners, actually, the plan is to mark them as fully marked police cars and this pilot program, what we really would like to do is have the vast majority of the deputies in the Sheriff's Office take turns utilizing the vehicle. That way we can get different perspectives from several individuals and some of those would be patrol functions, right? So you might see a Tesla catch a bad buy. But also it would be an administrative functions and other things.

Obviously, we don't have the ability or infrastructure right now to have these vehicles being charged at employees' homes so the vehicles will stay at the Sheriff's Office and they will be periodically issued out to deputies for a week or so to utilize. But they'll drive their regular patrol vehicle to the office then utilize the vehicle, the Tesla, during their shift. So we're excited to see how it works out. I think we still have some questions regarding the reliability and range when it comes to the extra emergency equipment that's put in the vehicles – the radios, the cameras, the lights, all that stuff. But we're hopeful.

CHAIR HUGHES: Thank you. That sounds like a good, sensible approach and I'll look forward to seeing them catch a speeding bad guy at some point. My car doesn't go that fast. Anything else from anybody on this topic? Thank you very much, team. Good to see you.

MS. BEAM: Thank you, Mr. Chair, Commissioners.

8. Matters of Public Concern

CHAIR HUGHES: Is anybody here in the audience to speak to the Commission, other than the public hearing, which is later on today? I have a list here that somebody gave me of three people. I don't think they're here in person. Are they online, Daniel? Anybody on line to talk to us?

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, I don't see anybody online that would like to speak. The list that you have in front of you are pre-registers. They did sign up for public comment but I'm not sure if they're here for public hearing.'

CHAIR HUGHES: Okay, well, we may see these people at the public hearing later on this evening. Seeing nobody in the audience or online here to speak to other matters we will move on.

9. Matters from the County Manager

A. Miscellaneous Updates

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. I just wanted to acknowledge and thank all of the County offices and staff and elected officials who participated in Santa Fe County Day at the Roundhouse last Thursday. It was great to see all of our various teams assembled in one place and getting the word out about the good work that the County does in different areas. So I appreciate everybody who invested their time to make that a success.

Secondly, I did want to confirm that we did secure and submit our coverage elections to the New Mexico County Insurance Authority per the authority that was given to me by the Board in December. We did, as anticipate, select in each area the contribution and deductible option that was estimated to give us the lowest total cost of insurance in a statistical average year. The deductibles ranged from \$10,000 up to \$250,000, depending upon the line of coverage, but the analysis was the same in all instances.

During the month of February, I intend to give the Board a more in-depth presentation about the New Mexico County Insurance Authority and some of the steps that the Authority has taken to ensure that it is available to provide coverage to both Santa Fe County and the rest of New Mexico counties in the long haul. It remains challenging for governmental entities to secure private coverage, particularly in the areas of law enforcement to include county jails and the like, but I think New Mexico County Insurance Authority is going a lot to position itself again to meet the needs of its member counties for decades if not hundreds of years to come. And I mean that sincerely. We'll talk about the capital adequacy of a study that they did to really plan for those type of extreme events. That's all I had. Thank you.

CHAIR HUGHES: Thank you for that update.

9. B. First Session of the 56th Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced

CHAIR HUGHES: Hvtce Miller. Thank you.

HVTCE MILLER (Intergovernmental Coordinator): Good evening, Mr. Chair, Commissioners. So we're about half-way through the session right now and we have 16 days to go after today. As the County Manager was just saying I'd like to start with saying thank you to all of you and all of our elected officials for coming out for Santa Fe County Day which was on Thursday, and also all the staff and the departments who participated with our informational tables. Also a big thank you to our Public Works Department who was there early in the morning to bring out our tables and chairs so that everybody could have their informational tables that day.

With that, I pulled together a report for you and it was on BoardDocs, and I wasn't really going to spend a lot of time going through each and every bill here, but how I have it divided up is that I have everything collected into various tracking lists. The tracking lists are subject divided even further from the particular legislative-related resolutions that you have passed. And so we have Resolution 2023-118, 2023-119, 2023-120, and 2023-121, 2023-122.

So within each of these tracking lists I've simply highlighted in green that these are the particular bills within each tracking list that is moving currently. And with that said, what has been going on at the Roundhouse currently is that there's been a lot of attention focused on the state budget, the capital outlay process, the junior bill allocations, so things other than budget-related items are still slow-going right now. So I would say for the things that are moving right now, it's more likely that they've gone through one committee right now. And there's been a lot of attention focused on crime bills, gun safety bills, and also in a good light environmental bills as well. So within the tracking list you can see the different items that have been moving along and I was watching today and they were doing Senate Bill 5, which is banning firearms at polling locations. And that took the full three-hour debate on the Senate.

I think that what's going to happen, seeing the result from that one gun bill is that they're going to start combining things to make it more manageable so that you're going to have more time to address the different matters that you're trying to get passed through legislation this year. Otherwise that many gun bills proposed on the table right now, that many crime bills proposed on the table right now, along with the different budget bills proposed right now, you're going to run out of time very quickly, having it go through the committee process, also through both chambers of the capitol.

Lastly, if there was not any specific questions on any specific pieces of legislation that you had right now, on the very last page of the report, page 32 is just a quick look at what could be expected regarding capital outlay amounts. So Senator Rodriguez announced on the Senate floor I believe it was yesterday, that the Senate members were to get the same amount that they received last year. So each Senate member is going to get \$4.17 million and then that would translate that each House member getting the same

as last year would get \$2.51 million per House member.

And on the last sheet here I have that calculated out just as a ballpark number that we can look at that's available to Santa Fe County. So we have 13 legislators within Santa Fe County, seven of those being House members, so seven House members with \$32.51 million would allow for \$17,570,000. On the Senate side, six Senate members at \$4,170,000 would equate to \$25,020,000 from all the total Senate members.

With that being said, we have four House members only within Santa Fe County and we have two Senate members who are within Santa Fe County wholly. So that means that we've got to expect that the other legislators have additional counties and also are serving additional communities, municipalities, acequias and what no. So while there's a lot you can see from back of the envelope math there that it's going to have to be spread out pretty far.

Was there any special attention that you wanted to provide to the paid family medical leave bills, Manager Shaffer? Those are shown on page 31 of the report. I can just simply state right now that House Bill 6 and Senate Bill 3 are copies of each other and currently they've both passed through one committee in their respective chambers.

MANAGER SHAFFER: Not really, but I'd just reiterate that we'll continue to try and talk to the sponsors to do our level best to articulate the concerns or feedback that the Board of County Commissioners had provided to us at its special meeting in the hopes that we might be able to find some common ground around some of those good faith issues that again were not to detract from the overall goals of the legislation but were trying to address I think legitimate concerns that the Board has articulated, both as an employer itself but also on behalf of smaller businesses that would be impacted. So we'll continue to try and do that.

CHAIR HUGHES: Okay. Questions from the Board? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair, and I do understand that there have been some modifications made to that. Again, I apologize for not being – I was unable to be at the meeting on Tuesday, the special meeting that we had that a determination wasn't made. Since then, through a number of communications I do understand that that particular bill has been revised to address smaller businesses, which now includes five or more employees and exempts entities like Santa Fe County whose leave would be equal or superior. So I don't know if we're going to rehear that one. I appreciate that if there's something else we would do on that case, but I do understand that those changes have been made and we can look up the bill and see how it's been modified since the last hearing.

MR. MILLER: Mr. Chair, Commissioner Bustamante, the bills, as they passed through committee did not change from their original drafting, so if there is to be a committee substitute at the next committee we have not seen those changes yet. We'll speak to our contract lobbyists as well to see if we can get copies before they go to committee.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Hvtce and to Commissioner Bustamante, I had heard that no changes had been made and that

they had been unwilling to accept changes but that's all. There's two bills, one potential appropriation that I think is pretty important for Santa Fe County that is not a Santa Fe County project, per se but it is a high risk for Santa Fe County. You may have seen in the paper a few days ago about a meeting up in Rio Arriba County where a flood control dam that has an eight, nine square mile basin above it up in the Truchas area floods down into the Chimayo and Santa Cruz Valley.

They are trying to – this is a Santa Fe Pojoaque Soil & Water Conservation District Dam that is on BLM land that is eligible for federal money and they've secured essentially \$13 million of funds but are looking to get \$7.7 million of state money to match that \$13 million. There are over 1,000 people that live below this dam at high risk of devastating flooding. They say that it less than 100-year rain event that could top this dam and pretty much destroy Chimayo, parts of Espanola and the Santa Clara Pueblo area with a relatively minor and frequent flood that happens in these areas.

