

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

May 12, 2020

Henry Roybal, Chair - District 1
Anna Hansen, Vice Chair - District 2
Rudy Garcia - District 3
Anna T. Hamilton - District 4
Ed Moreno - District 5

SFC CLERK RECORDED 06/17/2020

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1. **A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

B. Roll Call

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

Members Present:

Commissioner Henry Roybal, Chair
Commissioner Anna Hansen, Vice Chair
Commissioner Rudy Garcia
Commissioner Anna Hamilton
Commissioner Ed Moreno

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Roybal, and the Moment of Reflection by Carolina Brandle of the Sheriff's Office.

F. Approval of Agenda

CHAIR ROYBAL: First of all, I'd like to see if there are any changes to the agenda, or amendments, or even requests to bring items forward.

KATHERINE MILLER (County Manager): Mr. Chair, we did make

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amendments to the agenda on May 8th at 4:42, in the timeframe of the statutory requirements to amend the agenda. On your agenda, on page 2 of the agenda, under Consent Agenda, item D, the caption was updated. It's the same item; we just changed the caption.

Under item 8. Matters from County Commissioners, 8.B, Proclamation Proclaiming June 13, 2020 as New Mexico Heart Walk Day, that proclamation was added. Under 9. Matters from Other Elected Officials, a Resolution Approving the County Assessor's Property Valuation Program, that caption was updated – same agenda item, just an updated caption.

And then under item 10. Matters from the County Attorney, items 10. A. 2, Annexation Dispute, and 10. A. 3, Joint Powers Agreement Dispute, were also added. Those are the only amendments to the agenda that I have, but I did want to note that under Public Hearings item 11. A and 11. B, those are Spirit Wind West Subdivision Plat Extension, and Tierra Bello Subdivision Plat Extension, those are still tabled. They were tabled at the last meeting and they are still tabled.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I would move to approve the agenda with those changes.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton. Do I hear a second?

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: And we have a second from Commissioner Garcia. I'm going to go to a roll call vote.

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

G. Approval of Minutes: March 31, 2020

CHAIR ROYBAL: Commissioner Hansen, I know that you typically have some changes that you turn into the stenographer.

COMMISSIONER HANSEN: Thank you very much, Chair Roybal. I do not have any changes on this set of minutes, but I do want to mention to the colleagues and other participants that one of the things that happens during the minutes is that you become inaudible if you're not speaking directly into your mic and into the computer, and then therefore some of the meaning of your comments gets lost. So I just want to share that with people, to please speak into your computer and into the microphone.

So I will move to approve the regular March 31st meeting minutes with no changes.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay, we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. So we're going to go to a roll call vote.

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

1. H. Approval of Minutes: April 14, 2020

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: On the April 14th minutes, I have a number of changes and I will talk to Karen about most of them, but there are a few things that I need to make sure that I have changed to the right word when it says "poor audio quality." And so this is on page 35, Ms. Miller, you're saying, "Actually just trying to work with Greg to develop a two..." And then it says "poor audio quality" and I am thinking that you said to develop a two-part plan to alleviate strain on our county residents. So that's on page 35, and then on page 38, Chair Roybal, it should be Commissioner Garcia, but I will go over that with Karen. And then there are just a few other changes, but some of the changes that needed to be corrected I could not make because I don't really actually remember everything that somebody said. So just try and please speak into the microphone so the meaning of your comments can be heard. Thank you so much.

And so with that, I move to approve with changes.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Thank you for the motion, Commissioner Hansen, and the second, Commissioner Hansen. One thing I want to suggest, and I think we may have asked IT, they have USB mikes that make things clearer. I don't know how long we're going to have to conduct these Webex meetings, but they're a lot clearer and they're a lot easier to mute and unmute, so that's something to consider. They're fairly inexpensive, so I think that's something that would help so that we can better understand and it's a little clearer when we're speaking. So I appreciate you recognizing that, Commissioner Hansen, but that's one suggestion.

COMMISSIONER HANSEN: Thank you, Chair Roybal.

CHAIR ROYBAL: Absolutely, Commissioner Hansen. So we've got a motion from Commissioner Hansen and a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

COMMISSIONER GARCIA: Also, for the record, thank you, Commissioner Hansen, for catching that stuff. I really appreciate that. Thank you.

2. CONSENT AGENDA

- A. FINAL ORDER in CASE # 15-5053 Univest-Rancho Viejo La Entrada Subdivision Phase 1, Sub-Phase 3 Final Plat. Univest-Rancho Viejo, Applicant, Jessica Lawrence, Agent, Requested Final Plat Approval for Sub-Phase 3 of the La Entrada Residential Subdivision Phase 1 to Create 35 Residential Lots Within a Previously Approved 404 Lot Residential Subdivision. The Property is Located Within the Santa Fe Community College District Planned Development District, Between Avenida Correcaminos and Caminitos de las Rositas, North**

- of Rancho Viejo Blvd and West of Avenida del Sur, Within Sections 19 & 20, Township 16N Range 9E (Commission District 5) (Approved 5-0) (Vicente Archuleta, Case Manager)**
- B. Request (1) Approval of Amendment No. 2 to Agreement No. 2018-0151-HA/MM Between Santa Fe County and the Boys & Girls Club of Santa Fe/Del Norte, Extending the Term an Additional One Year and Increasing the Compensation an Additional \$170,000.00, For a Not to Exceed Contract Sum of \$510,000.00, Inclusive of NMGRT, to Provide After School/Summer Program Services, and (2) Authorization for the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Housing Authority/Joseph R. Montoya)**
- C. Request (1) Approval of Indefinite Quantity Price Agreement No. 2020-0171-PW/KE with Monarch Mountain for the Purchase of Scoria Material for Snow Removal and (2) Authorization for the County Manager and/or the Procurement Manager to Sign the Purchase Orders (Purchasing Division/Bill Taylor)**
- D. Resolution No. 2020-38, a Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (County Treasurer's Office/Patrick Varela and County Attorney's Office/Gregory S. Shaffer)**

CHAIR ROYBAL: Is there anything on the Consent Agenda that any Commissioner would like to pull off for more information or discussion? Is there anything on this Consent Agenda. You could bring that up now or I'll entertain a motion.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to approve the Consent Agenda.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And a second from Commissioner Hamilton. Roll call vote once again.

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

COMMISSIONER GARCIA: Mr. Chair, I have a question about the Boys & Girls Club.

CHAIR ROYBAL: We're going to go ahead and allot the time for Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Really quick, for staff. The \$170,000, is that exclusively just going up to the northern Boys & Girls Club, or is that actually on the south side?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, that is for our three housing sites. So we have Boys & Girls Clubs in the three housing sites. I do want to make a note here to the Board that we need to make sure they will be able to provide

services. Obviously, if schools don't resume and they can't run their facilities we'll have to look at whether there's alternative ways to provide the services, and if there aren't, all of these contracts we have with different entities, particularly for programming, we're trying to keep them as whole as possible but as you'll see later in the budget presentation we've still got a long way to go to cut our budgets and we'll go back and look at contracts. If we find that contracts that we do on an annual basis really aren't able to provide the services in a way that constitutes the appropriations that we've made to them or the extensions that we've made, those are ones that will come back and we would report back to the Board that we may need to cut some of those contracts. But this one, as it stands, we're hopeful we'll be able to continue those services at the three housing sites, and so we've kept that contract whole.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Manager Miller.

3. APPOINTMENTS/REAPPOINTMENTS

There were no appointments or reappointments.

4. MISCELLANEOUS

- A. **Request (1) Approval to Utilize the Houston Galveston Area Council Cooperative Purchase Agreement Pursuant to Ordinance No. 2012-5, Section 1, Outside Contracts, to Purchase Four (4) Fire Trucks and One (1) Ambulance for the Santa Fe County Fire Department, for a Total Sum of \$1,771,366, and (2) Authorization for the County Manager to Sign the Purchase Orders**

CHAIR ROYBAL: From Purchasing we have Mr. Bill Taylor.

BILL TAYLOR (Purchasing Manager): Thank you, Mr. Chair. Good afternoon, Commissioners. I hope everyone is doing well and you can hear me fine. We have come before the Board to utilize this cooperative agreement before to purchase fire apparatus. It is a cooperative agreement. Our ordinance requires Board approval to use outside contracts in excess of \$250,000. As the Chair mentioned, this is to provide for fire trucks and one ambulance for the Santa Fe County Fire Department, and I will stand for any questions regarding this procurement.

CHAIR ROYBAL: Thank you, Mr. Taylor. Do we have questions from the Board in regard to this procurement?

COMMISSIONER GARCIA: Mr. Chair, I move for approval.

CHAIR ROYBAL: Commissioner Garcia has made a motion of approval. Do I hear a second?

COMMISSIONER HAMILTON: Second, I also wanted, if you don't mind –

CHAIR ROYBAL: Under discussion, go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you very much, Mr. Chair. I just wanted to take a moment to thank everybody who puts all the effort to getting where this many fire vehicles can be purchased and to especially thank Dennis Patty who does a lot

of the technical specs on these in support of County Fire and all the districts and all that level of effort is really, really appreciated.

CHAIR ROYBAL: Thank you for those comments, Commissioner Hamilton, and to staff, I really do appreciate that. I am proud to say we have a Commissioner that sits on this Commission who is a volunteer for the Fire Department which is an honor to us all, so thank you for those comments. We have a motion from Commissioner Garcia and a second from Commissioner Hamilton. I'm going to go to a roll call.

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

COMMISSIONER HANSEN: I also want to recognize how important it is to purchase this Fire Department equipment, the fire trucks and the ambulance. I recognize that is a really important asset for the County.

4. B. **Request (1) Authorization for the County Manager to Negotiate and Execute on Behalf of the County the Contracts and Purchase Orders Necessary to Construct a New Senior Center and Fire Station in Cerrillos, NM, a New Recovery Center in Santa Fe, NM, and the Renovation of the Fire Suppression System in Madrid, NM, and (2) Authorization to Utilize Cooperative Educational Services Cooperative Agreements and the Job Order Contracting Project Delivery Method**

MR. TAYLOR: Thank you, Mr. Chair, Commissioners. As everyone is aware, with the current pandemic that's going on with COVID and the economic impact as well, we are before the Board to request authorization be given to the County Manager and that we can encumber these funds for these three very important projects that are grant funded from the state and are in jeopardy or could be reauthorized in the special session in June. So we're before the Board to request to expedite the procurement and encumber the funding for these projects utilizing our membership, utilizing the cooperative agreement with Cooperative Education Services, CES, in accordance with and pursuant to our ordinance to use outside contracts in excess of \$250,000. With that, I also have Mr. P.J. Montano and Paul Olafson to answer any questions from the Board. So I'll stand for questions, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Taylor. Do we have questions from the Board? I recognize Commissioner Hansen and Commissioner Garcia, so I'm going to go to Commissioner Hansen first and then I'll go to Commissioner Garcia. Commissioner Hansen, the floor is yours.

COMMISSIONER HANSEN: Thank you very much. I appreciate that, Mr. Chair. So Mr. Taylor, once we encumber these funds, which I support, I want to know what other funds we can actually encumber, so at the same time we are looking into this, encumbering these funds, if there are other funds, especially the Agua Fria sewer/wastewater funds that we can encumber, or if you have looked through the list of items that are going to be swept up, that there are funds that we can possibly encumber.

And so with that I will move to approve and ask for your assistance in looking at the list and finding other things that possibly we can encumber.

COMMISSIONER GARCIA: Second. Also for discussion, but if we can bring up the other remaining funds that are encumbered, this was a separate line item that's actually on the agenda so maybe if Commissioner Hansen can actually bring that up at a later date that'd be great, but for discussion is item B, I'd like to ask staff what the timeframe is in regards to the Cerrillos fire station and the senior center out there – what timeframe are we looking at?

COMMISSIONER HANSEN: And I believe that Mr. Taylor did not have time to answer my question, and I do believe that Ms. Miller has a comment.

CHAIR ROYBAL: We're going to go ahead and go to Mr. Taylor, if you could answer Commissioner Hansen's question and then we'll go to – I think you were asking, Commissioner Garcia – correct me if I'm wrong, was on the prior. Was that on the prior –

COMMISSIONER GARCIA: Mr. Chair, as Commissioner Hansen asked the question as to how much state funds are actually allocated to Santa Fe County, so I would like a complete list – and that's what she's asking – I would like a complete list as into what funds are general funds from the state and what funds are severance tax bonds. So I would actually like to see a list for her question, which is a very good question, but my question to item B, which is on the agenda, is what is the timeframe for the senior center and the fire station in Cerrillos. For design and/or to start construction. Thank you.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Yes, Manager Miller, go ahead.

MANAGER MILLER: So first of all, relative to all of the projects that we have capital appropriations for, in the budget presentation later in the agenda there is a list. Frankly, this is questionable whether we will be able to keep a \$100,000 appropriation because the cutoff was May 6th. There was no heads-up as to hey, you have to have things done, or if you already have things on your agenda. So authorization to award this contract does not guarantee that we may not lose the capital appropriations.

When we get to the presentation on the budget we have the list of all of the appropriations from 2020, from the 2019 and 2020 legislative sessions, we have a general fund and we have a separate one that's all the severance tax. And I'll explain to you my conversations with DFA at that time about what we may and may not be able to keep. It's running out now and just trying to get appropriations, not going to secure those appropriations. This part of the answer goes to Commissioner Garcia's question, as when are we thinking? This was in the works. We've been trying – P.J. and Barbara and his staff have been working really hard to try to get as soon as – even before the COVID hit, getting our projects prioritized and getting as many of them moving as possible. This is one that we plan to hopefully have that contract and P.J. is on. He could probably speak to the details but we think by the end of this week we could have a contract negotiated but I think P.J. should answer the rest of that.

P.J. MONTANO (Public Works): Mr. Chair, Katherine, the County Manager is correct on that. As soon as I receive the contract I would anticipate the design and construction schedule within a year from that date, for both the fire station and the senior center would be completed.

COMMISSIONER GARCIA: Mr. Chair, I have a question.

CHAIR ROYBAL: Okay, Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: So Mr. Montano, once you receive a purchase order to build-design this fire station and senior center, you're saying that it's going to take the architect a whole year just to design it?

MR. MONTANO: No, completion within a year.

COMMISSIONER GARCIA: Thank you, Mr. Montano. Thank you, Mr. Chair.

CHAIR ROYBAL: Okay, Commissioner Hansen, did that answer your question or did you have an additional follow-up question?

COMMISSIONER HANSEN: Mr. Chair, I will wait till the budget session and I appreciate Mr. Taylor and Manager Miller answering the question as much as possible. And I will wait until further on into the agenda.

CHAIR ROYBAL: Thank you, Commissioner Hansen and Commissioner Garcia, for your questions. Are there any other questions from Board members? Commissioner Hamilton, did you have anything?

COMMISSIONER HAMILTON: No, not at this time. Thank you.