They've done a lot of the engineering, the federal government has done the engineering and is just looking for the State of New Mexico to put the \$7.7 million into this. So yesterday on behalf of this I was part of a team of legislators and folks from the State Office of the Engineer and from the Dam Safety Bureau, and the folks from the Soil & Water Conservation District that met in the Governor's office to really put forward how important this is.

And so I would hope that today that we would be able to endorse the appropriation of this money for this emergency dam appropriation up there. The plans are to – because it's on BLM land you cannot – it's a complicated rebuild. They would actually have to take some of the sediment out of the dam. They can't remove it from the site, and they would use it to elevate the dam about 10 ½ feet that would sort of give it another 50, 60 years of life and would protect the folks that are downstream from there.

I would hope that we would support that and even though it isn't our project it is our constituents that are downstream of this that are at high risk of this.

Secondarily, but somewhat related to this, Representative Susan Herrera and some other representatives are running a bill, an appropriation that is currently stated at \$100 million to support leveraged project matching. So if the federal government has a lot of money to give projects right now, as we know, local communities have to come up with a match and Representative Herrera is running a \$100 million bill, and the Governor's office, said, well, that's not even a drop in the bucket and we should be going for \$500 million if it's going to be 75 percent of that paid for by the federal government. And so there's some discussion about trying to ask for more money for that to add to that bill, but that is a pretty important bill because then communities like us would get to apply to the state, to DFA, or other organizations – I forget who's going to actually manage the money, but that they would say, here we have a project. We don't have the money to provide for the match, even though we did put \$12 million aside for a match, if we go get – if we use up the \$12 million this year and get lucky enough to be awarded more, we would be able to apply to this to get another 75 percent of leveraged money here.

And so I'd like other people to bring up their subjects, but if it's possible, at the end of this I'd like to make a motion to approve support of these two bills – one Susan Herrera's leveraged matching bill, and the appropriation for \$7.7 million for the Santa Fe Pojoaque Soil & Water Conservation District.

CHAIR HUGHES: Thank you, Commissioner Greene, and I think the way we listed this in the agenda does allow us to take action because it's listed as a potential action item. Why don't you go ahead and make your motions and then unless someone else – does anyone else have something?

COMMISSIONER BUSTAMANTE: I would like just to request more information upfront, not knowing enough about it but it sounds important. I don't feel informed enough to understand completely what I would be supporting. And I do understand the gravity as it's just been stated to me. I don't know anything else about it, so it's very difficult for me to do that, respectfully.

COMMISSIONER GREENE: I understand. I did not ask the folks from the Soil & Water Conservation District to come present today, and I probably should have done that. It was in the newspaper about a week ago, and they had about 75 people at the Rio Arriba County Senior Center in Chimayo that were really concerned about their livelihoods and their life that were up there. It is considered the highest on the State Officer of the Engineer. It is the highest risk dam in the state of New Mexico, and it has a pretty high risk right now. Our Emergency Management Director, AC Vigil, has told me that that is what keeps him up at night during monsoon season.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So you're not asking for Santa Fe County to give any money. You're basically just asking us to say we support the state to give \$7 million to match.

COMMISSIONER GREENE: That's correct. And we're actually, the strategy that the Soil & Water Conservation District is asking for is a token amount from the legislators that are impacted that, and that is Senator Bobby Gonzales, Senator Leo Jaramillo, Representative Joseph Sanchez and Representative Herrera and Representative Andrea Romero. The five of them have said that they will give a token amount but they don't have enough money to give the \$7.7 million in any way.

So what they're doing is giving a token amount but then creating a sort of internal legislative lobbying force to go up to the fourth floor to the Governor's office, and we've started that process because this is something that needs to be done at the Governor's level.

COMMISSIONER HANSEN: I don't see anything wrong with us supporting this. We support lots of bills. I think that it is a serious issue and you're not asking for any money from Santa Fe County, and Susan Herrera's bill, to have a matching fund for \$100,000 [sic] that people can apply for, it also doesn't affect us monetarily. It's just supporting that. So if you're going to make a motion, I will second.

COMMISSIONER GREENE: Thank you very much. So I will do it as two motions, so we can do it [inaudible]. I make a motion that we support the Santa Fe and Pojoaque Soil & Water Conservation District's request for support, either through legislative money or through the Governor's office capital improvement project monies in support of dam site one's rebuild to fix the high risk situation in the Santa Cruz Valley.

COMMISSIONER HANSEN: I second.

CHAIR HUGHES: Okay. We have a motion and a second. Under discussion, Commissioner Hamilton.

COMMISSIONER HAMILTON: So we – I know you're not asking the

County to give money but you are asking us to lobby our delegation to give some of their capital money to this.

COMMISSIONER GREENE: Essentially, the Soil & Water Conservation District is two guys going around the Roundhouse trying their best to navigate the Roundhouse. So whatever assistance we could give to point them in the right direction, whether it's Hvtce or AI or those guys saying you should talk to this person. This is actually a high risk issue. That would be great, but also, really at the end of the day, if we had a letter that said we support this, that would be the most – the best suited thing as well.

COMMISSIONER HAMILTON: Because I fully recognize it is a significant threat. We got, to be honest with you, we had a presentation by the Pojoaque Soil & Water District six or seven years ago.

COMMISSIONER GREENE: This is that same project concern.

COMMISSIONER HAMILTON: Yes, I understand that. But I really appreciate clarity and what you didn't give me was a yes or no. You said something completely different. So are we approving to like have our – to be asking this with all our other capital requests? Are we asking our lobbyists to go lobby for this?

COMMISSIONER GREENE: Not really.

COMMISSIONER HAMILTON: So I just want that clear and on the record, because I support the bill, but it depends on what level of support, because it's not our county.

CHAIR HUGHES: Thank you, Commissioner Hamilton. Other comments?

COMMISSIONER BUSTAMANTE: What is the bill number?

COMMISSIONER GREENE: So that's an appropriation, so it's not a bill number, and I'm going to look up Susan Herrera's bill differently, but this is an appropriation for the – like an ICIP appropriation for the Santa Fe Pojoaque Soil & Water Conservation District. There is another one that looks similar that's for the Santa Cruz, for the Pojoaque Valley Irrigation District that is for the Santa Cruz Dam, or it's the Santa Cruz Dam site.

CHAIR HUGHES: Let's not get confused.

COMMISSIONER GREENE: It is confusing up there and there are legislators up there that are confused thinking that they're giving to one when they don't

CHAIR HUGHES: Okay. I just want to say I've been hearing about this dam for years, ever since I got elected. I think even before that and the importance of it. Probably because I'm friends with Champe Green who's on the Soil District. If there's not any further discussion, why don't we take a vote on that. We had a motion by Commissioner Greene, seconded by Commissioner Hansen to support this project.

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

CHAIR HUGHES: Okay, we can now let people know Santa Fe County supports that.

COMMISSIONER HANSEN: Let them look up the bill.

COMMISSIONER GREENE: So that's the first one.

CHAIR HUGHES: That's the first one. What's your second?

COMMISSIONER GREENE: The second one is Representative Susan Herrera and some other folks at the legislature have this leveraged project matching fund. So I would make a motion that we support Representative Herrera's bill for supporting \$100 million or more as a leveraged project matching fund seeking to leverage federal funds with state funds.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay, we have a motion and a second. Under discussion? I would just say that I think Santa Fe County in all of our endorsements has spent the entire surplus of the money. But we'll get something out of some of this, I hope. I don't see any more discussion.

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

CHAIR HUGHES: With that, are there any other things that anybody wants to bring forward?

COMMISSIONER HANSEN: I was really disappointed to see, even though I think everyone knows here I'm not a Republican, but this pre-trial detention bill failed because I feel really strongly that we need to do something about people being the catch and release, it's just really out of control, and I'm saying this because of what's happening at 2500 Lopez Lane, because I'm continually having the same people who have been arrested for drugs, gone to the jail, and released, and they're still there and they're still living there. And so it's incredibly frustrating to me. I'm not really asking if people want to support it, fine. I don't know the bill well enough, I'm just like frustrated because I feel that something needs to be done about this serious issue of we put somebody in the County jail and they're out the next day and they've stole five more cars, and they've taken them to 2500 Lopez Lane and they're being sold off and the City police and the County Sheriff, when they're missing a car they go to 2500 Lopez Lane and sure enough, there's people there with warrants that can re-arrest and then they're back in the jail over night and they're out again. It's just incredibly frustrating to me and I don't know the answer but I just had to express that.

CHAIR HUGHES: Thank you, Commissioner Hansen, for expressing our collective frustration with the legal justice system. Anything else on this topic that anybody wants to bring up?

COMMISSIONER BUSTAMANTE: Mr. Chair, I was doing to save this for issues from the Commissioners but I think this is the appropriate time. It's just something that came up as a concern. I'm sure that this is not the first time that this has been an issue for a Commissioner, the entity that hires lobbyists. I do take it seriously and have concerns about what the optics are with regard to hiring a lobbyist who people identify or associate, because we've hired them to work for us, and then they are also lobbyists for an entity that would have something very converse to our – I would say our general values, making huge assumptions that there may be people on this Commission who would not want to see public health threatened by public smoking initiatives, for example.

So the assumption was that when this individual went into a hearing that because they had been recognized as a lobbyist for the County, the assumption was that somehow we had hired them to lobby against another potential issue. And I bring this up in the interest of one, if there's any opportunity to have our lobbyists make clear that the issue that they are there speaking for is not on the behalf of the County, or when it's appropriate, it is on behalf of the County, but it's very clear what their standing is as a successful lobbyist. We want the entity to be the most successful to get what we need, but guilt by association also something where I received a very specific text that said something to the effect that I can't believe that we would hire – and I told him, assured him that we didn't personally as Commissioners hire this entity to be our lobbyist, though the buck stops here and we did approve it.

So I just hope that when we talk to our lobbyists that they make it clear that though they do represent Santa Fe County on behalf of those bills or issues that we have hired them to work for that when they are working towards others they're making no mistake and somehow identifying or leading or somehow having anyone think – it was two times. One was a text, one was a person. I can't believe you hired – the County hired someone to work against the paid leave bill. And I said, well, first of all, there was never a decision made, and two, we didn't hire anyone to lobby against the paid leave bill.

So I very much hope that somehow we can get some clarify or some clarification from our lobbyists to be very specific on what it is that they are lobbying for and against and be very clear on whose behalf it on for. So when we do make those approvals or whatever the case may be and we vote yes, this is the entity that we'll go with, my lesson learned is that we'll do more due diligence in finding what types of issues these individuals will be lobbying for or against. But they do ultimately reflect on us. So, the end. Thank you.

CHAIR HUGHES: Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. So I think the proof is in the pudding and what we get from these lobbyists, and so since this is actually the first year we've hired a lobbyist, if they bring home the bacon and we get a fair amount of capital outlay, more than we normally get, that will be to me a good thing. But if we're saddled with exactly the same amount that we got last year, then I'm going to have to wonder why we even hired a lobbyist. Because I know myself and Commissioner Greene and Commissioner Bustamante have spent time over there. We've all spent time talking to our legislators who I'm incredibly frustrated with at the moment, just because I don't see the results that I think Santa Fe County should be getting. I'll leave it there.

CHAIR HUGHES: Okay. Commissioner Greene, can you be short?

COMMISSIONER GREENE: Yes. Very short. So just to be clear.

Representative Herrera's bill is also sponsored by Meredith Dixon, Gail Armstrong, Pat Woods and Pete Campos, and it is House Bill 177.

COMMISSIONER HANSEN: Okay. Thank you.

COMMISSIONER BUSTAMANTE: I'm sorry, Mr. Chair. I'd like to make just one more statement pleas.

CHAIR HUGHES: Yes, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Very quickly. I hope that that would also apply if someone was pro-nuclear and they were going to each entity but they were going to bring us more money and they were making a good case for pro-nuke. And I'm sure that we would be as comfortable with that type of issue. But I do want to be very clear that it will reflect on the Commission if people assume that we are the ones who are paying that individual to work for those issues. So that's where I'll leave that one.

COMMISSIONER HANSEN: I agree with you, Commissioner Bustamante.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Sorry.

CHAIR HUGHES: Let's keep this moving along. Anything else from staff on the legislature? Thank you, Hvtce.

MR. MILLER: Mr. Chair, Commissioners, thank you for the bill number, Commissioner Greene. And I'll find the ICIP information on the dam project and all the details for that and provide it to all the Commissioners. And I just want to thank you for providing the direction and providing the resolutions. As always, it's very helpful for going and advocating for all the environmental bills, and as well with crime and gun bills. It's very helpful to do it in that manner. So I thank you for your direction.

COMMISSIONER HANSEN: One more thing.

CHAIR HUGHES: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I just want to thank Hvtce for all his work over there and organizing Santa Fe County Day and working with all of so thank you very much, Hvtce.

CHAIR HUGHES: Yes. Thank you.

10. Matters from County Commissioners and Other Elected Officials

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HUGHES: We can start at this end. Okay, Commissioner Hamilton is setting a good example by being quick there. Commissioner Bustamante, what would you like to add to the discussion?

COMMISSIONER BUSTAMANTE: Thank you. My example won't be like that one. But I do have to request that we would be able to receive a monthly report from our PFAS coordinator or Rachel O'Connor specifically, as we've hired a consultant for the PFAS, PFOA and PFOS issues in the La Cienega area. And I'd like to request that we at least get a report on what is happening and how people are being – how communication is going and what is being addressed specifically with regard to community conversations and that that come to our Commission one each month until this level of concern has subsided a bit.

I'd also like to request specifically that the jail inform us. We were told early on, when we did our visit that we would be informed when we have the Matrix graduations, and I'm realizing that a year has passed and I know we've probably graduated a number of people from the Matrix program and I would like – I'm making a formal request that

the warden let us know when we have a Matrix graduation so that I may be in attendance and anyone else who wishes to attend.

So those are my two requests from the dais. Thank you.

CHAIR HUGHES: Thank you, Commissioner Bustamante. I think we can [inaudible] Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I'll be brief also. But the most important thing I've been working on is my concerns with this electrical power line that's going across the Caja del Rio. I have been reaching out to the Forest Service Supervisor, Shaun Sanchez, and DOE, NNSA, Ted Wyka and they have agreed and assured me, along with Undersecretary Jill Hruby, who I got a letter from assuring me that they will do a second public hearing. This morning I spoke with Mr. Wyka. Unfortunately – or fortunately, I asked for it to be at the Santa Fe Community Convention Center. They can't arrange that, so it will once again be at the Santa Fe Community College, because they have state of the art facilities that can provide video conferencing, whereas the convention center is still locked in the 19th century where they don't have the latest technology to be able to provide the same kind of services that we provide via Webex.

So it will be February 15th at the Santa Fe Community College, 4:00 pm. Electrical transmission line comment period. There will be a number of presentations. A poster session from 4:00 to 5:00 and then comments from 5:00 to 7:00. I am grateful to Forest Service Supervisor Shaun Sanchez for working with me and to NNSA Ted Wyka and Undersecretary Jill Hruby for working to provide a second comment period because I know this is a huge issue for constituents and the protection of the Caja del Rio is incredibly important to many of my constituents, Commissioner Bustamante's constituents, Commissioner Greene's constituents in the northern part, so I hope that you will all be able to make it on February 15th, 4:00 pm at the Santa Fe Community College. Thank you. That's all I have.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Very quickly. Just a bit thank you to Erle Wright for attending the meeting up in Chimayo on a Sunday and producing maps that showed the risk that the dam site that we discussed briefly earlier. He went out on a day off and presented very well and showed the tools for everybody to understand very specifically they could find how to find their property and understand that their property was at risk. It had sites not only on the Santa Fe County side of things but it had sites on the Rio Arriba County, which shows how that we can collaborate with our neighbors to make sure that we're all safe. And Erle did a great job and thank you to the County Manager's Office for making him available for that and getting us to a safer community in collaboration. That's it for today, so thank you.

CHAIR HUGHES: Thank you. And on my end I just have one thing also which is I want to make sure – I talked to Commissioner Bustamante about the townhall that our various constituents who live along Route 14 that our constituents would like us to have and Gabe Bustos is working on finding a date that DOT can be there and make sure both of us can be there. There is a lot of concern about safety, a lot of speeding on Route 14, a couple of tragic accidents recently so it's a hot topic and we'll be talking about that. And that's it for me but we'll make sure we coordinate because Highway 14 is

in both our districts.

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

CHAIR HUGHES: Are there any other elected officials who care to say anything. Anything from the Clerk's Office?

EVONNE GANTZ (Deputy County Clerk): I think the Clerk was going to call in but I'm not sure she was able to.

CHAIR HUGHES: Anybody at all online to speak to us, Daniel?

MR. FRESQUEZ: Mr. Chair, I can see the Treasurer online but she's not showing that she needs to speak.

CHAIR HUGHES: Okay, well then I think we can move along.