CHAIR ROYBAL: Okay, Commissioner Moreno.

COMMISSIONER MORENO: The senior center in Cerrillos has been on the books a long time, even before I was elected and I'm glad that it's back on track with all these projects in that area because they're really needed. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Great statement. I appreciate it as well. So with that we do have a motion and a second. I'm going to go to a roll call vote.

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

COMMISSIONER GARCIA: Thank you, Commissioner Moreno, for your comments. This project has been here, as you said, six or seven years on the books. So I appreciate your comments and thank you staff for moving this forward.

5. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: I'm going to go ahead and open up Matters of Public Concern, but I'm going to allot some time later being as it's only 2:30, so right before we go into executive session I'm going to call again for Matters of Public Concern. But is there anybody from the public that would like to address the Commission?

COMMISSIONER GARCIA: Mr. Chair, quick question.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Can somebody from staff just explain to me how we are handling public comment or how somebody from the public who actually wants to speak, how they can speak. If somebody can just explain that to me please.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, we have it that if people want to speak, we have on our agenda and on our website that first of all, if they're on the line right now they can actually speak up and say they have something, but

additionally, we have on the website that you can contact us ahead of time and if you have something you want to speak about – and we'll go over this when we get to the public hearing tonight, that they email us or contact Tessa Jo and they get on a list and then we will call them by name. So in particular if they're on a phone call and it's hard to see their name because they're just User 1 or User 2, Call-in 1 or Call-in 2, so we have them register ahead of time for public comment, we have their name and then we will call on them during this time, and also that's how we'll be doing it during the public hearing.

Additionally, about ten minutes before we start the public hearing we're also going to ask at that time is there anyone who's on the line who did not get to pre-register to speak to let us know that they would like to be called on as well.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I know these are challenging times. So my grandma doesn't have a cell phone and she doesn't have a computer, there's ability for individuals like that that could still somehow give public comment, correct?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, somebody can call in. They can get a phone number. When you say she doesn't have a cell phone, if they have a home phone they can either call into a number and they will show up here as just a call-in user. But if they let us go, either by calling us, emailing us, telling us, we will get their name and then call on them. Additionally, we will give them an opportunity like we are right now, if there's anybody on the line that has not let us know they have an opportunity right now to speak up and say, I have a public comment, my name is so-and-so. And we will do that during the public hearing as well.

COMMISSIONER GARCIA: Great. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And once again, I'm looking for anybody from the public that would like to address the Board. Okay, and I want to just check with Tessa Jo. We haven't had anybody register with you for this public comment.

TESSA JO MASCARENAS (County Manager's Office): We haven't had anybody register except for the Public Hearing later, and we do have those names for that. Nothing for this specific portion of the meeting.

CHAIR ROYBAL: Thank you, Tessa Jo. So we're going to go ahead and close Public Comment.

6. PRESENTATIONS

There were no presentations.

7. MATTERS FROM THE COUNTY MANAGER

A. Recognition of Correctional Officers, Nurses, and Teachers Working at Adult Detention Facility

MANAGER MILLER: So Mr. Chair, as you know, we celebrate various kinds of recognition for types of our employees – nurses, correctional officers. Last BCC meeting we celebrated and honored our dispatchers. But this week is National Correctional Officers Week and it's celebrated the first full week in May, and it was

established in 1984 by President Ronald Reagan to honor the work of correctional officers and correctional personnel nationwide. The intent was to recognize the contributions made by the men and women who work in jails, prisons and community corrections across the country.

Additionally, National Correctional Nurses Week was previously observed from October 11th through October 16, 1993 when the American Nurses Association Board of Directors designated May 6th through May 12th as the days to observe National Nurses Week. And this week highlights the diverse ways in which registered nurses are working to improve healthcare.

And then just to add to that, because we not only have correctional officers and nurses that work in our correctional facilities, we also have teachers, and National Teachers Week is celebrated the first full week of May. It was established by the National Parent Teacher Association in 1985 with Teachers Day on the first Tuesday of that week. This week honors teachers and recognizes the lasting contributions they make to our lives.

So we just wanted to make sure that you were aware that the first week of May, the first part of May is National Correctional Officers Week, Correctional Nurses Week, and National Teachers Week, and we want to recognize our County employees in those professions and thank them for their dedication and all the work that they do, and especially during this difficult time.

CHAIR ROYBAL: Thank you, Manager Miller. I couldn't agree more. Our correctional officers and nurses and teachers that are out there providing the service that they do. I think that especially now in the situation we are in, I think parents probably appreciate teachers even more because they are eight to ten hours a day with their children at school and I know that it can be at times challenging and at times not so challenging but sometimes people don't always appreciate what teachers do for our communities and so it's a very valued service. The same with our correctional officers and nurses, and everybody that works in the detention facility.

I think that from administrative to every function that's there, the Fire Department and everybody else is providing a service that's of value to our community. So I really appreciate you bringing this forward, Manager Miller, and giving us the opportunity to recognize them. So I'm going to go to each Commissioner and see if we have any additional comments. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Chair Roybal. First I want to thank very much our correctional officers for all the work that they are doing to keep us safe in this challenging time. I also am grateful to all of our nurses who also work in our correctional facilities and throughout the county and everyone who is working to keep us safe. And then of course, what everyone seems to be missing the most is their teachers and I think that people are really beginning to realize and appreciate how much their teachers mean to them with this stay at home order and parents having to do the teaching themselves, how challenging it is. So thank you to all our incredible teachers for their commitment and dedication and to our national correctional nurses and our correctional staff for all of their dedication. Thank you so much. And thank you, Mr. Chair, for giving me the opportunity.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for your great

sentiment. It's very true and I think the circumstances, I think you hit the nail on the head. So thank you for those comments. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I'd be honored to add my voice to the thanks for these professionals who work consistently and sincerely to do a good job and as Manager Miller said, especially during these very hard times. It causes us to think about what it takes to be committed to these kinds of jobs when there are extra exposures and extra things to consider. And I know many of us who watch the news and see some of the extra lengths, for example, that teachers go to to be with their kids and to help them through the experience even if they are being more or less home-schooled at this point. It really shows that level of dedication that all these professionals have. So thank you, Manager Miller, for bringing this forward.

COMMISSIONER MORENO: Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. I want to also give props to the people who are working in the jails and also the teachers and may they all be healthy and raring to go to have a good time in the fall.

CHAIR ROYBAL: Thank you, Commissioner Moreno, for those comments. Appreciate them. Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, very well said from Manager Miller and my other colleagues. I totally agree with them and one of the interesting challenges is being on the school board. I think sometimes some of these parents these days realize the importance of an educator because we give them a lot of credit out there, as well as the correctional officers, obviously, as well as the nurses, but just thank you for what my colleagues said as well as Manager Miller. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, and thanks again for bringing this recognition forward, Manager Miller.

7. B. Miscellaneous and COVID-19 Emergency Updates

MANAGER MILLER: Mr. Chair, Commissioners, first of all I have to let you know that at the special BCC meeting last week you approved a different set of polling places for the primary election in June and the District Court did approve the BCC's action to reduce election day polling places from 30 to 19.

Also, and we'll get more into this in the next item but I want to particularly point out that in reducing our budget for next year one of the things we've really had to work on is reducing personnel costs, particularly in the area of overtime in our Public Safety unions. And I just want to recognize that several of the unions have been very cooperative in working on these schedules to help bring down overtime, reducing some minimum staffing but still keeping the same level of safety, and this is all kind of a long and arduous process of going through revamping the way we schedule our dispatch center, what we do with our Sheriff's deputies, our Fire Department, the level that we staff them and the posts at the correctional facilities.

So I just want to say that I really appreciate the efforts of those elected officials that have been involved in that, our directors, our managers, and the union representatives that we've been working with to try to get those schedules revised. We still have work to

do but I want to thank them and recognize them for working with us on that.

Also, some things that have been going on relative to the COVID updates. As you know, our senior centers are closed and we've changed from all congregate meals to home-delivered meals. Our senior staff probably have never been busier. People have said to me, well, did you send people home – administrative leave or furlough anybody? And I said not at this point because frankly, everyone is working and working hard. They're really busy. Our senior services staff, they shifted from having activities and meals at the centers to cooking three times as many meals and home-delivering those. They are doing welfare checks and care checks by phone on our seniors out in the rural areas and making sure that they have food and making sure that they have somebody to talk to and connect with if they don't have family or neighbors or somebody who can look out after them. So I also want to give a big shout-out to our Senior Services and Community Services staff that have been doing that.

I think we typically have 250 home-delivered meals a day, 200 to 250, and we've been up between 700 and 800 on a daily basis. So you can imagine that's a lot of cooking, a lot of freezing and a lot of driving. So they've really stepped up and done a great job and thank you to Anna War and her staff.

Also, the correctional staff, we recognized them but I also want to applaud them on how well they have run the jail in this difficult time. Our population at the jail before this started ranged from 450 to 500 inmates daily. We are now down around 300 inmates, with about 100 of those from other entities such as US Marshals, Rio Arriba County and the City of Santa Fe, and 190 to 200 Santa Fe County inmates. But we have had a very good testing rate of our inmates. We've tested over 88 of our inmates. We have tested more than two dozen of our employees, and I want to say thankfully we have not had any cases of COVID-19 in our facility. We did have one positive test. We followed up with that, tested again, and that came back negative. So we're really proud of the staff for working so hard to keep the inmates safe and County employees safe.

Also, any time that we've had concerns with any of our workers being exposed to somebody who has been positive, tested positive for COVID-19, we have had them tested and thankfully and knock on wood we have not had any of our employees come down with COVID-19 and I hope and pray it stays that way. It's really important that our employees are safe as well as the constituents.

I also want to really thank and give a – if you can say it this way – a shout-out to the entire community of Santa Fe County, from Española down to Edgewood, and from the far East side near San Miguel County over to the west. Santa Fe County has done an incredible job. Its residents have done an incredible job in flattening that curve and keeping people safe. And I can only say that I wish that we – and we're working with the City on some campaigns to really encourage people, as things start to open up a little more to stay safe, to wear a mask. The mask isn't for yourself; it's for keeping your coworkers, your neighbors, and your fellow community members safe if you're asymptomatic.

So we really want to work with the City of Santa Fe and the community leaders on a campaign to help people understand that wearing a mask – we're not asking people to wear a mask because we want to take away their freedom, we're asking them to wear a mask so that they keep the spread of the virus down in Santa Fe. We've been really

fortunate to have such low numbers here when we started off with a trajectory that was not that great. So I want to point those things out.

Additionally, one other thing, we are working with the state and I have mentioned this to you at the last regular Board meeting that we were looking to work with the state in any way that we could help out. If there's anything that Santa Fe County can do to help increase testing, or if there's anything that Santa Fe County could do to help with contract tracing. So we have put that to Governor Lujan Grisham's administration through the Department of Health as well as her office, letting them know that we have some employees that would be excellent contact tracers and we're willing to help do that if that would help the state be more responsive to tracking people who have been infected and anybody that they may have come in contact with so that people can be contacted and tested and isolated as quick as possible to reduce the spread.

I think two other real quick things related to COVID-19. We also started last week delivering food further out into the community. We're taking food and meals down to Edgewood in bulk and to Chimayo and other communities and there's been great response to that. I think you probably saw the article in the paper with the Community College cooking thousands of meals several times a week in order to take those – people can come get those means but also we've been taking those meals further out into the county for those people who may not have an easy way to get into Santa Fe to pick up meals or pick up groceries.

And then also, as you know, we started our online portal with Santa Fe Connect, which is a City-County initiative, and we have been getting more and more individuals contacting us through the portal as well as the traditional ways that individuals were contacting us, but more people are contacting us through the portal and we're connecting them to services. And we've been pushing some of our Community Service funds out into the non-profits to help people who need housing, who need food and who need behavioral healthcare services through our provider in any way that we can right now during this difficult time.

So that is my update on all of the things we've been working on related to COVID as well as, as you know, the Clerk has a polling place for early voting in the garage. We are looking for ways to keep them warmer if we have another cold snap like we did last week, because the garage doesn't get any sun and while it wasn't freezing outside I'm sure it was very chilly inside the parking garage. But they are there to try to make it so individuals don't have to come into the building in order to vote. If they want to vote in person they can come to 102 Catron to our downstairs parking garage off of Griffin. They can pull right in, get out of the car, vote, and get right back into their car and go. So those are just a handful of the things we've been doing. Every department has had – is functioning a little differently in order to provide our services but everybody is still providing services and frankly, we've been getting caught up on a lot of stuff. Meetings like these, they're incredibly efficient. You get a lot of things done without having to drive from building to building. So there is a bright side to some of the web meetings.

And that's my update for the COVID-19 emergency updates and miscellaneous updates.

CHAIR ROYBAL: Thank you, Manager Miller and thank you to all the staff for all their hard work. I was thinking the same thing earlier so I'm glad you

mentioned it, because I just wanted to also thank the Santa Fe constituents for their diligence in social distancing and the stay at home order. Santa Fe County is doing really well, as you mentioned earlier. I just want to encourage everyone to keep it up. Keep up the due diligence. We're not quite out of the woods yet but I think that if we keep it up I think Santa Fe County will do really well and for the most part, most of the state of New Mexico. So thank you for bringing that up, Manager Miller.

Do we have any other comments from Board members?

COMMISSIONER HANSEN: Mr. Chair, I just want to also thank staff, thank Manager Miller for all of her diligent hard work on being the team leader and getting so many things done, Community Services for stepping up, Rachel O'Connor and Anna War and everyone. I am really grateful for all of the service and work that people are contributing, and I'm staying home. I want all my constituents to stay home, because that is the way that we are going to keep each other safe. I wear a mask when I go out and I only go out to buy food and that's not that often. So I am grateful to Santa Fe County for all of their diligence in keeping everyone safe. And I send a huge amount of prayers and concern for the Navajo Nation and also for our pueblo brothers and sisters who are also suffering from COVID-19 and hope that their numbers start coming down soon. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and thank you for mentioning our Native American communities. They have been going through quite a bit recently. We have also been praying that we will soon see that go away. So thank you for that comment. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I agree with everything that's been said. I actually really want to call out and acknowledge the incredible success has led the County in and has been successful, and partly because of the really good efforts of all of her senior and other staff who have worked so hard in this. It's impressive enough that I've actually gotten calls from colleagues and friends and family out of state, who have being scientists sometimes and what not, looked at the numbers and noticed how different Santa Fe County is in terms of our graph compared to other places. As well as New Mexico is doing there are constant pressures and Santa Fe County is responding incredibly well and that is, in all sincerity, no small effort. Constant pressure and constant stress of trying to do things well and keep up services and protect everybody, staff and all the county residents.

So it's just an impressive effort and it's not going to go away any time soon, so the gratitude for that level and for everybody around the county and the state who's stressed and suffering from this, there isn't that much to do other than the best job we possibly can and listen to people's needs and just support each other. That's what leadership is all about and this County has some great captains at the helm.