11. Matters from the County Attorney

A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:

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

5. EEOC Complaint by Former County Employee

CHAIR HUGHES: Attorney Young, do you want to tell us what's going on there:

MR. YOUNG: Thank you, Mr. Chair and Commissioners, so I would ask that we go into executive session tonight to discuss 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 that's specifically including – we have four items tonight: *Lindsey v. Santa Fe County Youth Development Program*, Case No. 1:23-CV-00271 and that's in federal court in Albuquerque. The second one is *Board of County Commissioners for the County of Santa Fe v. Martin S. Montoya*. That's in the First Judicial District here in Santa Fe County, Case No. D-101-CV-2023-00782. The third item that's listed on the agenda, we can table that one, the Turquoise Trail. We can bring that up at a later meeting. The fourth one is in re: Aqueous Film-Forming Foams Products litigation. That's MDL No. 2: 18-MN-0287, *City of Camden, v. Dupont*. There's an additional one, Case No. 2:23-CV-03230, *City of Camden, v. 3M*, and those are both in the South Carolina federal district court. And then finally, there's an EOC complaint by former County employee.

Those are the items we've been given. It's been a long day. I don't think we will take too long in executive session, hopefully.

COMMISSIONER HANSEN: I move that we go into executive session to

CHAIR HUGHES: - discuss the items mentioned by Attorney Young.

COMMISSIONER HANSEN: Yes. Thank you.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Hansen, seconded by Commissioner Hamilton. Could we have a 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

[The Commission met in executive session from 7:50 to 8:33.]

CHAIR HUGHES: Everybody, we're back from executive session. We need a motion to come out of executive session.

COMMISSIONER GREENE: Motion to come out of executive session where we did not make any decisions and only discussed things reported by the Attorney.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay, I have a motion by Commissioner Greene, seconded by Commissioner Bustamante.

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

11. B. Waiver of Any Potential or Actual Conflict Interest That May Arise from Montgomery & Andrews, PA's Representation of the La Pradera Homeowners Association in the Memorandum of Understanding in Connection with Certain Negotiations to Connect to Santa Fe County-Owned Wastewater Facilities and Authorization for the Chair of Board of County Commissioners to Sign a Waiver

CHAIR HUGHES: We have one more piece of business from the County Attorney, which is the waiver of potential or actual conflict of interest.

MR. YOUNG: Mr. Chair, thank you. With this item, 11. B, we are requesting a waiver of any potential or actual conflict of interest that may arise from Montgomery & Andrews representation of La Pradera Homeowners Association, and this is relative to a potential Santa Fe County owned water facility and an authorization for the Chair of the Board to sign a waiver. Montgomery & Andrews does have a contract with Santa Fe County to provide legal services as the County Attorney may direct. The La Pradera Homeowners Association has sought to engage Montgomery & Andrews as its representative in certain negotiations with the County regarding the connection of the wastewater facilities and the reason why they're coming to us is that the rules of professional conduct adopted by the New Mexico Supreme Court require an attorney to avoid representation in which the attorney has or had a relationship with another party interested in representation without the informed written consent of all parties affected. Therefore Montgomery & Andrews is requesting the consent of all parties affected so they may proceed with their representation of the HOA in negotiations with the County, and I would just say that this matter isn't related to previous Montgomery & Andrews representation of the County. It is in no way related to this, so no information that they would have gained in connection with the representation of the County would be used in this matter. And furthermore, we already have a separate water law counsel in these types of matters as well as in-house staff. So I don't see that as a potential risk in this case. But the asking is for a motion to approve the waiver and authorize the Chair to sign a waiver.

CHAIR HUGHES: Okay, we're looking for a motion.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion from Commissioner Hansen, seconded by Commissioner Hamilton.

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

12. Public Hearings

A. Case # 23-5071 Carlos Gallegos Variance Appeal. Stuart Stein,

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

CHAIR HUGHES: Welcome, Commissioner Garcia. Nice to see you back in the chamber. So we're going to proceed with the public hearing and we'll start off with the staff presentation. Then we'll have an appellant's presentation. Third will be the applicant's presentation. There could be a rebuttal after that by the appellant, and then after that we will have the public hearing for members of the public. This is the order according to our Attorney, as things should go. So now we're on Case #23-5071, Carlos Gallegos Variance Appeal, Stuart Stein, appellant. And I think we have Manuel Olivas to give us the staff presentation. Thank you, folks.

MANUAL RYAN OLIVAS (Case Manager): Thank you, Mr. Chair, Commissioners. Stuart Stein, appellant, is appealing the Santa Fe County Planning Commission's Final Order regarding a variance request, to allow a second dwelling on a 2.69-acre parcel as allowed by the SLDC, Section 10.4. Due to the terrain constraints on the property, the applicant, Carlos Gallegos requested and was approved for a variance of Section 10.4.2.3.3 to allow a separate access and a variance of Chapter 10.4.2.4 to allow the proposed dwelling to utilize a separate septic system and utilities. The property lies within the Residential Estate Zoning District within the La Cienega and La Cieneguilla Community District Overlay. The property is Located at 53 Sunset Road within Township 16 North, Range 8 East, Section 28, Commission District 3, SDA-2

Mr. Carlos Gallegos, applicant, is proposing a second dwelling to be placed on a 2.69-acre parcel as allowed by SLDC, Section 10.4. The applicant requested a variance of Chapter 10.4.2.3.3 to allow a separate access, and a variance of Chapter 10.4.2.4 to allow the second dwelling to utilize a separate septic system and utilities due to the terrain constraints. The proposed 2,560 square foot residence will have a separate driveway, utilities, and septic. The existing residence, 1,216 square feet, will be considered the accessory dwelling unit to the proposed new primary residence.

The applicant stated that, due to an arroyo bisecting the property, he cannot share the septic and utilities with the existing residence, as the primary dwelling and accessory dwelling would be located on opposite sides of the arroyo. The proposed access to the new site will be off of Cerro del Alamo. A liquid waste permit was provided for the proposed new primary residence by the New Mexico Environmental Department. The applicant provided a well permit issued by the Office of the State Engineer.

Building and Development Services staff has conducted a site inspection on the

property. During the inspection, it was revealed that, due to terrain constraints on this site, the proposed dwelling cannot be constructed in close proximity to the existing dwelling. The proposed development site is the only other buildable area on this property.

The review comments from the County Public Works Department and the County Fire Marshal's office state that the application is in compliance with pertinent design standards set forth in the SLDC.

On June 8, 2023, a request for a variance of Section 10.4.2.3.3, and a variance of Section 10.4.2.4, was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the request to allow a variance of Section 10.4.2.3.3 to allow a separate access, and a variance of Chapter 10.4.2.4 to allow the proposed dwelling to utilize a separate septic system and utilities, with the conditions recommended by staff.

On July 20, 2023, the applicant's request for the two variances was presented to the Santa Fe County Planning Commission. The Planning Commission memorialized findings of fact and conclusions of law in a final order that was recorded on September 22, 2023.

An appeal of the Santa Fe County Planning Commission's final order granting a variance of Section 10.4.2.3.3 to allow a separate access and a variance of Chapter 10.4.2.4 to allow a proposed dwelling to utilize a separate septic system, utilities, and access, was submitted by Mr. Stuart Stein, appellant, on October 16, 2023.

The appellant states, "This variance is an obvious subterfuge to obtain an illegal lot split resulting in the creation of two rental units. Applicant's guise of requesting a variance under the Accessory Dwelling Unit section of the SLDC is antithetical to the spirit and intent that underlies the SLDC. The failure to reverse the allowance of this variance would adversely impact the surrounding property values and uses. The Accessory Dwelling Unit Section of the SLDC was never contemplated as a vehicle for landlords to build haphazard rental units to bypass the otherwise strict requirements for such development. The variance allowed and passed by the Planning Commission was improper. It should be reversed by the Santa Fe Board of County Commission." The appellant submitted a detailed letter explaining the reasons for the appeal.

The appellant's statements and staff response: Staff has responded to the appellant's statements.

The applicant has submitted a rebuttal, attached as Exhibit 14, which states: "Mr. Stein's appeal is without merit and has no legal bearing to the variance. Mr. Gallegos has followed all staff recommendations/code allowing the property to have an additional accessory dwelling. Due to the constraints of the property, a variance was required. Applicant, Carlos Gallegos has followed all code requirements and the appeal has no legal right to have his request denied. We ask the honorable County Commission to conclude with staff, Hearing Officer, and Planning Commission's recommendations to approve the variances and deny the appeal."

The Applicant is requesting two separate driveways, one for each dwelling unit. The proposal does not meet the requirements of the Sustainable Land Development Code,

Section 10.4.2.3.3, which requires an accessory dwelling to access via the existing driveway. The Applicant's response to the variance review criteria is as follows. Staff has responded to the applicant's variance criteria.

The recommendation of staff and the Hearing Officer and the order of the Planning Commission was for approval of a variance of Chapter 10.4.2.4 to allow the dwelling to utilize a separate septic system and utilities, with staff conditions. Therefore, staff recommends denial of the appeal and approval of the variance of Chapter 10.4.2.3.3 to allow a separate access and a variance of Chapter 10.4.2.4 to allow the dwelling to utilize a separate septic system and utilities, subject to the following conditions. Mr. Chair, may I enter the conditions into the record?