CHAIR ROYBAL: Very well said, Commissioner Hamilton. I'm going to go to Commissioner Moreno and then to Commissioner Garcia, if you have any comments. Commissioner Moreno.

COMMISSIONER MORENO: No, I'm good.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Garcia.

COMMISSIONER GARCIA: I'm good as well, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you.

7. C. FY2021 Budget Preparation: Update and Potential Request for Preliminary Direction on Specific Items

MANAGER MILLER: Mr. Chair, before Joey starts her presentation I also want to acknowledge Jo. This is like monumental to try to get this budget under control because it's one of those things where we're trying to determine, what's a target number? What's a number we should budget to? And we don't really know, because we still don't have any data yet as to what our revenues are going to look like. And so Joey – this is her first budget, and she's drinking – I won't even say the fire hose; she's drinking straight from the fire hydrant trying to learn this and to put this budget together. Yvonne – this is also Yvonne Herrera's first year as Finance Director. So the two of them, this is their new jobs and man, they got hit with probably the worst circumstances that you could get hit with to try to start your new job.

Also, Sam Montoya in Finance has really helped them get to this point. We're not done yet. Regina, also in Budget, she's new. So everybody who's been working on this budget this year is new at doing the County's budget, except for me and honestly, I'm the one who can't get into this system because I don't know how to do it anymore; I used to do it 20 years ago.

So they're doing it from home. They're spending enormous hours to try to piece all this together. So what we have for you today is where we are today. It's not where we're going to end up so I want you to just keep that in mind and what we wanted to do, and what I'm trying to do, since we can't really do budget study sessions like we normally do, where we all can sit in the same room, have papers around and look at things. What I'm trying to do through our process is every two weeks bring you what we've done since the last BCC meeting so that you can follow along how we're building the FY 2021 budget and how we're getting there.

If there's anything as we're doing this that you have great concern about, that you don't like what we're doing, you have concerns about what we're doing, you have questions about it or you want us to head in a different direction, or you're good with the direction we're taking, that we can get that feedback as we go. Because ultimately what we'll be looking for is, yes, an approval of the interim budget, but the interim budget is due on June 1st. That's not our final budget. Our final budget, we would like to target for our last meeting in June. That's the budget we load into the system for all the departments and elected officials to work off of.

And yes, as I've said, we'll probably be reviewing this with you every single month, as to whether we're hitting targets, whether we have to clamp down on spending even further or whether we can lighten up, that kind of thing. But I just want to preface Joey's presentation with that because we're not finished yet but this is where we are today and they have worked incredibly hard to get there. So with that, Mr. Chair, if I could let Joey start. If we could go through all the presentation and then go back over specific slides and specific issues, I'd appreciate that.

CHAIR ROYBAL: Absolutely. Okay, Joey. You're up.

JO A. ROWE (Budget Administrator): Good afternoon, Chair Roybal,

SFC CLERK RECORDED 06/17/2020

Commissioners. During the last Board meeting we had discussed some of the department reductions that had taken place, and there were some questions as to the specifics related to those reductions. So on the first slide we have the total that was reduce to date by the departments as \$6,468,216. Of that, \$2,303,892 was in the contractual services category. \$3,180,593 were in the fixed assets category. Out of state and instate travel combined totaled \$683,054 cut in that category.

So what I'd like to do now is just to give you a little bit more information about those contractual services and fixed assets that have been voluntarily reduced to date by the departments. I've looked at those and anything that was of greater value than \$25,000 I've identified those, and hopefully, on the next few slides if there are any specific questions relating to the contractual services or fixed assets, hopefully the department directors will be able to respond to any questions. As far as I know, these cuts are not going to impact any services to the citizens and if a director is not available to answer those questions I will be more than happy to get back with you on those.

So on the next slide, as you can see, contractual service reductions – and I apologize; there are a lot of slides on this presentation that are very busy. There's a lot of information to give to you during this week's Board meeting. So the Public Information Office cut \$50,000 in their building and property signage with the new logo. I believe the reasoning behind that was they did have budget during the current fiscal year's budget and so they were able to accomplish a lot of that or they still have funds encumbered that they can carry forward into next year to finish accomplishing the new logo updates.

Land Use and Planning Department at \$149,661 in contractual services, and those were based on various surveys. I believe there was a bat survey or something of that nature that I saw in their cuts. Public Works Administration, \$82,508 cut in contractual services in the Municipal Storm Sewer System Cooperative permit. That is one of those t that I'm not quite sure what that is but we'll be happy to get back with you with more information if you need that. Solid Waste reduced their tipping fees contract by \$79,000. Youth recreation was cut by \$550,000. That was just the set-aside funding for behavioral health services, and I know that Rachel had indicating that that is not cutting and current services that we do provide.

Lodgers tax was cut by \$152,750. That was a reduction in the event funding which we can't hold currently and a few of the other contracts. Fire Department had removed some professional development for staff in the amount of \$27,317. Healthcare assistance program cut their audit and sustainability contract so there are again, no cuts to direct services, and that totaled \$87,500. Behavioral Health was cut in the amount of \$500,000 and that was to cut – I believe the way that Rachel had worded it was either the crisis center in Edgewood, or the new funding that was planned for the peer service program startup. And then in Healthcare Admin, we cut contractual services in the amount of \$408,000. In the growth in Santa Fe Connect. So the base Santa Fe Connect as it is currently is still existing. No cuts. This was just an expansion to that service that they were going to provide next year.

So in the next slide we are going to start talking about fixed asset reductions and there are a few slides with these on there, so I'm just going to kind of breeze through those. If you'd like, Chair Roybal, if there's any questions that you may have or if any Commissioners raising their hand has any questions specific then we can absolutely stop

and discuss that at that time if you wish.

Information technology cut their PC cascade and their laptop cascade totaling \$60,200. Senior Services, they had a hot shot vehicle request that was in the fixed asset database in the amount of \$48,712 that they had offered that they can wait until funding is more secure for something of that nature. GIS cut \$80,000 in their historical aerials and data extraction requests. That was the flyovers. Fleet services cut \$80,105 in their day cab transport patchable towing unit, and that is – obviously it's a big towing unit to be able to tow vehicles.

Traffic Engineering had fixed asset reductions in the amount of \$30,000 for permanent mount driver feedback signs and \$33,000 for a new system for cellular communications for school flashers. Solid Waste had a large cut in the amount of \$399,000. That was a reduced loader with grapple and also one of their roll-off units. They still have roll-off units in their fixed asset request.

Project and Facilities Management cut their parking lot sweeper request in the amount of \$40,000, and they also cut a Chevy Colorado intended for graffiti removal in the amount of \$28,341.

The next slide, Project Development cut a Chevy Trailblazer in the amount of \$37,010. Open space cut a vehicle request that they had entered into the system for a new FTE that they were requesting but now that there's no new FTE's at this time we are cutting that vehicle for now in the amount of \$31,601. There was a Chevy Volt electric vehicle for shared use at the main admin building for Sustainability, \$28,306. A truck, which was a vehicle replacement for the Assessor's Office in the amount of \$47,276 was cut. Road Maintenance had several cuts. There was a \$97,000 combination cut between a welder and a hose machine, and as I understand it, a hose machine is something that helps to fill asphalt, the cracks in asphalt, as well as chip-sealing.

\$541,144, again, a combination in the line item of vehicles. There were a couple of F-150s, a cat excavator, water truck, Trailblazer Chevy 2500, a vehicle for the road superintendent, pneumatic rollers, a Chevy Silverado and there was a Tahoe replacement in there as well, so they did a really good job of going through on their first cuts in those vehicles.

In Water/Utilities, \$68,490, which was various, including manhole refurbishing equipment and a drill press. The reason why some of these are combination cuts, just for your information, is they're all in the same line item. So they're all in equipment, or they're all in vehicles or something like that. So they're kind of lumped together. But I do have specific information about each of those.

Continuing on with fixed asset reductions, Fire had several. \$53,725 – various cuts including six SCBAs, two RIT packs, jack stands for fleet, a big cut in the UTV and F250 replacement for wildland, F250 for prevention, two Dodge trucks for the Bat. Chiefs, two Dodge Durangos for operations, and the Ford Expedition for the EMS captain – that was a total of \$469,000 in vehicles. There were various cuts including medical equipment - \$58,600. \$29,485 for various cuts including two dump tanks, a chainsaw replacement, appliances for their stations, some video projectors, two RIT cylinders.

The Sheriff's Office had several cuts. They had asked for a virtual training system in the amount of \$104,479. Tow truck specific for the Sheriff's Office use, \$127,809.

There were various cuts in the amount of \$121,426, including body cameras, and SWAT 8000 Series radios. And then for the YDP, they had a secure transport van that was originally, when we did these fixed asset requests – it was quite a while ago, they had put in there for \$53,000 for a transport van and they no longer are going to be requesting that at this time.

I think we have one more fixed asset slide. This is the fixed asset requests. This is what's now remaining in fiscal year 21 budget, after those voluntary reductions that I have just mentioned. There were a few other reductions that made up that large amount in fixed assets but they were smaller than \$25,000 so those were not highlighted during this presentation, but again, I do have the list that I can provide to you.

So here's what's left in the budget. The bottom right total – we still have \$7.6 million in fixed asset requests in the AS-400 budget system as we speak. So we most likely will be going through and looking at that again within the next two weeks to determine what is mission critical and what can we possibly do without, what can we postpone, maybe, until we see what our revenues are coming in like or maybe postpone it for another year or two. Again, as Manager Miller mentioned, this is a very uncertain time as far as revenues so unfortunately we will have to be looking at their fixed asset requests again.

The vehicles and heavy equipment, we have a total of \$4.5 million still in the system as a request. IT equipment and software, just under a million dollars in total requests across all departments. Equipment and machinery, we still have \$2.2 million requested across all the different departments. So we will be looking at those again and I will discuss that more in a later slide.

So in department reductions, in addition to the contractual and fixed assets that we just went over in detail, the departments also had agreed to a six-month hiring freeze on some non-essential positions that are currently vacant. So at this point we aren't doing any furloughs or layoffs. These were voluntary eliminations of vacant positions. So in this, the remainder of the YDP positions were eliminated as well. So the total amount that has been reduced in salaries and benefits is \$3,916,607. That's for the six-month hiring freeze as well as those other positions that I just referenced. And we do that in detail by department on upcoming slides.

So the six-month hiring freeze and the other vacant position eliminations, the totals by department: For the County Manager's Office, they were able to offer up \$721,751. Community Services, almost \$180,000. Public Works, \$236,602. Growth Management, \$201,025. Fire, \$114,351. Treasurer, \$30,943. Assessor, \$63,152. Sheriff, \$48,254. Corrections – this includes those YDP eliminations. That's why it's such a large number, \$2,098,915. And RECC, \$221,796, and that was due to Vanessa being able to reclassify some of her higher paid telecommunicators into trainee positions.

And again, we have those positions by detail if you're interested. Daniel Fresquez does have those on standby if we wanted to go through and identify exactly which positions in which departments we have frozen for now.

CHAIR ROYBAL: Is that something that any of the Commissioners would like to see? Can we take a question from Commissioner Garcia?

COMMISSIONER GARCIA: Mr. Chair, I have some questions on several different slides. I don't know how you want to handle this, if you want us to ask

questions on the slides when she's done with her presentation.

CHAIR ROYBAL: Manager Miller asked that we save our questions to the end.

COMMISSIONER GARCIA: That's fine.

CHAIR ROYBAL: I know Joey earlier had asked any questions so it's really whatever's easiest and whatever the pleasure of the Board is right now. I'm fine with questions. Are there other Commissioners besides Commissioner Garcia that have questions?

MANAGER MILLER: Mr. Chair, time out please. Could Joey get through the presentation and then you go to each Commissioner one by one and they take us to whatever slides they had questions? Because it will get really hard if everybody starts asking about every slide. So we could –

CHAIR ROYBAL: We could still ask about every slide at the end, but I'm fine with that.

COMMISSIONER GARCIA: Mr. Chair, I'm fine with that.

MANAGER MILLER: It'll be really hard if all five Commissioners are asking questions at the same time so I was hoping we could get through and then go to each Commissioner to ask about any slide they wanted clarification on.

CHAIR ROYBAL: Okay. That's fine. So let's hold off our questions until the presentation is complete. Go ahead, Ms. Rowe.

MS. ROWE: Thank you, Chair Roybal and Commissioners. So the total revenues by source are here and total \$121,305,004 and we have them identified by source here. The main thing I want you to see that I want you to kind of get from this is how far down we are from the current budget year fiscal year 2020, the column there, \$141,818,430. So you can see we're down about \$20 million-plus in our revenues. So that's what we're trying to – we're trying to fill that gap by reducing our expenditures.

So we'll go to the next slide, which is a graph. This is an interesting graph. It's the same information that's on the previous slide. It's just to view it in a different way. It has 2019 actuals by revenue source, the 2020 budget, where we are now, what we've received through the end of April, so you can see how we're doing according to how we budgeted, and then the 2021 budget recommendation as it stands right now.

So we'll go to the next slide. And here are expenditure requests, and as you can see, in the current year, we have budgeted – this is our operating department expenditure request, \$166 million in the current year. Then next year we've revised those budget requests down to \$149,692,999.

And then on the next slide, here's basically what those last few slides were showing. And our recurring revenues for the current fiscal year, our operating revenue budget is \$141,818,430, and then in the upcoming fiscal year, we are anticipating we're going to get about \$121,305,004, which is a reduction of \$20,513,426. And then the recurring expenditures, our operating expenditure budget in the current fiscal year is \$106 million. Next year, so far we have it down to \$149,692,999, which is a reduction over the current fiscal year of \$16.6 million. But if you look at next year's revenues, fiscal year 21, our revenues are coming in at about \$121 million, and our expenditures are still up around \$150 million. So that's over \$28 million that we have a gap in our recurring operating expenditures and revenues. We need to fill that \$28 million somewhere.

So in the next slide you will see that we've identified – we believe our GRTs in the current year are going to be coming in a little bit higher than what we're conservatively estimated to come in in the current fiscal year. So we think we're going to get about \$1.7 million more in GRTs. Of course we still aren't sure, but that is a projection that we were looking at, and our hold harmless looks like they're coming in a little bit higher than what we budgeted in the current year, so we might be able to get about \$54,000 additional revenues that are going to fall to the bottom at the end of this fiscal year to be able to be used in the next fiscal year.

Charges for services are coming in about a million higher than budgeted in the current year. Investment income, about \$3 million than what is budgeted. Other taxes are coming in \$500,000 above budget and licenses, permits and fees are coming in \$500,000 above budget. So all of that will fall to the bottom as we say. And then we also have those department pledges on the expense side and those hiring freeze savings so we have the \$28 million there at the top where we have our starting funding gap, and then due to our efforts that we've had so far and hopefully we'll be able to realize those additional revenues in fiscal year 20 by coming in over budget, so we have a revised funding gap. We're looking for about \$15,117,128.

So if we can go to the next slide. Next steps – we have our primary goal right now is to reduce the current funding gap of that \$15 million and we're trying to accomplish that by using the following approaches. As I mentioned we're going to be looking at those fixed asset requests again. We have quite a few of them that we know aren't possibly mission critical at this point, or that could be delayed by six months in the next fiscal year until we can see how our revenues are coming in. So we appreciate the departments and the elected officials making those voluntary cuts to this point in their fixed asset requests, however, due to this gap we will be having to look at the remaining requests and possibly cut for further reductions in those areas. Some expenditures in special revenue budgets may not be required to be cut because that is the intent of the funding that we receive. Other special revenue funds that have fixed asset budget requests in them will be reviewed to determine if we need that budget to fund salaries or other operating costs or contractual services within that special revenue fund rather than spending it on a fixed asset that could possibly wait or that is not mission critical.

We'll also be reviewing operating categories. We had mentioned earlier today, we were talking about not driving anywhere and doing these types of meeting on Webex and that's saving fuel. So we will be looking at the fuel line for fiscal year 21 and seeing if maybe we can reduce the amount of budget that we have there. Obviously, we're not traveling, we're not training yet. That could be possibly six months into next fiscal year unfortunately before we can start thinking about that, but there is quite a bit of money still budgeted in that category. I believe it's over \$600,000 still in travel and training that still can be looked at or is it mission critical? Do we need to have this travel and training in order to maintain certifications for specific employees within the County, and if not, we may have to go in and reduce those lines, again, by a considerable amount.

Contractual services, we are still looking to the departments to identify any contractual services that they may have. At this point it would not be reducing services to our citizens of course, but we do need to look at those again further.

So everything is on the table, as they say, and we will be looking at everything

again within these next few weeks before we come back to you again. We're reviewing personnel budgets. Manager Miller mentioned we're looking at Public Safety overtime budgets, and so we have had a meeting with Public Safety to discuss maybe some different management decisions that can be made to reduce expenditures in overtime.

We are – I know Mr. Shaffer had a presentation that he had done last week with you about the health insurance contributions and the need to increase that funding, and so management is recommending the 15.4 percent increase in health insurance contributions for both employer and employee. At this point that is what we're building into the budget unless we need to discuss that further during this meeting. We can absolutely do that and we can look at that some more.

So the next slide, the other things that we'll be looking at is we will be looking at some other funding for redeployed employees, the ones that – I'm not sure, Manager Miller, if you want to identify what employees that was that we were looking at other funding for. And then we will also be researching the financial projections to determine the feasibility of the current assumptions. And also – I know this is unusual. We're used to coming to you to have actual Board workshops with the Board and we are unable to really do that this year. So we will be coming to you next Board meeting on the 26th with an interim budget to submit to the state as a placeholder, basically. We have to submit a budget to the state by June 1st so we will be coming back to you with a resolution in two weeks to approve the balanced interim budget, but that will in no way be our final budget. We still will be making tweaks into the month of June and have a final budget for July for us to be able to have a more feasible, reasonable budget, and hopefully we'll get more information on what we can expect for our revenues.

We do have a few more slides. As mentioned before the presentation began we have some state general fund grant funding that is at risk. We have several projects that have currently nothing encumbered or obligated, so the balances that are in the projects are vulnerable.

In the next slide we have our state grant funding that's at risk but it's less, not possibly at risk because we have already started those projects and we do have funds that are encumbered or obligated. And then we have the other funding in the next slide, the severance tax bond grant funding that's at risk. Most of those have encumbrances or obligations to them already in the projects, so some of those may be less vulnerable than others.

At this point that is what we have put together for you today. I know it was a lot of information. Again, thank you to Sam and Yvonne in Finance for their assistance in putting this together and I know that we have a long way to go before we're able to come back with an interim budget that's balanced for you in the next two weeks to vote on so that we can submit that for our placeholder with the state. And again, just to reiterate, the interim budget will not be our final budget. We will still be working with you. I look forward to communicating with you, to getting guidance from you and to keep that line of communication open to make sure that you know what we're thinking of doing in Budget and Finance and we know what you're intent is with our budget submittal for the upcoming fiscal year. So I appreciate you looking at these tiny numbers on this very busy presentation. So with that, I stand for questions.

MANAGER MILLER: Mr. Chair, before you go to questions I want to

have Daniel go back to slide 17. So as I had mentioned earlier, we had put these slides in here so that you could see all of the grants that we received in 2019 legislative session and in 2020. So the way the legislature in the state works and Greg reminded me this is my fault. We get a grant. So we receive a grant agreement. The state legislature makes an appropriation in the capital outlay bill. If the governor signs that bill and does not veto it we receive a grant agreement. The grant agreement, however, does not secure the funds. All that it does is create a mechanism between the state and the County to start the expenditure of those funds.

So for instance, the Santa Fe County New Mexico Highway 14 Senior Center construction, \$800,000 general fund grant. We asked you earlier to approve the ability to enter into a contract. I do not know if entering into that contract at this late of a date will actually give us the ability to save this appropriation. It may or may not, because what happens, once there's a grant given, it used to be that that grant – you had it and you had the two, three or four years to spend it. But now what they do is the state actually has you, as you get to a place of encumbering or awarding a contract, you then send that contract to the state agency, whether it's DFA, Environment Department, State Engineer – you send it to them and they in return send you a notice of obligation for the amount of that contract.

So let's just take the Highway 14 project and we said we were going to award just a design contract for \$200,000. We would send that to the state and they would, in their system, show the \$200,000 of that \$800,000 has a notice of obligation, meaning there's a contract in place against that and the County is spending money. Because the state can't see inside our accounting system this is the only way that they know whether we actually have an obligation against that grant or not.

As you know, in many cases it takes several years of appropriations to get enough for us to actually award a contract. So this particular one, we had actually tried to build a fire station, build a senior center on the same site, but they were two different projects. We did not have enough money to do that. So P.J. and Barbara and his staff, they came up with the idea of let's combine this to one building and do a design-build. Half of the building would have the volunteer fire station; half of the building would have the senior center, we get the economies of one building, one shell, and just fill out the inside of that shell particular to each department's need.

Great idea, and that will get it into budget. The problem is we are likely not to have that contract to the state in a timeframe for them to say, nope, we're not going to take this grant. Because there is no notice of obligation on any of these where Sam put vulnerable balance, we are ready to award contracts for Highway 14. We're ready to award a contract for the fire suppression. We didn't have enough money. We had to wait till we got additional money for that. We did not have enough money for the Santa Fe Recovery Center. So that's why those have not had obligations under them. They were all projects where we received some money but we don't have enough for a full project.

So it is to be seen whether the state – if we provide them with the contracts that we hope to have finalized in the next few days, if we provide those, whether or not they will let us keep those appropriations. We are going to do everything we can to keep them, but you have to understand where the state is coming from. They had a large general fund surplus in 2019 and some in 2020. They purposely appropriated that money to capital

projects that are one-time projects. Also, with this system, knowing that if for any reason they do not have revenues, this is how they pull their money back to shore up their budget, just like we are stopping spending on certain things and not doing fixed assets, we're saying we need to keep that money in the bank to shore up our lack of revenues.

So I just wanted you to know, these are the ones that are at risk. We are still, in spite of the letter we got, in spite of them being at risk, anything that we had substantially ready for award, we're still going to send that over to them and try to keep those appropriations.

Severance tax is a little bit different. So Daniel, you could go to – this is 17, go to slide 18. Eighteen is additionally those general fund ones. You can see these are some of the ones we started to get expended. I was told by the interim Secretary of Finance that if we already had some appropriations against – or some expenditures against an appropriation they're not likely to take the balance of it unless we say we can't spend it. So for instance, Santa Fe Boys & Girls Club facility improvements, \$189,000. Well, we encumbered \$185,000. We may not have anything to spend that \$4,000 on, so we might say you can have that back; we don't need it. We're not going to spend it.

But the one above it, Sheriff's Office, body cameras, \$80,000, with \$46,000 encumbered, that's what they have a notice of obligation on but we actually had the remaining balance already encumbered prior to May 6th. We have sent them that purchase order. My belief is that they will give us our notice of obligation on that remaining \$33,000.

Same, potentially, with the Fire Department equipment, also with the Santa Fe Agua Fria wastewater service expansion, as well as the wastewater utility. We had already sent them information that we had obligations on those. We are waiting for them to send us back our notice of obligation that they will definitely let us keep the remaining balance. We think the ones on this sheet are more likely – the vulnerable balances are not as vulnerable as the ones on the previous sheet, because there are already encumbrances against it.

And then Daniel, if you could go to slide 19. Severance tax, it's a little different issue with severance tax. They cannot hold severance tax back and use it to shore up their budget, but where they're going to have concern with oil prices down, natural gas prices down, and all of that time of industry lowered, they're not collecting as much severance tax, so they cannot issue bonds to pay for these project. So it may just be a longer timeframe that we would be able to use these.

General fund is available immediately; severance tax bond projects are only available when the state – even though the appropriation is there, they're only available when we're ready to spend the money and the state simultaneously is ready to issue the bonds. So these are vulnerable more because of timing. So we just don't know what the timing of the bond issue will be on those.

So I just wanted to give you that update on capital projects. The budget that Joey presented to you today is our recurring budget. It does not include all of the capital projects that we currently have money in this fiscal year appropriated for or earmarked for. That's a whole other part of the budget and we will address that with you and we will be bringing all of that information to you, but probably not for the interim budget. We'll probably do that in June for the final budget, because we're working with Public Works

and the departments on exactly what projects they have in the current year that are going to carry over into next year, what projects they have that are ready to go but need a little bit of funding, and what projects would be new projects that we could potentially put into our general obligation bond questions in November. So that's a whole separate process. I just to point that out.

Also the \$15 million gap that we have in recurring revenue to recurring expenditures, that is purely operational and does not include what you saw, the \$7.7 million that we still have or \$7.6 million that we still have in requests for fixed assets. If you were to today say, boom. Okay, that's the budget, including that \$7 million, that would really put us at needing \$23 million of our \$37 million of cash reserves just to get – or of our rainy day fund, just to get next year's budget approved.

As you can probably imagine from my perspective this is not going to be – we won't be back at the same revenue levels in fiscal year 2022. We need to look at our rainy day funds lasting two to three years. So we're trying to reduce that recurring revenue to recurring expenditure – that's \$15 million. We're trying to bring that number much closer together, and we're going to need to bring down our one-time expenditures down because anything in fixed assets – as you can see typically, just so you understand, our budget, we usually end the fiscal year with somewhere between five and ten million that falls out of the budget. That's the term Joey used. That's revenue above what we estimated and expenditures lower than what we estimated.

We take that five to ten million dollars and that's what we budget for our fixed assets. Every single year, that is how we come up with the funding for fixed assets. We don't have that this year because if you looked at what Joey said is we have a \$28 million gap, but when you take what we think will fall out of fiscal year 2020, that's June 30 of this year, that \$13 million she's using to plug next year's operating budget. There is no money falling out of the budget based on these estimates for fixed assets. And then you have to realize too that next year there won't be anything to fall out of the budget, so there'll be nothing the next year. Everything we will be living on for the next two years that isn't coming in in recurring revenue to cover our salaries, our benefits, our operating costs and fixed assets is going to close that gap, is going to be our rainy day funds, our excess reserves over or required reserves.

So I just want you to understand, that's why we're making the kind of cuts we're making, why in these recommendations we're saying let's not take on any new expenditures that can't increase recurring expenditures and get us with a decrease in revenues. So we can't get to a balanced budget. So with that, Mr. Chair, Commissioners, we stand for questions. If you have questions, like I said, if you could do them one Commissioner at a time it's easier, even if they're on the same subject matter. We can always go back to the slide again under each Commissioner. I just want to make sure I get all of your questions answered one Commissioner at a time.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. So we'll go ahead and we'll go to Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, I would prefer if you go to Commissioner Garcia first. I want to hear a few questions.

CHAIR ROYBAL: Okay. I can go to any other Commissioner. I'll go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks. I had a couple questions. I guess I'll start – maybe it's on slide 14. It may just be my confusion. I don't understand the process by which we expect to have an increase in GRTs when GRTs should be the biggest thing that's being hit. Is that because that's this fiscal year and not next fiscal year? I see Joey's shaking her head but if you could see a few more words in addition to the headshake I'd really appreciate it.

MANAGER MILLER: Mr. Chair, Commissioner, if you look – you have to look that it's FY20, so if we went to the slide that showed our revenues for FY19, FY20, and FY21, I don't know, Joey, what slide that is but it's the slide that shows our revenues comparatively speaking. If you go to slide 10. Okay. So if you notice here we have our actuals. Let's just take GRT. FY19 actuals were \$47 million. For FY20 we budgeted \$43 million. Through April 30th we're at \$42 million. We do estimate that we will still in May and June receive some revenue. We're not going to hit the \$47 million or higher. We would have been higher than FY19 actuals. We probably would have been, had the year stayed on course for where it was, we probably would have been at \$49 million in GRT. But what we do think is we will hit at least \$46 million or \$45 million. \$45,600,000. So we'll have \$3 million more than what we budgeted.

That falls to cash balance. If I didn't budget the revenue it means I didn't budget an expenditure against it.

COMMISSIONER HAMILTON: Yes.

MANAGER MILLER: So on that sheet –

COMMISSIONER HAMILTON: But it's \$1.7 million on slide 14.

MANAGER MILLER: So if you look on slide 14, she's saying higher than budgeted estimated revenue. That's for FY20. That's the current fiscal year. So we believe we will have additional – that's based on – I just showed you. We've almost collected through April. We almost have collected through April what we budgeted to receive through June 30th.

So if we only, for the next two months get half of what we estimated originally, we'll still get \$1.7 million above the budget.

COMMISSIONER HAMILTON: Okay. And so that kind of leads to a small, subsidiary question about when we expect to get some data that we could compare to these estimates for the most recent months. So maybe the worst months we're going to project a 50 percent hit, compared to what we used to get. And since we get GRTs, at least, what? A couple of months delayed, do you think by next month we'll be getting something that will give us information?

MANAGER MILLER: The economy closed down on March 13th? Is that when we got our stay at home order? Something like that?

COMMISSIONER HAMILTON: Right.

MANAGER MILLER: So even May's distribution – so the state already knows and unfortunately the state has not told us. They already received it. So if you're a business and you collected GRT in March, you had to remit that to the state in April, beginning of May, and then they distribute it to us at the end of May. They have some data but they're not sharing it with us yet. We were told in a conference call with Tax & Rev last month that they would be able to share some data with us at the beginning of May but we still don't have any.

So whatever we get at the end of May will give us some indication, but it's still not going to give us an indication of a full month. So we really won't know by the time we actually ask you to approve the final budget, we're not really going to know. Because Joey can't change everything on June 26th because we got our distribution and it's lower. That's why I was telling you, we'll be changing this probably monthly or quarterly based upon what we receive. But we had to pick a point. We had to say, well, let's pick a number and budget to that.