CHAIR HUGHES: Yes.

The conditions are as follows:

1. The proposed access via Cerro del Alamo shall align with the current access across the street.
2. No additional dwellings shall be allowed on this lot.
3. The Applicant shall submit an application to place the second dwelling on the site.

MR. OLIVAS: Mr. Chair, there was a document submitted by Mr. Stein that was uploaded to the BoardDocs this morning and it's labeled as Exhibit 18. This report and the exhibits listed below are hereby submitted as part of the hearing record. Thank you. I stand for any questions.

CHAIR HUGHES: Thank you. Are there any questions from the Board at this stage? Apparently no questions yet. I'm sure we'll have some later on. So next we would go to the appellant's reason for asking this to change the Planning Commission order. Is the appellant in the room?

[Duly sworn, Stuart Stein testified as follows:]

STUART STEIN: My name is Stuart Stein. My mailing address is Post Office Box 29598, Santa Fe, 87692. My physical address is 79 Cerro del Alamo, Santa Fe, 87507. I understand that I am under oath and have to tell the truth.

CHAIR HUGHES: So go ahead and give us your presentation.

MR. STEIN: Okay. I'm not going to go over everything that I wrote. I'm assuming, Mr. Chair and Commissioners, that you have reviewed the file. To repeat everything would just keep us all here longer. So I'll just kind put it all together. Firstly, I want to recognize, just from reading the newspapers, that we have a problem here in Santa Fe County with having enough places for people to live, that's both homes and rental units, and I recognize that and I know that's a problem we all have to face. But in the La Cienega area the Board of County Commissioners has passed ordinances that require that for each house you have to have 2.5 acres. And the reason for that is obvious. We don't have County water. We don't have County sewer out there, so that on 2.5 acres, if you have a well and you have a septic everything should remain copasetic towards the future.

However, when you have a 2.5 or more, a 2.5-acre parcel, with one house already there, and now they're asking effectively for the second home to have a separate sewer, separate water, separate electric and a separate address from the primary residence. So

when we look at the beginning of Chapter 10. The beginning of Chapter 10, 10.1.1, and I'll paraphrase here as I'm going through and skipping some parts, the purpose of this chapter is to establish standards of specific uses which require special design considerations in order to protect surrounding property values and uses. And then it goes on and it says, these standards have been created to address the particular impacts that it would have to the community.

Well, if we're going to have 2.5 acres with two wells, two septic tanks, two electrical connections, separate and apart, built differently, two addresses, we're effectively allowing a split of a 2.5-acre parcel.

Now, when we go to the particulars on accessory dwelling units, 10.4, we look at 10.4.1, purpose and findings, accessory dwelling units are an important means by which persons can provide separate and affordable housing. It doesn't stop there. It continues. Separate and affordable housing for elderly, single parent, and multi-generational family situations. There was nothing proved about that here. In addition, 10.4.2.2, Size, it says the accessory dwelling unit shall not exceed the lesser of a 50 percent of A, that's 50 percent of a huge lot area of the principal residence, or 1,400 square feet, or the lesser of the two.

So what has happened before the Commission on this? What we have here is something that doesn't appear in the ordinance. As we heard from the presentation from staff, they're allowing the present residence, which is a 1200+ square foot single-wide manufactured home to be considered now the accessory home. The accessory dwelling unit, and they're going to put a double-wide – it's 2,600 without checking – square foot home, and that's going to be the new principal. There is nothing in this ordinance that allows the designation change of what is there now and everybody understands that to be the principal residence. It's the only residence on the property – to then all of a sudden overnight, as soon as you put up the bigger place, that smaller first place is not the accessory dwelling unit and the bigger place is now the principal. And there's nothing about elderly, single parent and multi-generational family situations.

Now, we'll hear from the agent and find out what's going on. But if we allowed this switcheroony it means that everybody or anyone can go get a parcel of land, put on one place and then later on decide to build a bigger place and change what is the principal and what is the accessory dwelling. You can't have it. And when we talk about what is going to affect the surrounding property values and uses, and the impact that this is going to be, we have wells already in La Cienega that have gone dry. We have septic tanks that have to be replaced and repaired. And if we allow more septic systems to be pushed into the system then it's going to start to affect our water. This doesn't conform to the code.

And then we have, as I put in the appeal, all the other times that the owner of this property has said that they want to have something else on it. And the way they did it without asking, and then when they're caught they step away. And we've had testimony already and we have it in the appeal, that neighbors say that he hasn't lived there. The agent said that he's lived there for 27 years. He hasn't. He lived there for two years, moved out decades ago. One of the tenants that he rented to is a friend of mine now. He does work for me. He's a builder. He has a general contractor license, and he bought a house down the street in La Cienega. He's a good friend. And now there are different people living there.

We cannot let a change in designation allow someone to put up a large structure and say now this is the principal residence, and they don't even live there. It is unsaid in 10.4 on Accessory dwelling units, we say we want this for elderly, single parent and multi-generational family situations, but there is nothing in this section that says that you have to live on the property. So we have absentee landlords. That's what we have here. They're not having the owner's father-in-law live there after he lost his spouse. They're not having the owner's daughter live there with her children. They're not having grandchildren living there – multi-generational. Well, either the purpose means something and remember, it took years to pass this with so many meetings, so many people giving input. And now we have someone who has tried to split this property for years, and now is coming back and he wants to put another structure there, bigger than what he has, and oh, I'm going to get staff to say we're changing with the principal is and what the accessory dwelling is. It's wrong and it shouldn't be allowed.

And then what happens is that if somebody comes to staff and says, well, I have an arroyo going through my property, so therefore I shouldn't have to try to even see if I can get the waterline to go over. I shouldn't even try to see if the electric company will put a line underneath the arroyo, or over with a pole. And I don't even have to try to see if I can get a bridge or a low-water road to go over to the second item.

When you have a hardship, when you say you have a hardship, that's a conclusion. It has to be based on facts. That is what staff should be asking. What is your hardship? Is it money? You can't afford it? Did you speak to an engineer who said you can't do it? Did you speak to the electric company? Did they tell you it can't be done? Or did they say, oh, we could do this but it will cost you \$800. Or the plumber said, we can do this; it will cost you \$600.

The owner of this property who is coming before you through their agent got this land as a gift. That came up years ago. He got it as a gift from his uncle who lives next door. The uncle swore that he gave it as a gift. So you could come into property without paying and you decide to put your single-wide manufactured home on one part of the property, and then over 20 years later you come in and do this razzle-dazzle to try and get a double-wide on the other portion of the property and affect all of your neighbors with another well, another septic system and for all intents and purposes, a split in the property because you have a new address.

The single-wide manufactured home is 1,200 square feet, plus a little bit. You can make and build a 600 square foot house with one or two small bedrooms, one bathroom, a kitchen, and since it's heated you can have porches on both sides of your property. It's livable. I'm old enough where I could see myself living in a smaller home, if god forbid, something happened to me or my wife would be there if something happened to her, or if our daughter wasn't married or something happened to her husband and wanted to live with us and her boys are out. But for one person a small house is fine. That's the purpose of this ordinance. It's not the purpose of the ordinance to allow absentee owners to start building rental units that hurt everybody else in the area.

Now, if I can project myself 20 years in the future and Santa Fe County has sewage out there. Santa Fe County has water out there. Then, yes, this is what should be done because we need more homes for people. But not now. It's wrong and it shouldn't be done. And some of the other things that were of concern – that in the report on, well,

they didn't go there in the report this time, but on page 6 to 7, in the staff report and they say the heated area of the accessory dwelling unit shall not exceed the lesser of 50 percent of the heated floor area of the principal residence, or 1,400 square feet. That's quoting from the ordinance. And then –

CHAIR HUGHES: Mr. Stein, could you wrap it up. You've said the same thing several times. Give us a summary so we can get to the point where we can get to decide?

MR. STEIN: Okay. What I'm saying here is that they say that staff is changing the designation of these two living units, and they do it by processing it administratively by staff. There's nothing in the ordinance that allows them to do that. You don't just make this up as you go along. I don't know if they've been doing this before. I don't know if anyone has ever appealed it to the County Commission to say where is this coming from? Nobody has shown me, though I've asked, is this something that is passed, something that has been done by staff? They also say that the applicant has provided a deed that shows that they're legal owner of the property, but there's no deed attached to this report that was read to you today. It's not here.