What the state had actually said is just submit your last year budget, and I was like, we all agreed, Joey, Yvonne and I, well, that would be crazy because we know darn well it isn't going to be anywhere near that. So we said let's pick, you know, 50 percent on GRT through the end of the year and I think we even had lower numbers in July and August and then they start to climb back up. But we'll have to see as they come in, how does that compare to what we estimated for that month. Is it better or worse? Do we need to cut, or are we good?

So that's how we got – so when we showed you the starting funding gap, we're really short \$28 million in recurring revenue to recurring expenditure. But what we're saying is we're going to save some money between now and June, plus we're going to have some additional revenues like investment income. As you know, Pat said we had our best year – Treasurer Varela – so we had our best year last year with over \$5 million in investment income. Well, we only budgeted \$2 million, not even \$2 million. So we have \$3 million, we didn't budget an expenditure against that. So we can use that \$3 million to help offset next year's lack of income.

COMMISSIONER HAMILTON: Right. Okay.

MANAGER MILLER: So that's how we get to – if you want to say today, trying to build the budget, we're still \$28 million apart in bringing our recurring revenue and recurring expenditure together. What we're suggesting, well, we're going to do some things. We're going to do some things between now and June 30th that are going to help us. We cut departments by \$3.7 million. We've instituted the hiring freeze to give us another \$2.8 million, and then we have these revenues this year that are better than what we had estimated, and those will help us offset that lack of revenue next year.

COMMISSIONER HAMILTON: Okay. Well, I only have two other probably small questions. You mention the GO bond going on the ballot in November. What kind of thought do we have to give to that in terms of making any changes to be responsive to this change in fiscal status.

MANAGER MILLER: So, what we need to do is – if this had never happened, if all of this had not happened, and property values stayed where they're headed, where they are today with modest three percent growth over the next 20 years, and our rate, our debt service rate, at about \$2.10 per thousand taxable value, we would have had capacity for \$40 million of bond questions. That would be the biggest amount I think in the history of the County that we would ever take to the voters. That was going to be one thing to discuss, and typically we do three questions. Typically we do roads, water/wastewater, open space, and typically roads are twice as much as the other two or equal to the other two together. So we would have probably started looking at something like \$20 million for roads, \$10 million for water and wastewater, \$10 million for open space.

But then, also, we've also sometimes added other questions like public safety we did. We did health. And we've also said, well, you can add another question for \$5 million and taxes would go up by ten cents if all bonds were approved. Ten cents per thousand. Well, that was the conversation we were going to have with you, but I can't see us having that conversation because I can't see us under this circumstance going to the voters, requesting them to approve \$40 million in bonds. But that's your choice. But I just would say that because now, what we might have are property values declining. I don't know. We need to do a couple of different scenarios.

We also may, instead of wanting tax rates to stay the same, we might want to say, you know what? Maybe we just do \$20 million this year and maybe in two years we do \$20 million and maybe it gives a little break to the voter. So those are all conversations we need to have. I anticipate we will have those in June and July. We don't have to make a decision on this until either the last meeting in July or the first meeting in August. I have to check the days. I have to count back from the election.

The Clerk has to have everything that's going to be on the general election ballot by – I want to say it's like 90 days before the election in order to print the ballot. So it's something around that timeframe – end of July, early August, that we would have to make that decision.

COMMISSIONER HAMILTON: Okay. You mentioned property valued and I wanted to mention, and I've actually had quite a few questions come to me about the potential property values declining and what will happen in terms of then tax rates and collections and that sort of thing. But that will also impact potentially our budget. So in the near future that might be something we want to talk about and the provide some information.

MANAGER MILLER: Right. And Mr. Chair, Commissioner Hamilton, there's a very slow effect to property taxes and value. So for instance, right now, the notice of value went out for this year, this tax year, on April 1st. Values, when they were all being reassessed had gone up. So what goes out right now in notice of value by the Assessor is based on all the work they've done over the last year. So that doesn't change. Like you don't go back and go redo it because we had a pandemic. That notice of value goes out, the protest period happens, and that valuation that's been turned in – it will be turned in in June, I think mid-June to the Property Tax Division, that's set. That's set as the rate because your rate is based on for debt service, your rate is based upon how much you owe, and take value times the rate. If values go up, rates go down, to equal what you need to pay your debt off with.

Similarly, with yield control on operating mills, if values go up rates go down because state law says local governments aren't allowed to get a big windfall from a spike in property values, nor should they have a big decrease in revenue if values go down. So if values go down the rate goes up. But none of that will happen, we won't see an effect on property tax rates of this pandemic if it has one, we won't see it for another tax year or two. It will not be reflected in the November tax bills of 2020. It would start to show up, if values drop, this year when the Assessor goes and does valuation for tax year 2021. So right now, for 2020, all valuation has already been done.

COMMISSIONER HAMILTON: Right. So fine. My last question had to do with the mention of capital projects. I know this is all operational in this piece of the

budget. Have we been talking about impacts to existing or contemplated, like approved but not started capital projects, aside from what was discussed in terms of monies that the state had given us and are likely to claw back, there are other things the County's doing, is now an appropriate time to give a little at least preview of what's being discussed? Or we do want to wait?

MANAGER MILLER: Mr. Chair, Commissioner Hamilton, I could totally give you that because I know that's of great concern to the Board. Parallel to the departments and Joey and Sam and all of them working on the operating budget they have been working on – we have a whole other team that has been meeting weekly on all of our capital projects. We've been going through the project ranking, the system that the Board approved. We have raised every single project that we have had on our ICIP but was short funding that we have either started design but we need additional money for construction. Essentially we've gone through everything that isn't fully funded and being done.

Anything that was being thought of or in design but needs more money for construction, we went through the entire ranking. We have gone through identifying and refining the scope of work on those identifying exactly what our shortfall is. For new proposed projects we've gone through and identified a budget and a much better defined scope of work and an estimated cost to those projects, so that we can come to you and say, okay, we do have some capital outlay money that has been built up over the last couple of years, and it's restricted to capital outlay. It can't be used for salaries and benefits, although I do have Greg looking at – because the law has changed with our GRTs, I have Greg looking at what would it take if we found we wanted to cut some projects and use that money to make sure we could continue to provide services. Just want does that mean? Before I actually propose to you, here's what I think we should do. I want you to know, alternative to putting it to projects, here's a process we would have to go through if we wanted to de-earmark capital outlay GRT to be used for general operations.

Right now, as it stands, and I'm not sure if that's one that can be. I just have Legal researching this, because I want to make sure that the Board is aware of all options we have to be flexible and to fund different initiatives. And projects being one thing, but our essential services being the other. So what we did is – but let's just say capital outlay GRT can only be used for capital outlay. And we have a list of projects that we have started on and done some design for that are not necessarily good candidates for a general obligation bond question in November, because a) we might be ready. I'll give an example: northeast-southeast connector. We already have bond money. We have GRT. We have all kinds of funding towards that, and we're almost done with design. We could go out to bid but maybe we're going to be a half a million dollars short.

Well, that project, when we went through the ranking process, scores very high. It's a major connector. It's got a lot of money already towards it. It's almost shovel-ready. So that one would rank high. But if I needed \$500,000 to award a construction contract, that one would come up on the list, ranking high, as okay, if we have \$5 million of capital outlay GRT and that one needs \$500,000, we would recommend that that be one of the first ones to put the money to.

Cañoncito waterline. That's another one. We're 90 percent done with design.

We've been building up funding for that project since 2008. We have state funds in that project. We have grants. That's another one. It's a public safety issue, ranks high, but we're short a couple million dollars to get that one done. That would be another one.

So it's our intention to provide to you in June this process of here's all the rankings we did. Here's all the projects that are fully funded and are already built into the 2021 budget, and they're a go, and here's the ones that are short that we think we should fund with County fund balances, because they're ready to go, if we just finish filling that gap, and then here's ones that are new projects that are ideal candidates for bonding questions.

And so that's what we intend to do with you through June and July, so that by the time we get to the end of July you know what projects are already underway, built in our budget, you've approved them to be in our 2021 budget, that you know which ones needed funding and we appropriated additional funding, and they're ready to go, and they're built into the 2021 budget, and there's a list of ones that you approve to put forward to the voters for bond questions in November, should you chose to go out to the voters with any bond questions.

COMMISSIONER HAMILTON: Excellent. Thank you so much for the comprehensive answers, and to Joey as well. Thank you, for the time, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I appreciate the questions. Actually, a lot of the questions that you asked were quite a few of the questions that I had, so I appreciate your questions. I just want to also remind Commissioners, let's try not to be repetitive on our questions. Also because Manager Miller had some concerns as far as that went so I want to make sure that we try not to be repetitive and as efficient as possible so we don't have staff answering the same question. But once again, I want to thank you for those questions. They were spot on, so I appreciate that. Next I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, thank you, just really quick. So I guess first of all, thank you Manager Miller for being very, very conservative for the last three or four years for the County's overall budget. Thank you for that. If not we would kind of be in a hurting shortfall. I guess next time we come up with a budget, I just need to look at the budget in more detail. Some of the quick questions that stand out to me is this bat survey. I don't understand that. Also in regards, just another quick question, in regards to the lodgers tax, that tax can only be utilized for certain items, right? Yes or no.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, that's correct. It can be pretty much only used for advertising and promoting events. One portion can be used for some events.

COMMISSIONER GARCIA: Thank you, and then also in regards to – I have a question in regards to behavioral health down in the southern part of the county, and then we also have something of acquisition of property in executive session. I guess I'm just – what's the difference between them both?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, as a matter of fact, yes. The acquisition of property is the lease with the State Land Office for the Edgewood behavioral health facility and I did want to talk to you in executive session about the commitment to enter into that lease because it would also change the operating budget. As you see, as it stands right now, we had – and it would change our capital

budget too. So we had \$300,000 for the site to renovate the facility that used to be the old

COMMISSIONER GARCIA: We can talk about it in executive.

MANAGER MILLER: Okay. And then we were not going to pay for the first year of operations completely on our own. So those are some things that we need to discuss.

COMMISSIONER GARCIA: Thank you. And then also in regards to just kind of skimming through some of this, these items here in purchasing. A tow truck for Public Works, okay I see that. And then we have a tow truck, just looking through the Sheriff's Department, one's at \$80,000 and the other's like \$120,000. It just appears to me that it would be a lot cheaper to have a contract with a tow company other than us providing a driver, us providing – so those are just things in the budget I'm just kind of picking out. You don't need to answer on that.

And then in regards to the freezing of the hires, I guess, do we really need to freeze RECC regional dispatchers as well as Corrections, because I thought three months ago we were actually in dire need of hiring those people.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, you are correct. What we did is, for instance with RECC, they're never able to fill all of their positions, but we fund them at 100 percent. So we somewhat agreed with Vanessa is there are certain ones we could go without funding and she decreased her minimum staffing. And she worked with the union to do that. So the intent was to actually bring down overtime as well as not budget a couple of the positions for a year or two and we should be able to change operations because we almost always have ten vacancies with our dispatchers. I would love to be fully staffed there.

Then with correctional officers, as I said in the COVID update, we typically have a population of 450 to 500 inmates. We're down around 300. So there were positions that a) we haven't filled in several years. We removed those from the tool; b) positions that are hard to fill and we're not typically fully staffed on; and then c) most of those positions that were actually eliminated were those from the juvenile facility. So if you recall, there were 20-some positions at the juvenile facility and that makes up most of that \$2 million in the Corrections budget.

COMMISSIONER GARCIA: Thank you, Mr. Chair. And then also in regards to the Fire GRT, that GRT can only be utilized, I believe, for apparatus and equipment, possibly vehicles. So earlier on on the agenda we actually approved the Fire Department to get some vehicles. So are we taking the purchase of those vehicles that were on the agenda earlier that we gave you authorization to sign off on, was that coming out of that GRT that can only be utilized for equipment, apparatus?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, there's two taxes. There's one which is the fire fund, and some of it came from fire fund, and that's a distribution from the state. That can only be used for purchasing by district apparatus or improving the facility. So that was part of the funding source. And then the other part of the funding source was gross receipts tax for fire excise tax. The fire excise tax can be used for some operational expenses but it cannot be used for personnel and salaries. But that is where those – it can be used for utilities and some of the supplies and operational expenses at the fire districts, but we typically work very closely with each district in

trying to manage those funds to allow for them to have some for operations of the fire stations and then the rest of it to go to equipment. All of those were purchased out of a combination of those funds.

COMMISSIONER GARCIA: A couple more questions, Mr. Chair. In regards to the additional cost for the employees' insurance, we're actually covering that, correct? Greg was going to talk about that or he recently did mention that?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, no. We brought it up last week. We did a presentation, Greg did, and that was at the 15 percent. We were not proposing to cover the employees' share. In this particular proposal we are proposing that the County cover the employer cost, which is about \$905,000 or something like that, and the employee cost is about \$300,000-and some odd. We, over the last several years, have continued to pay the employees' cost and we lost over a million dollars this year in our self-insurance fund due to increases in claims, and we're at that point where we really need to have the employees have an increase in their premiums. We also – right now, most costs, with the economy the way that it is we have many people actually working from home. They're not having to expend money on fuel. They don't have – they're able to basically work from home. They also have gas is \$1.65 a gallon or something like that, and the Consumer Price Index actually indicates it's going down for the first time ever.

So while we are doing everything we possibly can to make sure that County employees are not furloughed, do not have any pay cuts. The one thing we felt we actually need to make an adjustment to is benefit contributions. Our adjuster, our consultant, Gallagher, actually recommended over 17 percent increase and 13.1 percent on the low side. We picked the middle recommendation of 15.4, which would be an increase to the total contributions, as I said, from the County of close to a million dollars and from employees, \$300,000.

COMMISSIONER GARCIA: Thank you, Manager Miller. I guess I just have a challenge with that because it seems like we're going to cut the employee's cost and would have liked to have seen some kind of a breakdown. An individual that makes \$30,000 a year and an individual that makes \$100,000 a year, how is it affecting the mid-level employee and how is it not? So I'm just a little uncomfortable with – and I understand how the cuts work and why they have to work and whether it's a 17 percent or not. And so I would have like to have seen that breakdown in our packet, somehow because the County Commission is going to take some money out of the employee's check if this gets approved and I follow you, Manager Miller.

Is this actually the time that we actually need to – is our self-insured not working for the County anymore? Because it was on a one- to two-year trial basis, and if it's not working for us, if we're paying a lot more out per claim, then do we need to go back to the Association of Counties? I'm just kind of thinking a little bit ahead.

And then also in regards to what staff is – I hope it's you, Manager Miller – what staff is talking to the state in regards to our capital outlay projects? Because I want to make sure it's actually yourself or somebody that's up there that knows projects kind of inside and out. So I just want to put that on the record. I hope it's you, Manager Miller. And with that, Mr. Chair, thank you, and I don't have any further questions. Thank you.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, relative to capital projects both Sam Montoya and I have been in conversations with the state about

how we might be able to – so I’ve had conversations with the interim Secretary and Sam has also been working with our individual analyst that works with us on our grants. Additionally, at the last BCC, not the special BCC, we did provide a presentation on the insurance and the very last page of that will show with the 15.4 percent increase, it gives you the current employee contributions, proposed employee contributions and the impact change, and it gives you for the four tiers that we have. So employees, we have employees – I think it’s under the tiers. But we have four tiers and some employees pay 20 percent of the cost of the premiums. Some employees pay 25 percent. Some pay 30 percent and some pay 35 percent. I can’t remember the exact breaks, but we do have four tiers. The highest paid employees pay 35 percent of their insurance, and then as you go down in pay scale the County pays a higher percentage. So we do have those four tiers and I could resend this, just this sheet that shows you the impact and it will show you employee, employee plus spouse, employee with children and employee plus family. And it will show you the difference between each tier, so what that would mean to the employee’s take home pay.

CHAIR ROYBAL: Okay, Commissioner Garcia, was that your final question, sir?

COMMISSIONER GARCIA: Yes. That is my final question. Thank you, Manager Miller. I do remember you did bring that forward last time.

CHAIR ROYBAL: Thank you, Commissioner Garcia, Manager Miller. Okay, so I’m going to go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Joey, for this incredible explanation and overview, and also Manager Miller, I really appreciate it. I am concerned about behavioral health and the effects that this pandemic is having on people who are going to be suffering from behavioral health and I’m glad that we are working at the moment with the City on this and our Connect program, because I think that that is really important to make sure that people are not falling through the cracks. Because the longer this goes on the more damaging I believe it will be to people who are suffering from mental illness, behavioral health issues. So that is just one of my concerns that I wanted to share with you.

And where it says department expenditure requests, I believe it’s page 12, we have the FY19 actuals. We have the FY20 original budget, and then we have the FY21 budget. And it looks like the Assessor, the Clerk, have gone up where Community Services has gone down. Corrections has gone down a little bit. The County Manager has gone down. So I see that – what is the justification for the Assessor and the Clerk going up in their budget requests when we know that we’re going to have definitely a shortfall? Maybe I’m wrong. Maybe things will just bounce right back but that is not what I believe.

MANAGER MILLER: Mr. Chair, Commissioner Hansen, likely the increase in the Clerk’s Office is due to the fact that we have a general election, but as I’ve said, we have not finished. What has been done so far is that each department and elected official have put in their requests for FY21 and they were much larger than this even. They were six to seven million dollars larger than this on a recurring basis. And then we asked them to voluntarily remove optional things out of their budget. Now we will go in, unfortunately because they did not remove enough, we will be making recommended

cuts, additional cuts to those budgets. And we will work with the Assessor and the Clerk and any of the others to try to get their budgets below FY20 budgets and likely something closer to FY19 actuals.

So as I said, when we started this we – we're not done. But I appreciate you noticing where we have some definite problems in growth in budget as opposed to reduction in budget.

COMMISSIONER HANSEN: Then I recognize that what we're going to get in gross receipts tax is completely unknown, especially if we open up too quickly, and then we have to shut down again. Those are some of my really big concerns of, okay, we've managed to close down now for two months and hopefully people will continue to stay at home until we start seeing our numbers go down, but if we open up too quickly my fear is that in the fall we'll be back in the same position and then once again we haven't contained this virus and our GRTs will be – I kind of see us doing a W, up and down, up and down, and that is definitely unsettling and does not help to make a budget.

I mentioned behavioral health and the Connect program, which I think is incredibly important. I wanted to get to the general fund and the state general funds at risk. So anything that we have at the moment encumbered – let's say we've encumbered \$100,000 for the Agua Fria water service expansion. That's done. We have that money. It's not going to be taken back from us. I'm on page 18.

MANAGER MILLER: Mr. Chair, Commissioner, what I was saying, as I said earlier, the way it works is you get the grant and once you get the grant you can start doing work. When you start doing work, as you are ready to award a contract, you award a contract. Then we take it to you, you guys approve it. We have to then send it to them and before we ever send it to the vendor we have to wait for a notice of obligation, meaning that once we receive that notice of obligation they cannot pull that money back.

COMMISSIONER HANSEN: Okay.

MANAGER MILLER: The emails that we've received from the Department, the emails we've received from the different state agencies, differ slightly in instruction. So I think there's a little confusion, and it might just be how they handle their funding, but there's the Local Government Division in DFA, there's Environment, Construction Bureau in the Environment Department, and they all handle it slightly differently. Once we have received a notice of obligation from them as a result of us sending them an executed contract, then they will not take it back. But they also might not take back if we had part of it encumbered and got a notice of obligation. If taking the rest of it back is going to kill the project, I don't think they'll take that back either.

So that's where we're trying to work with them to see if we're ready to go, and I had four different funding sources – I had a Community Development Block grant, I had a Water Trust Board grant, I had County money, and I had a state appropriation. But I haven't encumbered that state appropriation yet, but if you take it, everything else falls apart, those are the ones we're individually trying to work with them and say I get it that you may not have an encumbrance against that but if you take that, the entire funding structure falls apart.

So those are the ones that we're going to work with whatever department it is. If it's Environment, if it's DFA, if it's State Engineer, whatever it is that gave us a grant, we're going to work to make sure we can keep those secured so that they're not taken

back and it destroys the whole project.

But like the photovoltaic one, we have spent half of it where we were ready to encumber almost all of the rest of it, but I don't know if they will honor that or not. We're going to send it to them and we're going to work on it but we'll have to take them on a case by case basis.

COMMISSIONER HANSEN: Thank you, Manager Miller. I appreciate your explanation of that. I'm grateful for you trying to get the photovoltaics, the rest of that money. Also I recognize we're in difficult times. We're doing the best that we can. It's just a challenging time. So thank you for your explanation of all the other questions and onward.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Those are some great questions. I appreciate them and I appreciate the answers from Manager Miller. I'm going to go to Commissioner Moreno.

COMMISSIONER MORENO: Mr. Chair, I was impressed with the detail of the numbers and I'm sure our Manager is going to be dogging every penny. I suggest that we have a session like this monthly. I think that we're in a wild ride, fiscal ride, and we really need to be on it. And I have all the numbers in front of me and the details and I'll read them again, Thank you for all the information. I'm happy to hear that you're getting it on. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. So with all the questions being asked and following my own recommendation of not repeating questions I guess I don't have a whole lot to ask. I did have – I want to recognize staff as Manager Miller did in the interim. I just want to reiterate again to Joey Rowe, Yvonne Herrera, Sam Montoya, Regina Longacre, and all of the staff that worked on this. I think there's quite a bit more. I know that these leaders in this department would actually recognize the staff as well because they are true leaders. So I just want to thank everybody for everything that they've worked on and being pro-active to look at what we need to do in the coming year to make sure that Santa Fe County can still provide all the necessary services that we need to our constituents.

One question I did have, earlier in the conversation, I think Manager Miller touched on it and so did Joey about the savings as far as not going to as many meetings, as far as the gas savings and vehicles. I wanted to see if there's any other data, possibly, that would show whether it's been a savings or detrimental to the County to have staff working from home, because I know that there's other areas that we may save and look at that in the future as well. Maybe there is some sort of schedule that staff can work from home as well, and some way of looking at how that may work or how that would look in the future.

I think that given this pandemic a lot of things are going to change for a lot of different entities especially governmental entities. So it will be interesting to see how it's saving in gas for the County but also is there a way to save on having vehicles that are not insured all the time. If we have less staff that are in the office do we really need the vehicles all to be insured at the same time. I'd like to know if there are other areas to look at for savings but it's something to maybe think outside the box a little bit.

I just want to thank Manager Miller for her presentation and also Joey for her presentation and all the hard work from our staff. I appreciate it.

MANAGER MILLER: Thank you, Mr. Chair, and I think we will find different ways of doing business. It won't be carte blanche, obviously, because much of what we do we are in an office or we are out in the community to serve the community. But we've also found that there's a lot of things we can do efficiently remotely and maybe – I don't see us going 100 percent away from alternate work schedules. We've hardly had any and now we have hundreds.

And so some things may – like some of the Public Works staff are on 4/10. And maybe we stay on 4/10s. That's one day they don't have to drive into work and one day they don't have to drive the equipment out to their area. So it's things like that that we may find certain – or some people work from home two days a week and in the office three days a week. Or the alternate. So I think we'll see a different way of doing business. I also think to some degree people are more efficient. We have web meeting after web meeting and I don't have to wait for Gary to drive 599. We just would go to a different web meeting from Public Works.

The idea of our three campuses, we're getting there, and the whole idea of Public Works, Public Safety and the Admin Campus was that we would be able to work like this without always having to drive downtown. I mean, yes, it's nice to get out of your office now and then, but the other side of it is we can save a lot and work a lot more efficiently if we're able to do conference meetings by campus. So this kind of forced us into that but it's the lemonade and the lemons.

And also, one other update for you that I meant to mention that I think you'll be very interested in. 102 Grant is coming along well and we are scheduled that we would be able to start moving back into that building by the end of July. So we're still on that schedule and that's looking really good and I just wanted to let you know that because while it may not look like a lot has happened recently they're putting up drywall inside and the elevator is in and the heating and air conditioning units are in. The whole front walkway has been bricked in and they've stuccoed a good half of it, but they're moving along and we should start to see a whole lot of work on the inside being done, and then we'll be able to move in there and I would think, and the reason I brought all that up is one of the things that we've thought about is office space-wise, once these campuses are done, we should be really in good shape for a long time, because instead of needing more space I think we'll find we do kind of shared work areas and not everybody is there all the time. So even if the economy comes back and maybe we add staff back, I don't see us – I see our ability to work like this to go long term and less of a need for more office space. So hopefully we won't need to grow our campus footprint much more than what we already have planned for ten to twenty years. That would be nice.

So I think you're right, Commissioner Roybal, Mr. Chair, that we will have some new ways of doing things out of this.

CHAIR ROYBAL: Thank you, Manager Miller. I just want to reiterate that your leadership here at Santa Fe County is greatly appreciated and I want to reiterate once again all the information that we get every time from our Manager's update and reports and quite frankly from all staff and their reports. So we do appreciate that. It's very helpful and it helps us to see the greater picture, so I appreciate that.

8. MATTERS FROM COUNTY COMMISSIONERS

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

CHAIR ROYBAL: First I want to go to Commissioner Hansen.

COMMISSIONER HANSEN: So thank you, Commissioner Roybal, for that. I want to share with everybody, which I found very interesting. I actually had time to go through all the NACo News and I wanted to share this picture. First this picture from the conference, and then we have myself and another colleague from Colorado who was recognized for the SolSmart award for energy savings at the County, and considering there is over 3,000 to 4,000 people who were there in February to get a small recognition and a picture for Santa Fe County I was really grateful. So I wanted to share that with everyone.

And then I've been attending – I attended the Las Campanas master board meeting, which was done remotely and I was able to share with them what we are doing at the County and we had a very interesting presentation at the Agua Fria Village meeting, so a lot of my community is moving to the platform of Zoom and we are able to connect and talk about the projects that are going on. So I find that definitely rewarding. With that I just want to thank everybody.

It's always good to see people, and once again, thank you, Manager Miller and Tessa and all of the staff for all the work they are doing. They are on the front line. I am also really grateful to my constituent liaison, Sara Smith. We have developed a pretty good work schedule. We talk every day, get things done. We've moved to a new way of doing things. I'm grateful for that and I'm grateful for all of the constituents out there for staying home and keeping the numbers down in Santa Fe County. I think that is really important. I think we are setting a good example and I'm grateful. So thank you, Chair Roybal, for a few moments.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I really appreciate you recognizing staff. First and foremost, staff is the interface between us and our constituents and also we do interface with our constituents as well but staff is a reflection of the Commissioners as well and we're very blessed to have the staff that we do. So thank you for recognizing staff, Commissioner Hansen. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't really have very much. I thought I would just take the time to mention – I know there was a little bit of consternation about the fact that the County put in the open burning ban and I just wanted to mention that we have had some fire starts in the state and in the county and given the high winds and that whole situation I am frankly really grateful that we have this ban in place and once again, just like all the forbearance everybody's having to show just to deal with the pandemic, and those restrictions, I know it's another thing piled on. I think the County did a great job in putting exceptions so that people can still cook outside and have that as a social or semi-social outlet. But I'm really, really grateful we have this ban. I think the Fire Department did a good job in thinking about this early and it's really for a good purpose and I just want to thank everybody for sort of accepting that and being, to

the best of their ability, copasetic with the restrictions. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, for not having much to say. You definitely always say the right thing. So thank you. I appreciate your comments. Okay, we're going to go on to Commissioner Moreno.

COMMISSIONER MORENO: We're going to be working with the ECIA in Eldorado on a couple of projects and we'll see how they turn out. So stay tuned.

CHAIR ROYBAL: We will do that, Commissioner Moreno, and thank you for that update.

9. MATTERS FROM OTHER ELECTED OFFICIALS

CHAIR ROYBAL: I want to go ahead and allot some time and deviate a little bit from our schedule or from our agenda and go to elected officials. I know we have the Clerk and we also had seen Treasurer Varela and also Sheriff Mendoza. I don't know if any of you have anything that you would like to share with the constituents but I will allot the opportunity. Sheriff Mendoza, did you have anything you want to share? Sheriff Mendoza may not be on anymore. I'm not sure. How about Treasurer Varela. Okay, so I'm going to go to our esteemed Clerk, Geraldine Salazar. Did you have anything to share with the public, Geraldine?

GERALDINE SALAZAR (County Clerk): Chair Roybal, there's so much to share that I can't put it all on one plate. We're just extremely busy. There are times that I feel that the Clerk's Office, the Clerk and the staff are underappreciated for all the work that we are responsible for. My staff is working so hard. Steve Fresquez did an excellent testimony during the District Court hearing. My staff has to work from 7:00 in the morning to 8:00 in the evening in order to do all of the data entry and all of that work. We're doing poll worker training. Yesterday I had to go rush to go see that and then get back because I'm inundated with emails and I want to assist my staff from voters regarding voter registration, why they can't get their absentee ballot, and we're just hit constantly.

It's pretty interesting right now, our phone isn't ringing off the hook but phone-wise, email-wise, poll worker training, poll workers down in the bottom parking lot. There's so much work that people will never understand what it takes to run an election unless you have experienced a federal, a state and a local election. There's so much involved, and not only that, the County Clerk is the leader of an office with employees, has to develop a budget, has to participate with County management in many aspects. There's so much involved. I just want to really give a shout-out to my staff that as they walk around the office and they're exhausted, but they still keep going, it is incredible what we do in this office and little do most people know about what's involved when you run an election.