We had a problem in the past with this applicant who put in a false deed. They changed the deed because the owner, Carlos Gallegos, Jr. who's on the deed, wiped out the Jr. and said that he was the father cutting it in half for himself. That's who we're dealing with. And he doesn't show up here. It's his agent who shows up.

[inaudible] witness. I'm closing up right now.

CHAIR HUGHES: I was going to ask the Board if they have some questions for you at this point.

MR. STEIN: Okay.

CHAIR HUGHES: It doesn't seem like we have questions at this point. But thank you, Mr. Stein. You'll get a chance to speak again after the applicant so why don't you save any other juicy points you had for that.

MR. STEIN: I may have used up all my juice but I'll try. And as I understand it, we have the right to question other people who were testifying here but we have to go through your, Mr. Chair.

CHAIR HUGHES: Yes. And I haven't received any questions yet.

MR. STEIN: Okay. When would it be appropriate for me to give you questions that I have that I would like you to propound to both staff and the applicant?

CHAIR HUGHES: Can you give those to us now or get them ready while the applicant is speaking? Well, this is cross-examination. I don't think you give the questions to the people you're going to cross-examine before you propound it to them.

CHAIR HUGHES: Okay, but be sure to give the questions to us before you –

MR. STEIN: I want to give them to you –

CHAIR HUGHES: Let Jose hand out the questions.

MR. STEIN: Excuse me.

CHAIR HUGHES: Jose works for the County. I think you can give them to him. While you're doing that, if the applicant or applicant's representative come forward and talk to us. We have the questions now. So is there a presentation from that applicant or are we skipping that part? Okay. And I assume – do we need to swear in Mr.

Garcia?

[Duly sworn, Rudy Garcia testified as follows:]

RUDY GARCIA: Rudy Garcia, 2 Ya Cállete Lane, Santa Fe, New Mexico, 87607 and I'm under oath.

CHAIR HUGHES: Welcome back. It's nice to see you.

MR. GARCIA: Thank you, Mr. Chair, Commissioners. First of all, thank you for what you all do sitting up there. I was listening to your testimony earlier. Some very tough stuff happening in the community these days, but thank you for what you do. It's good to be back here. I miss this place. Most of all I miss staff. Thank you.

So I didn't realize I was getting up here to speak because I was actually here to back up staff because staff has actually submitted the application through the various channels, which is the Hearing Officer as well as the Planning Commission in which we have met with staff and we have followed all of staff's recommendations to this point, anywhere from being the site visit to being in compliance with the Public Works Department, the Fire Department, as well as the Rural Addressing Department. We have a septic tank permit from the Environment Department. We have followed everything that staff has actually guided us to do to this point and we thank staff for assisting us with that.

One of the things that Mr. Stein actually brings up, with all due respect to Mr. Stein, like he's mentioned, my client has been my friend. My client has been here for 27 years in the community of La Cienega. Twenty-seven years ago, who can imagine what La Cienega would look like today. I feel that Mr. Stein actually to be looking at us and figuring out what we're doing, what we're doing with our property, that we're following the rules, as in staff has recommended to us.

Impacts to the community – impacts to La Cienega every single day. Impacts to the community, if we go down the frontage road, Camino Debra in the frontage road, there's something going on there that is – do they have a permit for that? I was asking if Mr. Stein's clients actually want to be some watchdogs for the community, it should not be my client. There should actually be individuals throughout the community. We have an eyesore on Los Pinos Road. We have – I could go on and on about it. Towing company, like you said there on Sunset Road as well as Los Pinos Road, there's a contracting business going on there.

Carlos Gallegos actually has owned that property since 27 years ago. He's actually been trying to do the best he could for that community. Sure, there for a while he did not do anything, did not propose anything to that property. But he actually owns a very successful business in this community. He's brought in tons of GRT tax to this community, so we came forward and we wanted to put a guest home. Staff guided us as into what we need to do to place this secondary unit. We had some challenges because of the arroyo that bisects the property. We took the advice once again from staff and we did what staff wanted us to do.

He's talking about 10.4.0.1, affordable for elderly – it's all in the memo here. It's actually not necessary that it is needed to be proven to that according to the code. We're talking about switching the primary residence to a larger residence, we're actually doing what's best for this community and what's helping out. He talks about we're going to put a separate septic system, yes, we are, a separate well. No, we're not; we're going to use

the existing well to the property.

He talks about whether he lives on the property or whether he does not live on the property. According to the code, the code does not require you to live on the property, to be a resident of that property or to have a rental or not a rental. He talked about the utility going across the property as a hardship, we all know it's hard to put a utility underground through an arroyo. Overhead would work, but people in the area don't want overhead. He actually talks about building a 600 square foot house. We could build a 600 square foot house. However, the code only allows for no less than 1,400 square feet. So that's why we actually are negotiating – not negotiating, we're actually building what staff has recommended for us to do, and that's actually put something half of the size larger than 1,400 square foot.

I'm actually here, Mr. Chair, Commissioners, to actually ask for you all to ask any questions as you have for my client. Once again, we actually have proven to staff and to the Planning Commission, as well as the Hearing Officer that we're doing everything in conjunction with what staff and the code has required us to do, and I stand for any questions. And I also feel that some of these items that Mr. Stein is bringing up is irrelevant to this case, what's in front of you all tonight.

CHAIR HUGHES: Thank you. Are there questions from the Board?
Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair and Commissioner Garcia. Question for you. So have you been the agent for this client since this past summer? Are you a paid agent? Or is this on behalf, as a friend?

MR. GARCIA: Mr. Chair, Commissioner, I'm here on behalf as a friend.

COMMISSIONER BUSTAMANTE: A friend. Okay. I'm glad that you brought up the issues that we have in La Cienega and that there are other properties that would be of question and concern because I think that that actually just supports a notion that any type of variance for a development code would only add to the existing problems that we have in our community. Would you see that, that pointing out a concern for additional wells and septic systems, and you have been able to point out every specific issue in that community that that would be something that would just add to those problems, and that it's probably a good idea to get a handle on the issues that are there?

MR. GARCIA: Mr. Chair, Commissioner, no I do not think this variance would actually apply or actually would exceed stuff that is happening in the La Cienega area. There's a lot of stuff happening in the La Cienega area as you know. Actually my client would like to do is actually do something that's respectful to the community and follow all the regulations that staff has imposed. You can drive through there every single day. There's another house built up here. There's another tow lot going down there. There's a construction yard there. We actually want to comply with what staff has recommended for us to do. That's what we're here for.

COMMISSIONER BUSTAMANTE: So what I'm seeing, and this is where I'm understanding that the appellant has the concern that this doesn't meet the ADU requirement. This looks like a variance on the property. So when we have a 2.5-acre requirement and it's not meeting ADU criteria, is it a work-around for a variance or for a lot split? Can you tell me whether or not this applicant has gone for a variance or a lot split previous this? Has there been a time that this applicant has gone for a lot split?

MR. GARCIA: Mr. Chair, Commissioners, I believe years ago, probably 25, 27 years ago when the code did allow you to do a small-lot family transfer this applicant did more forward and tried to do a small-lot family transfer. Since then the ordinance has actually changed. Probably changed about seven, ten years ago. So that actually got rid of the small lot family transfer, so if you have a 2.5-acre you can go down to half of that density [sic] and have any size home you wanted on each one of those lots.

COMMISSIONER BUSTAMANTE: Was that approved at the time?

MR. GARCIA: No. Has anything changed with regard to the County serviced in that area that would change the requirement to maintain the lot size per dwelling, given the septic and the water infrastructure that's in that neighborhood? Given the additional houses that are there now, so when you talk about the reference to – what was it? Ten years ago? How long ago was it? And that they would have now additional homes in that area? Would that be a concern for the people in that area?

COMMISSIONER BUSTAMANTE: So Mr. Chair, the questions I have for you is what different County services have changed? What County services have been added to the area? I don't know exactly what your specific question is when it comes to County services.

COMMISSIONER BUSTAMANTE: Absolutely. What would you say is additional out there since that happened ten years, maybe even 17 years ago. What additional County services are in that area, given the density allowances right now?

MR. GARCIA: Mr. Chair, Commissioners, we had a sewer line that actually goes down behind the Downs of Santa Fe. We're actually – or you all are actually working with, in conjunction with the different co-ops to actually approve a water system that will actually loop around from the Santa Fe County water system, all the way through behind the Downs, so that's actually some positive stuff that we're looking forward to. The actual bridge that you all have \$950,000 right behind the Downs of Santa Fe, which is Los Pinos Bridge. That actually would help out for traffic throughout the area. So there is a lot of things that the County does have in that area that are helping out the development or build-out in the area.

COMMISSIONER BUSTAMANTE: So in that specific area, do we have those services? Along that Los Pinos stretch behind Sunset and the Cerro del Alamo area, do those services exist? The services that would exist to allow for that density? Are those services that you just described in that particular area at this time?