In addition to all our responsibilities of recordings, records, marriage licenses – I just got a call when I was on the Board of County Commission meeting now about a gentleman dying possibly in the hospital and how could we arrange to go to the hospital to issue a marriage license. We consider that an emergency and there's a process. We've done that in our time being the County Clerk. So we're hit constantly. And so I just want you to understand that it's important for us that all others in the County understand that

the Clerk's Office is under tremendous pressure, overloaded with work and responsibilities, and we're proud of the work that we do in the public service.

You have to love what you do to keep going. I'm responding to voters to whom it's so important to ensure that they can vote at 11:40 at night. It's almost morning. So it's ongoing. There's no way for me to tell you everything we deal with and that's some of it.

But thank you so much for your support when you do understand and when you do understand what our responsibilities are. And the budget is an issue sometimes, when you look at it in dollars and what's involved. But remember, once we go through the primary election and we use what we do to meet our responsibilities, the County can claw back what we didn't use. And then once we go to the general election, and we meet our responsibilities, if there's budget left, the County can claw back what we didn't use. But we need to remember that we do have to budget, because elections are important. They're part of our democracy. We are governed by the Election Code. We are governed by federal laws, and so we're not just using budget to use budget. We want to meet our responsibilities. We don't want the Department of Justice at the federal level to investigate us or wonder why we're not doing our responsibilities.

So it's ongoing. Thank you. And once again, a shout-out to all my staff who work very hard every day for many hours in getting the work done. And in addition to that, Rachel O'Connor's two staff who are helping us. I think they understand somewhat about what we do here. It's interesting. It's a pleasure to have them with us. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. You're absolutely right. A lot of times the Clerk's Office doesn't get the recognition they deserve for the hard work that they do. I couldn't be more empathetic with what you guys have to go through during an election, especially one like this that happens every four years. You and your staff, I want you to know, are appreciated and I just want to really emphasize and just point out the quality of a true leader to give the credit to your team. Great job. I appreciate you guys and I want all of the Clerk's Office to know.

I do want to see if there are any other elected officials that may have chimed in. Sheriff Mendoza, I know I saw you earlier. I'm not sure if you are still online. Okay. Treasurer Varela? Okay, seeing none, I'm going to go ahead and close Matters from other Elected Officials.

8. B. A Proclamation Proclaiming June 13, 2020 as New Mexico Heart Walk Day

CHAIR ROYBAL: This is a proclamation that I brought forward after being contacted by staff and also from the Heart Association. I think that I want to thank staff for putting this proclamation together. It's something that I really think all of the Commissioners should get behind and support. I did have the American Heart Association of New Mexico that reached out to me, so we did put this proclamation together and I am hoping that we can get all of staff to participate in this, the County Commissioners and other elected officials.

Now more than ever there's a lot of people that are looking at their health and given our circumstances with COVID-19, a lot of focus goes on to those health concerns.

But we have people with heart disease, we have people with sugar diabetes, we have people with cancer. We have so many other illnesses and diseases out there we need some focus on some of these other diseases. I wanted to sort of talk about the fact that we have these other diseases and also I did want to read into the record the resolution that we're bringing forth today, so if you'll bear with me a second here and I'm going to bring that proclamation up. I do want to read that and ask for the full support of the Board and also that we participate in this event. I know I'm going to participate. I want to encourage all of my fellow Commissioners and elected officials to join in this event for the American Heart Association along with thousands of Americans. It's going to be a virtual heart walk.

I do want to share personally, in the last three months since February I had my mom that did have a heart attack. She had to have three stents put in and we don't have heart disease in my family. And two weeks later I had her brother, which is my uncle, also had a heart attack and had to have stents put in. So it's something that's somewhat new to our family as far as heart disease to be quite frank. So it's something that we don't always – if you don't have a history of it in your family you don't focus on it. So I just want to bring up awareness and make everyone aware to also focus on other health concerns that are going on and make sure that everybody takes care of themselves. I'm going to go ahead and read this into the record. This is a proclamation proclaiming June 13, 2020 as New Mexico Heart Walk Day.

Whereas, heart disease accounts for approximately 20 percent of all deaths in the state of New Mexico; and

Whereas, National Health and Nutrition Examination survey data shows an estimated 44 percent the decline in cardiovascular health disease deaths from 1980 to 2000 were attributable to increases in physical activity, reduction in smoking, and lowering cholesterol and blood pressure; and

Whereas, the New Mexico Heart Walk and American Heart Association are providing a proven and enjoyable way for an New Mexicans to get much needed fresh air and physical exercise while supporting and promoting vital heart and brain health education; and

Whereas, the citizens of New Mexico have sensibly self-isolated during the coronavirus COVID-19 pandemic and they desire safe physical activity options; and

Whereas, the New Mexico Heart Walk acknowledges the community health and social distancing protocols meant to keep people safe; and

Whereas, the participation in the annual New Mexico Heart Walk fundraiser can now be accomplished safely through the use of the new Heart Walk mobile app available for download online; and

Whereas, thousands of New Mexicans can virtually participate and responsibly support this worthy cause while getting much needed exercise; and

Whereas, Santa Fe County residents can access over 60 miles of walking trails and 6,000 acres of open space to participate in the New Mexico Heart Walk Day while social distancing; and

Whereas, Santa Fe County residents can receive education and support through the New Mexico Heart Association and Santa Fe County Health Services Department for health, wellness and food programming to fight heart disease; and

Whereas, Santa Fe County supports survivors of heart disease and stroke and will connect with them and others through the Heart Walk and continue to promote stories of survival and wellness; and

Whereas, healthy lives and hearts of residents are a priority of Santa Fe County and we will continue to advocate for lifestyle changes and programming that will increase life expectancy and quality lives for our resident.

Now, therefore, the Board of County Commissioners of Santa Fe County do here proclaim the 13th day of June 2020 as New Mexico Heart Walk Day.

It would be approved, adopted and passed on this 12th day of May 2020. Of course with that being said, I want to go to my Commissioners but I would like to ask for a motion and a second, and then we'll go to comments.

COMMISSIONER HANSEN: Commissioner.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to approve, and thank you very much. And I would like to make a comment after there's a second.

COMMISSIONER HAMILTON: I'll second, and thank you for bringing this forward.

CHAIR ROYBAL: Thank you, Commissioner Hansen. We had a motion from Commissioner Hansen and a second from Commissioner Hamilton. I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: I think that it's really important to recognize the issue of heart attacks and I just recently went and made sure that my heart was in good shape because my family does have heart disease in it. So I really appreciate you bringing this forward and thank you. And thank you to everyone who is participating. And we can all walk virtually.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I really do just want to thank you for bringing this forward, recognizing that anything that brings awareness and brings the community together for something like this can be really valuable. You can make a lot of jokes about the concept of a virtual walk, but that aside, if it's something to keep up on a regular basis it's really valuable.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I'm going to go to Commissioner Moreno.

COMMISSIONER MORENO: I would say on the topic it's a tragedy when people die suddenly and you never know when you're going to go. I urge everybody who's listening to keep your good health habits and you will have a long life. That's my motto. Thank you.

CHAIR ROYBAL: And that is a great motto, Commissioner Moreno, and I really appreciate your comments. So I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, Mr. Chair. Thank you for bringing this forward. As you mentioned to me I think the night that your mom actually had to go to the hospital, that she never smoked in her life and never had a drink in her life and she had challenge to the heart and thank god she's still here and moving forward like Commissioner Moreno said, basically in a nutshell, you're not guaranteed [inaudible]

Thank you for bringing this forward. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I believe I went through all the Commissioners, is that correct? So with that being said we did have a motion and a second from Commissioners Hansen and Hamilton. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: I want to thank my fellow Commissioners and I want to just really encourage everybody to join in on New Mexico Heart Walk Day. It will be virtual. Again it will be interesting. I've never done that but it will be something we need to do so definitely I look forward to seeing everybody participate. So thank you all Commissioners for your support.

I'm going to call on Manager Miller. Do you have any suggestions as far as moving forward with some of these other items or before we go into executive session?

MANAGER MILLER: Mr. Chair, yes. I would suggest that we have one additional presentation and resolution by the Assessor for our property valuation program. He has to do this in accordance with state statute. I just checked with him. She says it will take about 15 minutes. So what I would suggest is because we have probably 50 to 60 people on here for the public hearing is that we let the Assessor do his presentation and resolution, and then you take about a ten minute break where Tessa Jo can make sure that everybody who wants to speak at the public hearing has let her know and given their name, and then we come back and do the public hearing on the land use case for the Dollar General store and then when that's completed we go into executive session. That way everybody who's on the line now would know not to come back. They could pop off of here for 25 minutes and come back on at – actually we could come back on at 5:40 for the public hearing. That would give you an opportunity to have the Assessor's presentation and then take a break since you've been on here since 2:00.

CHAIR ROYBAL: Okay, I can appreciate – and I'm sure the other Commissioners who have been here since 2:00, and staff, would appreciate that.

9. A. Resolution No. 2020-39, a Resolution Approving the County Assessor's Property Valuation Program in Accordance with State Statute

GUS MARTINEZ (County Assessor): Thank you guys for having me. I'll try to make this real short. Like you said, it's something that's required by statute to go over to provide to the Board of County Commission to approve my annual report and property valuation maintenance program. So I'm going to start off with the annual report. So I think you guys have that, correct?

DANIEL FRESQUEZ (County Manager's Office): Yes, Assessor. I'm going to pull it up right now.

ASSESSOR MARTINEZ: Okay. So on page 1 is basically a snapshot of last year's – well, this notice of value that we sent out for 2020 so if you look at the first tax year, we had roughly last year about \$7.5 billion in taxable value for 2020. We brought in \$7.8 billion which was \$330 million, roughly, of value that got put into the tax

base, and about \$100 million of net new value, which would be new construction or new lots that were put on the tax roll for 2020. So it was about a 4.38 percent of value.

Then if you break it down to residential, the next piece there is you have \$5.8 billion in residential value and \$1.6 billion in commercial and land value, which most of it came through the residential side of \$301 million, almost \$302 million in value just due to high sales and a lot of volume that came through, so about a 5.12 percent of value of change percentage. And then the commercial was 1.72; we brought in about \$28 million of value in the commercial side.

So on page 2 is basically a snapshot of how many permits that came through from 2018-2019 and forward. So it looks like, if you look at the permits in 2017-2018, in 2019 we had 3,300, almost 3,400 new permits that came through. 2018, we had 2,892. 2017, 2,237. So it's just trending with the market of what the market's doing. And we broke it down – that's total. You break it down to the city, in 2019 in the city we had 1,883. In 2018, 1,871, and 2017, 1,593.

And then you look at the county permits: in 2019 we had 1,502; 2018, 1,021; and 2017, 644. So you just see the rebound of the market of what was happening from 2017, 2018 and 2019.

Page 3 is just the sales data of affidavits that got reported to our office, so basically 2019 in the city, we had 2,092 sales that came in. The county affidavits were 1,604. The total was 3,696 sales affidavits, city and county combined that came in for 2019 and that's why we saw an increase in value. And then you have 2018 and 2017 which were obviously lower.

On page 4, we did have a history of net taxable growth and you can see from 2016 all the way to 2020, the trend of what was happening, so you're seeing we're at the peak at 330, 290, 591 for 2020 in growth in value added to the tax base.

On page 5 is the net new taxable value that was added. You look at the trend there, basically we added for this year \$100 million in net new value into the tax base.

And then page 6 is just a ratio study of what our numbers are showing on the ration, and then what IAAO standards basically, International Association of Assessing Officer standards, and so we fall within the range of those standards that they set for us.

And then if you just go to page 8, the next page, this is just an itemized comparison to 2019 and 2020, based off of parcels and value in each section of land, improvements, non-residential, which would be commercial, and then non-residential improvements. So that just goes basically kind of a snapshot of what we're doing in the office. Then you look down on the bottom with basically the exemptions that people apply for and basically the value and how many people are applying for those exemptions.

And then you look at the protests. Last year we had 1,575. I will tell you for this year we've had the lowest protests in probably a good 20 years. We had 1,100 protests this year, so our protests have gone down and I think possibly it could be a couple of things. We put market value for the first time on our notice of value so people knew what their market value was and then their assessed value. So basically that could be potentially that, and then a strong market.

So I'm done with the annual report. Do you guys have any questions on the annual report?

CHAIR ROYBAL: Do we have any questions from the Commission? I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: I don't have any questions, but I do see that Commissioner Hamilton has her hand raised.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for pointing that out. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just had a quick question. Why was 2017 such a good year?

ASSESSOR MARTINEZ: 2017?

COMMISSIONER HAMILTON: Yes. Remember, on that one slide it showed a huge number in 2020.

ASSESSOR MARTINEZ: On slide 4?

COMMISSIONER HAMILTON: Yes.

ASSESSOR MARTINEZ: So that year, basically it was probably a lot of new construction, and at the time too, I think the value – that number could have been slightly inflated due to the fact that we have picked up a lot of – we were doing a project of picking up a lot of exempt properties. And so we have to put a value on them and then they would apply for that exemption and then that value probably be increased on that particular year. On our reappraisal year.

COMMISSIONER HAMILTON: Got it. I understand. Thanks.

CHAIR ROYBAL: Any other questions? Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Just really quick, we actually just had a huge, large presentation on Santa Fe County's budget, which our team, Manager Miller and her team did an excellent job on the presentation on the budget. And I would just like to commend Assessor Gus Martinez and his team, because without his team, and without his employees going out there, himself actually going out there and bringing in the valuation to Santa Fe County, we probably wouldn't be in our budget where we are today without the Assessor's Office and with Gus leading that team, so thank you, Assessor Martinez as into bringing in the valuation for Santa Fe County because Santa Fe County is a very fortunate county, as many of us know, Manager Miller. Whenever we go to the state legislative session there are people actually moving out of counties, and people seem to be moving into Santa Fe County, so once again, for bringing in the valuation that you do and your team, Assessor Martinez, thank you for that because without the valuation, that's one very, very important aspect of Santa Fe County's budget. That's why we're above water. Thank you on that.

In regard to the protests, I think you guys are doing an excellent job for the protests being very, very low for the first time, as you mentioned in 20 years and that's probably for the reason as into your staff is actually at market value. Whenever a protestee, a protest individual goes in there, wants to protest, you show them the comparables and we're there. We're where we're at, so that's probably why the protests are very, very low. So I just wanted to mention those two things because the budget is very important and it's one of the main key components as in bringing that valuation to Santa Fe County. Thank you, Assessor Martinez, for your presentation.

ASSESSOR MARTINEZ: I appreciate that and I give all the credit to my staff and the hard work they do day in and day out to make sure that we do an efficient

job for the constituents of Santa Fe County. And I couldn't do a lot of what I do if it wasn't for a great Commission that we have here that supports my office in what we're doing day in and day out, with technology and all that whole piece that goes with that. So appreciate letting me know and my staff.