MR. GARCIA: Mr. Chair, no, they're not. You know that.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Thank you, Commissioner Bustamante. Anybody else have questions for our good friend, Rudy Garcia.

MR. GARCIA: Mr. Chair, just once again, we are in compliance with staff. Staff has recommended approval based on the terrain constraints of the property. The Hearing Officer did recommend approval. The Planning Commission did recommend approval, so we're just here in support of staff's recommendations to the County Commission.

CHAIR HUGHES: Okay. And can you stick around then, Mr. Garcia, in case there's other questions? Mr. Stein, if you have a short rebuttal, that will be fine at this point and then we'll have the public hearing.

MR. STEIN: Thank you, Mr. Chair, Commissioners. In response of the applicant to this appeal, what he said tonight, what he wrote also, which is, well, staff said it's okay. But they don't follow the code. The ordinance says what you have to do. And if they don't inquire they don't get the answer. When somebody says it would be hardship for me, you don't say, oh, okay. Well, then we'll give you a variance. You have to prove this stuff up. That's why we have ordinances and why we have rules.

La Cienega and Cieneguilla community has been active for years to try and organize and try and get this Commission to understand what we have to deal with on a regular basis. We have another witness who is going to come up from the public who lives across the street from this property who has an accessory building, who followed the rules, who did the right thing. Nobody at staff said, you know, we could make your primary residence the accessory residence and you could build a bigger house, and we can get you approval, because we do it administratively. And it's not here in the ordinance.

I still haven't seen the deed he produced. The deed just says Carlos Gallegos and no Junior, that's a fraud. That's the fraud he tried to pull years ago. And the only thing we've got is now the word that Carlos Gallegos signed this. I don't know who he is. We don't have the ability before this honorable panel to subpoena people. I asked you Attorney. I asked, could we subpoena him; I wanted to see him. I know where he works. I know where he lives. He doesn't live in La Cienega. Just because you own the property doesn't mean you can do anything you want with it. And he's treated everybody else under this ordinance, Ordinance 10, that if they wanted to have an accessory structure they build it according to the rules. And that's all we want. And are we willing to forget that the reason for this was for families to help elderly people, their children and other members of their family. I was always told since I moved here that family is very important here. And somebody thought about that and said here are the rules, and follow them.

This wasn't passed for absentee landlords. This wasn't passed for people from Texas to buy the land and cover it up and not care about the neighbors and put in extra septic tanks that don't conform to the regular rules here. This should be denied. He has a house. He could rent it out. He doesn't have to make into two houses until such time as his agent said, if we're coming forward with sewer, if we're coming forward with water, it's another set of facts and at another time he doesn't have to sell the property. He's doing fine. Come back in ten years, we'll connect his property. We'll connect my property, which is just up the street, and we'll connect everybody's property. That's when you do it. Not now. This is unnecessary. Thank you, Mr. Chair and the Commission. Any questions?

CHAIR HUGHES: Thank you. Any questions at this point? Seeing none, we're going to go to the public hearing.

MR. STEIN: We're not going to ask some questions?

CHAIR HUGHES: I think we'll look at these questions. Some of them are about relatives and such that I don't think we're allowed to decide a case on who's going to live in a rental property. I'll see what the pleasure of the Board is in terms of the questions. But right now I think it's time to go to the public hearing. If anybody's here they've waited a long time to speak. Could anybody who is here for the public hearing

raise your hand? Is there literally only one person who is going to speak? Okay. Well, then come forward and we'll swear you in and get you started. Daniel, can you do a three minute timer? Is there anybody online to speak?

MR. FRESQUEZ: Mr. Chair, no, there is nobody online.

CHAIR HUGHES: Okay. Well, it may just be you. We don't need the timer then. If you can keep it to about three minutes though. Go ahead.

[Duly sworn, Patrick Brockwell testified as follows:]

PATRICK BROCKWELL: My name is Patrick Brockwell. I live at 53 Cerro del Alamos, Santa Fe, New Mexico, 87507. And I'm under oath. Good evening. I live right across from the property in question and I built an accessory structure about seven years ago and I followed the rules. It constrained me in some ways, but I followed the rules. My girlfriend lives up the street at 35 Cerro del Alamo. In 2020, during COVID, she built an accessory structure for her son. She followed the rules. She didn't get to put it right where she wanted. She didn't get to make it as big as she really wanted, but she followed the rules. Next to her, her sister lives in the next lot. She built an accessory structure. She wanted to build it a little bigger and site it a little differently but there were setbacks. There were rules. There were restrictions. She followed them.

We elect you all to make good rules and expect you to enforce them too. That's my ask is that we go by the rules. Mr. Gallegos has been trying to get by the rules for years. He's trying to do a lot split. This isn't an accessory structure. He's trying to upgrade his rental holdings.

So again, my ask, just go by the rules. Thank you.

CHAIR HUGHES: Thank you very much. Just one more time, is there anybody in the audience or online who wants to speak? Okay, we'll close the public hearing. Thank you very much. And now it's time for the Board to ask questions, make comments, make suggestions. Nobody wants to decide this case. Go ahead, Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. So one question for staff. Has this – if somebody has a smaller unit, under 1,400 square feet, has the approval to allow a larger unit as the new primary residence been allowed in the past?

JOSE LARRAÑAGA (Building & Development Services): Mr. Chair, Commissioner Greene, Yes. All the other criteria. Basically, this particular project, if they would pull out the smaller unit, bring a bigger one then they could put that back in. So just as long as they don't exceed the 1,400 square feet and half of the main dwelling, the square footage of half of the main dwelling.

COMMISSIONER GREENE: I guess I'll ask one more question just while I have it. How deep is that arroyo and is it a real like deep water channel that should probably not be – what would the size of the culvert be? Or something like that?

MR. LARRAÑAGA: Mr. Chair, Commissioner Greene, I have not personally been out to the site. John Lovato went out to the site and analyzed that and made sure that the building site met the setback of that drainage. I'm not sure how deep it is or if we looked at any size of a culvert or any kind of items like that.

COMMISSIONER GREENE: One more while I've got you. Would the two wells and the two septic tanks be equivalent to individual – like would the well have the rights to – equal rights, or is an accessory dwelling unit have less water rights than the

primary. There would only be one well on this? Okay.

MR. LARRAÑAGA: Mr. Chair, Commissioner Greene, to answer that, the ADU or accessory dwelling unit, I'm not quite sure if this property has water restrictions on it, but if it did have a quarter acre-foot we would allow another quarter acre-foot on to the accessory dwelling unit.

COMMISSIONER GREENE: But it's two septic.

MR. LARRAÑAGA: It's one well.

COMMISSIONER GREENE: One well. Okay. Thank you.

CHAIR HUGHES: Okay. Thank you, Commissioner Greene.

Commissioner Hamilton.

COMMISSIONER HAMILTON: So there's a lot of imputation that our staff doesn't know what they're doing in terms of what the regulations call for. But these things – they are administrative matters that it's appropriate for them to handle administratively. It's fine to be appealed but that's why it is meaningful to say we have followed all the County regulations. To the best of my knowledge, our staff is actually pretty strict on variances. Variances are allowed for very specific reasons and one of them is when the physical aspects of the property don't allow an alternative and that seems to be the case here.

Beyond that, I think it's the same with the Planning Commission. They do not typically give out variances. They're fairly strict on that. So it seems to me that staff has said that you're allowed a accessory dwelling unit but you can't put a pipe across this so I'm not sure – I see this as, to me this fills the requirements for a variance.

CHAIR HUGHES: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I'm going to make a motion. I'm going to make a motion to deny the appeal and support staff's recommendations on this Case 23-5071.

COMMISSIONER HAMILTON: I second.

CHAIR HUGHES: Okay, we have a motion and a second. Is there discussion?

The motion passed by majority [4-1] voice vote with Commissioner Bustamante casting the nay vote.

13. Informational Items / Reports

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


Department/Derek Williams)

There were no comments or questions on the reports.

- 14. **Concluding Business**
 - A. **Announcements**
 - B. **Adjournment**

Upon motion by Commissioner Hansen and second by Commissioner Hansen, and with no further business to come before this body, Chair Hughes declared this meeting adjourned at 9:35 p.m.

Approved by:



Hank Hughes, Chair
Board of County Commissioners


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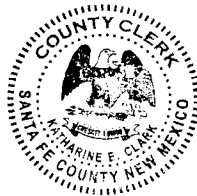


KATHARINE E. CLARK
SANTA FE COUNTY CLERK



Respectfully submitted:

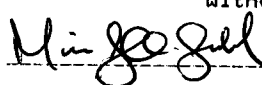

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

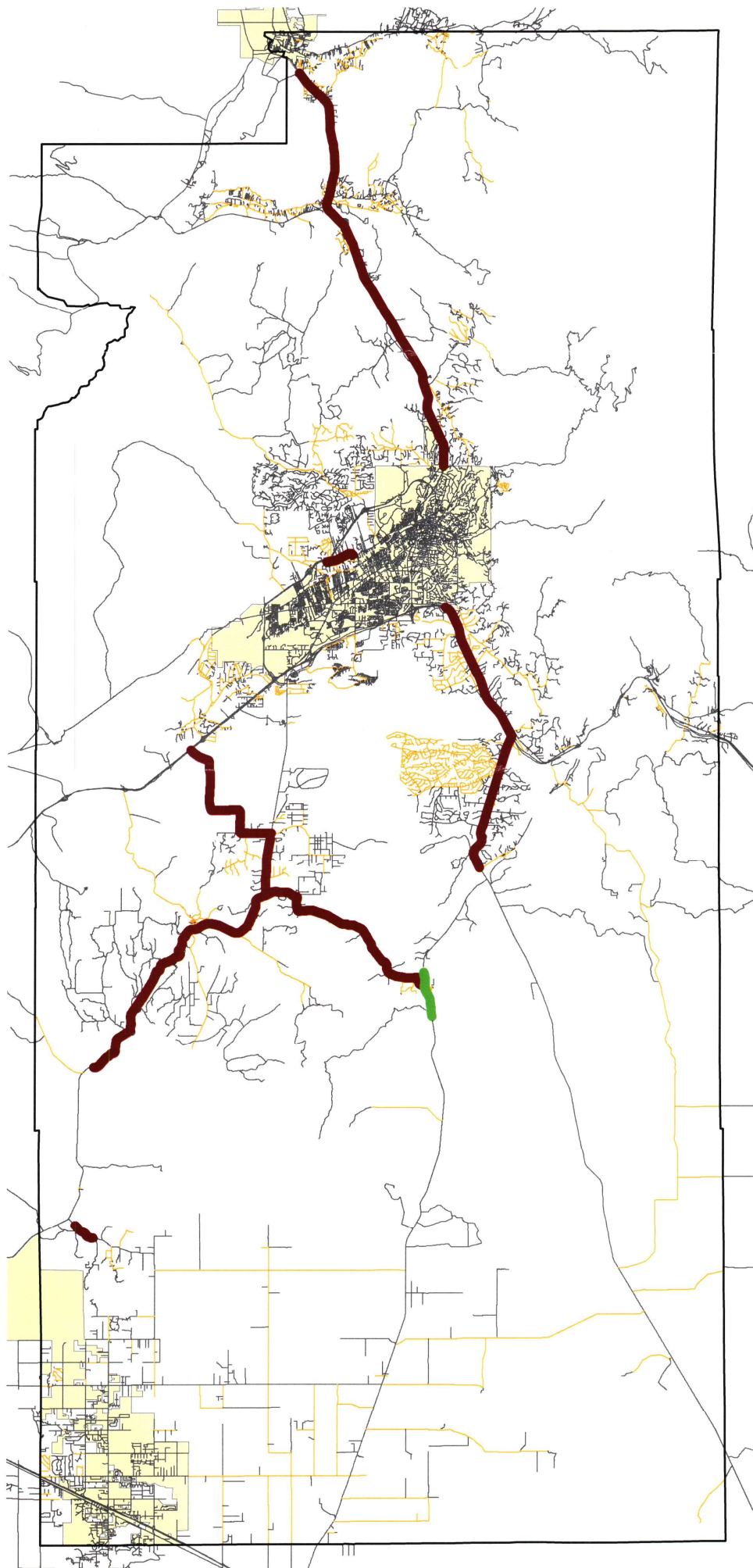
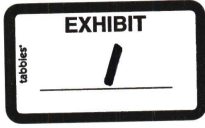
BCC MINUTES
PAGES: 106

I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of March, 2024 at 12:35:32 PM
And Was Duly Recorded as Instrument # 2029204
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 03/01/2024

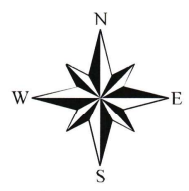
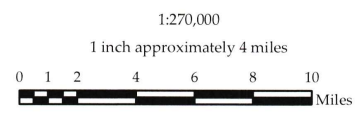
Engine Retarder Prohibition Areas within Santa Fe County



-  New Prohibition Area
-  Existing Prohibition Areas
-  County Maintained Roads
-  Roads Maintained by Others
-  Incorporated Area
-  Santa Fe County Boundary

Note: Existing Prohibition Areas are defined in County Ordinances 2010-17 and 2012-3. Airport Road (formerly a portion of County Road 66) and NM 599 are no longer under County jurisdiction as these roads have been annexed by the City of Santa Fe.

SEC. CLERK RECORDED 03/01/2024



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



Santa Fe County Board of County Commissioners

Market Rate Adjustments to Santa Fe County's
Compensation and Classification System for
AFSCME 1782 and Non-Union Positions

Gregory S. Shaffer, County Manager, and Valerie
Aghaei Park, Human Resources and Risk
Management Division Director

January 30, 2024

Historic Investments

- July-August, 2022
 - 3% Cost-of-Living Adjustment.
 - Additional Significant Raises Implemented for NMCPSO (Deputy Sheriffs).
 - Cost-of-Living Adjustment Funds Used to Adjust IAFF 4366 Pay Scale.
- October 25, 2022 – Board of County Commissioners Adopts Resolution No. 2022-086
 - Reduced the number of pay ranges to 20 and established pay ranges based upon comprehensive market analysis;
 - Created Step Eligible Positions (generally Ranges 1-13), with defined steps from the minimum to the midpoint of each range corresponding to an employee's years of experience and/or education above the minimum qualifications for the position; and
 - Required, no less frequently than every two years, the Human Resources Director to conduct a comprehensive labor market analysis for all County positions other than those in public safety bargaining units.

Historic Investments, Cont.

- January, 2023 – 1.5% Cost-of-Living Adjustment
- January 13, 2023 – BCC Approves Amendment No. 7 to Collective Bargaining Agreement with AFSCME 1782
 - Replicates classification and compensation system for non-union positions.
 - Pay Ranges and steps for Step Eligible Positions Included 1.5% Cost-of-Living Adjustment.
- July, 2023
 - 6% Cost-of-Living Adjustment for:
 - Non-union positions;
 - AFSCME 1782;
 - NMCPSO (Deputy Sheriffs);
 - IAFF Local 4366; and
 - AFSCME 1413M (Corrections Medical).
 - Additional Significant Raises Implemented for Following Public Safety Bargaining Units:
 - NMCPSO (RECC); and
 - AFSCME 1413 (Corrections).

Historic Investments, Cont.

- October, 2023 – BCC Approves CBA Amendment Providing Additional Significant Raises for AFSCME 1413M (Corrections Medical)

Current Investment

- Board Reserved Approximately \$3.7 Million in Recurring Revenue to Implement Recommendations of Market Study
- Market Study Completed in December, 2023
 - With limited exceptions, found positions appropriately placed in pay ranges.
 - Included comprehensive recommendations to adjust ranges and any corresponding steps upward by:
 - (i) two percent (2%) in order to sustain a “match” compensation strategy with current market conditions; and
 - (ii) an additional four percent (4%) to maintain market competitiveness through calendar year 2024.

Current Investment, Cont.

- January 30, 2024, BCC Meeting Items Implement Comprehensive Adjustments
 - Agenda Item No. 6(F) – New Collective Bargaining Agreement with AFSCME 1782
 - Agenda Item No. 6(G) – Resolution Approving Market Rate Adjustments to Santa Fe County's Compensation and Classification System for Positions That Are Not Part of Any Bargaining Unit
- Estimated Annual Cost – \$3.3 Million for Current Employees and to Fill Vacant Positions at Midpoint
- Not Cost-of-Living Adjustment
 - Impacts only non-union and AFSCME 1782 positions.
 - Impact to individual employees will vary depending upon current salary vis a vis current and future midpoint of range for position.

Future Non-COLA Investments

- Collective Bargaining Agreements that Expire in December, 2024
 - NMCSPD (Deputy Sheriffs); and
 - IAFF 4366.
- August 1, 2025 – AFSCME 1413M CBA Expires
- October 31, 2025 -- NMCPSO (RECC) CBA Expires
- Fall/Winter 2025 to January, 2026
 - Comprehensive Labor Market Analysis for Non-Union and AFSMCE 1782 positions.
 - Economic Reopener for AFSCME 1782.
- August 31, 2026 – AFSCME 1413 (Corrections) CBA Expires

Questions?