Any other questions before I go to the property valuation maintenance program?

CHAIR ROYBAL: Any other questions from Commissioners?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Give me one second, Commissioner Hansen. I want to also commend your staff and yourself for your leadership. You and I were elected for our first terms together and I've just seen a huge amount of value brought to this office, awards that you guys have brought forward. All the technology that you've instituted. And just the fact that you give attention to your staff. That's really – I really hold that near and dear to my heart. I appreciate that. It's a sign of a true leader. It's a sign of a true leader, Assessor Martinez. I'm going to go to Commissioner Hansen. I think she had something else. Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I just wanted to thank the Assessor for the presentation for all your work and how lucky Santa Fe County is to have such a good Assessor as yourself. So thank you very much, Gus Martinez, Assessor.

ASSESSOR MARTINEZ: Thank you.

CHAIR ROYBAL: You're welcome sir, and please extend our gratitude to your staff. If you'd like to continue, sir.

ASSESSOR MARTINEZ: Yes. So we're going to go on the next one, which is the property valuation maintenance program, and basically, that in a nutshell is basically what my office does statutorily throughout the year, and basically hitting our deadlines to be able to produce the notice of value. So if you go to page 4, and if you go to the top of page 4, it says property valuation program purpose. So I'm just going to kind of read that.

The Office of the County Assessor has a statutory obligation to determine valuations for all properties subject to property taxes and shall also implement a program updating property values so that their current correct values of property are maintained. So this is basically what we are driving our statutory requirement to be able to review properties on a yearly basis to basically come up with fair and equitable valuations. So basically that's kind of the whole purpose of this valuation maintenance plan there.

And if you go to page 5, basically what page 5 is is basically you're looking at our budget. So we have a budget that is partial in the general fund and then a portion that's in the valuation fund, the one percent fund. And so basically you look at the history of the general fund. I want to kind of just mention those on the presentation before with the Finance Department, the numbers that they submitted for my office that looked like my budget was actually increased, what I think they used, they pulled those numbers back from 2017 and 2018. And so I don't think they had their current budget numbers which basically view the numbers.

My current budget for the 2019 and 2020 was basically \$4.7 million and we actually lowered our budget to \$4.3 million which we gave back to the County \$324,000. And then previously we cut from this current budget that we had an additional \$150,000. So we wanted to do our part to kind of help the County and really do what we could do to

make sure that people weren't furloughed and that there. So I just kind of wanted to make the correction on that budget there. So I don't know. I will work with the Finance Department and see kind of where they got those numbers, but basically, I rechecked the numbers and it looks like there's some discrepancies there. So I just kind of wanted to mention that for the record.

So basically, the first one's the general – kind of how it's gone through 2015 and 2016 when I took over office to where it's at at 2018 and 2019.

Next page, on page 6, you have the Assessor's property valuation fund and kind of how that has gone through the years, and that's the one percent fund. And then if you go to the bottom, the budgets combined, it was at \$4.1 million with both budgets combined there.

And then basically, you go to the next page, it's just basically just the different departments of what they do statutorily throughout the year and what we're requiring them to do. If you go to page 9 for our GIS Department, basically there's a graph there tracking how many plats are coming in, development surveys, all that stuff that we record and basically take those stats year. So that's kind of a snapshot of what's happening in our GIS Department.

From pages 10 through 13, basically it's a summary of our real property and personal property, basically those two departments and what we're doing statutorily. Next page on 11 is basically letting us know kind of what our affidavits, what we do from January 2nd to December, going through each department. Number 12 is basically special methods of valuation, how we value that, how we value mobile homes. And then appraisals of property. We talk about on page 13, the three approaches to value – the sales comparison approach, cost approach and income approach – and what we do and the standards that are set through the International Association of Assessing Officers.

And then at the bottom of 13 is our quality control department. Basically it's huge for constituents throughout Santa Fe County because that ensures that we have quality data going out to the constituents, making sure that we are catching mistakes that are happening in our department. So that is really key to our success in our department, through all operations, whether it's the valuation side, customer service side, everything we do. Our IT side. So basically it's kind of huge what they do to help us provide a great and an accurate notice of value each year.

And then on page 14 is just the mailing of notice of value. We sent out April 1st. I think we were probably one of the few counties that basically sent out on time. My staff has worked very hard and diligently to be able to do that. We just finished, like I said, our protests and we've gotten the lowest that we've had in probably 20 years. That's kudos to my staff and the hard work and we're already working on eliminating a lot of those protests.

And so page 16 is basically going over the protest process and basically in a nutshell, we're working on protests and informal hearings that we are going to be doing remotely using technology and for the people that don't have technology we are going to bring them into the office and provide them a place to do the protest using technology and so it's going to be a first for us but we are looking up to the challenge and also for our formal hearings we'll be working with the state of New Mexico. I think we're going to be the guinea pig, really, to do protests remotely and so we will work on that next

week and see how that's going to look, but basically we're working through those as we speak right now and putting all the exemptions in.

And so the next page there on 17 is basically statutorily we're required on June 16th to submit our evaluation of value that we've brought into DFA. And basically we submit that with what's been protested and what's been already resolved in protest, so then they have a clear picture of basically what value we actually brought in. So we're working on that right now to hit those informal and formal hearings.

And then I just want to talk a little bit about if you kind of go back to page 20, and that is talking about our reappraisal plan. When I first started, my office was the first office in 20 years to go over the whole county and look at every single property using technology. Aerial photography, oblique imagery, and basically by using that we saved a lot of money on gas, on our carbon footprint, that sort of thing, and as we speak now, I have about 70 percent of my staff working remotely and working on the reappraisal for 2020 and I will say that we are working very efficiently. We're tracking numbers on our staff of how well they're doing out there. And so we check up on them making sure that we're hitting our goals and that.

And so we are – the first five years – it took us five years to go through the whole county and right now with technology we're going to be able to go through the whole county in about three years, using technology. So I'm pretty proud of that technology that we have brought in and being able to really use that technology and move our staff remotely so that they're safe.

So it's kind of lonely here but we have ten essential staff working day in, day out to answer phone calls and that and we had staff really answering phone calls remotely at their phone. So it worked out really, really great. I want to thank basically the IT Department for really getting us the laptops and everything that we needed to go to work remotely but that technology that we have really produced in the past six years has really worked well for our office. And I want to thank the Commission for really day in and day out just seeing my vision of really bringing in technology and really how it's working for the constituents of Santa Fe County without really missing a beat. And so I want to thank the Commission and the County Manager for really supporting my office and my staff and myself to really bring that technology in there. So we're looking forward to before I term out to have gone through the whole county two times and so I can't ask for any more than that and like I said, my staff work day in and day out for the constituent and we want to make sure that they are taken care of we're producing the best product possible.

But if you look at the last page there, basically for the Commissioners it's basically the GIS map of how we are looking at the reappraisal. So we're starting year one, basically, in Edgewood, and we're working all the way up to the city limits of Santa Fe. Year two we're going to be up in the northern part of the county, working ourselves to the city limits, and then the last year we are looking at the city limits of Santa Fe. So just a couple questions regarding or statements – we won't know what the market is going to do basically till November of how this COVID-19 has affected the market, on the residential side and the commercial side. I can see that it probably may affect the commercial side due to the fact that there's a lot of hotels in that.

I was looking at pulling some numbers for how much sales data that we've done.

Last year in 2019 we had 1,361 sales that occurred from January to May. I pulled the numbers right now, from January to May we have 902 sales, so we're about 459 sales off of what we had last year. And so just kind of a snapshot of that. And so just so the Commission knows, we have about 25,000 properties that are at market value. And so that means that if the market is decreased because of the COVID-19 then it's going to affect those in that market in that area. It's going to lower as well as the commercial non-residential. But we have roughly probably about additional 40,000 properties that are not at market value that see a three percent year in and year out because the market hasn't been assessed.

So when you take all those numbers together we'll have a better picture back in probably in late October, early November what the market has really done on the assessment side and the tax base, and see if it's going to erode the tax base that we have currently. I think it's \$7.8 billion. And so that's kind of what we're looking at right now and I will keep you guys updated towards the end of the year, kind of where we're at so that you guys have the big picture going forward for next year to see if in fact we do need more budget cuts or if in fact we're okay where we're at and with the projections hopefully not as bad as we're projecting. So with that, any questions? That concludes my presentation.

CHAIR ROYBAL: Okay. Thank you, Assessor Martinez. You did talk about that you're terming out and I just want to say it's been an honor. You've still got a couple more years, but you've done an outstanding job. So thank you for everything. I'm going to go to my fellow Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: I'd like to make a motion approving the Assessor's Property Value program in accordance with state statute.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Is there anything else under discussion. I'm going to go to Commissioner Hansen. Do you have anything else under discussion?

COMMISSIONER HANSEN: I just wanted to once again thank Gus, Assessor Martinez for all the work that he has done, and I'm grateful to him for leading a really professional team.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick because I know there's individuals waiting out there, but these individuals needed to sort of hear this as well as what's happening in Santa Fe County. I love your presentation in regards to quality control. Excellent pieces of advice for any office in the County is quality control. How it's working, what the constituents get out of what they pay for taxes. Also just to mention national awards. The Assessor's Office, as you know, Mr. Assessor, you guys won two, possibly three national awards throughout the country. There's been very excellent progress under your leadership. And some of the other stuff that is very effective that the County Commission is actually participating in is the aerial photography that the Board of County Commissioners with the recommendation of the Assessor has actually purchased for the Assessor's Office, and that camera system, you

could actually get to a point where you could county stop signs. You can count speed humps. You can count guard rail. You can actually count the divots on a roof if there was ever hail damage.

Mr. Assessor, I don't know that some of the other departments actually know the detail on the expensive camera system that we actually did purchase for your department but it would be great if every department in the County could utilize that system because it's there. Technology is there. And with that, Mr. Chair, I'm in favor of the resolution. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I'm going to go to the vote after comments but I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: I just want to thank Assessor Martinez for the good report. Well done. Easy to follow. Thank you very much.

ASSESSOR MARTINEZ: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Moreno.

COMMISSIONER MORENO: Thanks to the office and kudos. You're deserving of a good process.

CHAIR ROYBAL: Thank you, Commissioner Moreno. So now we're going to go to the vote.

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

CHAIR ROYBAL: Okay, so we're going to go ahead and go into a brief recess. The Commissioners and probably quite a few of the staff and people that are on line have actually been on since 2:00. So we're going to take a quick, brief break and come back at 6:00. That would be about 16 minutes. So if we could do a quick recess and return at 6:00. When we return we'll be looking at item 11.C, which is BCC Case 19-5241 and this is Dollar General Store Appeal. So when we return we will be on that item.

MR. SHAFFER: Mr. Chair.

CHAIR ROYBAL: Yes.

MR. SHAFFER: The Board of County Commissioner is going to take a short recess. During that recess Tessa Jo Mascarenas from the County Manager's Office is going to work with members of the public to ensure that we have identified everybody who would like to testify regarding the Dollar General Store Appeal prior to the start of the public hearing. We want to ensure that we have an efficient process in place. While the County Commissioners break, if you are here from the public and you do want to testify on this case, please don't go anywhere because Ms. Mascarenas will be working with you to make sure that we have your information so that we can call on you to testify at the appropriate time and we don't have a lot of people trying to speak over each other and trying to get the attention of the Chair. Thank you.

CHAIR ROYBAL: Thank you, Attorney Shaffer. I appreciate that. So yes, members of the public please stay on line and work with Tessa Jo so we can compile a list of the public that would like to speak on behalf of this next item that we'll be hearing. Thank you so much. We're in recess.

[The Commission recessed from 5:45 to 6:05.]

11. PUBLIC HEARINGS

- A. **BCC Case #20-5010 Spirit Wind West Subdivision Plat Extension.** Joseph F. Miller and Kathy A. Miller, Applicants, Land Development Planning, Agent, Request a Time Extension of the Previously Approved Spirit Wind West Subdivision Master Plan, Which Consists of 39 Lots to be Developed in 4 Phases, on 133 (±) Acres. The Property is Located off of Cerro Alto Road, via US Highway 285, Within Section 5, Township 14 North, Range 10 East, and Section 32, Township 15 North, Range 10 East, Within the Bishop's John Lamy Grant (Commission District 5). (Nathan C. Manzanares, Case Manager) (TABLED)
- B. **BCC Case #20-5020 Tierra Bello Subdivision Plat Extension.** Joseph F. Miller & Kathy A. Miller, Applicants, Land Development Planning, Agent, Request a Time Extension of the Previous Approved Tierra Bello Subdivision Master Plan, Which Consists of 73 lots to be Developed in 8 Phases, on 263 (±) Acres. The Property is Located Off of Avenida De Compadres, via Avenida Eldorado, Within Sections 24 & 25, Township 17 North, Range 9 East, Within the Canada de los Alamos Grant (Commission District 5). Nathan C. Manzanares, Case Manager (TABLED)
- C. **BCC Case #19-5241 Dollar General Store BCC Appeal.** Pedigo Construction, LLC, Appellant, Joseph Karnes, Agent, Request an Appeal of the Planning Commission Decision for Case 19-5240, Which Overturned the Land Use Administrator's Decision to Approve an Administrative "Permitted-Use" Site Development Plan and Permit (19-541 Dollar General Store in Eldorado NM). The Site is Located at 5 Camino Valle, Within a Planned Development District within the US 285 South Highway Corridor District Overlay, within Section 9, Township 16 North, Range 9 East, SDA-2 (Commission District 5)

CHAIR ROYBAL: We're out of recess. I think we have all the Commissioners present. So we're going to go on to item 11. C. I want to go over a little bit of the rules for this hearing. Basically, we have a public hearing tonight and I want to go over the order of presentation. The order of presentation will be as follows: first, we'll hear from the County staff, the presentation. Second, we'll hear the applicant's presentation. And third we'll have members of the public who will be allowed to testify for or against this appeal.

MR. SHAFFER: Mr. Chair, we have had a representative of the property owner, Mr. Martinez, identify himself as being present to speak on behalf of the property owner, and I believe, in accordance with our rules of order he should be slotted in as number 3, after the applicant's presentation and be given the opportunity to speak and provide any additional, non-redundant information and he would like to present before

SFC CLERK RECORDED 06/17/2020

we go to members of the public. I apologize to interrupt but that was information that developed while the Board of County Commissioners was in recess.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. And Attorney Shaffer, can you please tell me that name again?

MR. SHAFFER: Mr. Chair, I believe it's Danny Martinez who has represented himself as the agent or representative of the property owner.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. To reiterate, we'll go back and I'm going to say first it will be County staff presentation. Second will be the applicant's presentation. Third we'll have Mr. Danny Martinez. And fourth, we'll have members of the public who will be allowed to testify for or against this appeal. Commissioners may ask questions during each of the presentation. As far as the cross examination, I want to be clear that the County's rules of order allow a party to cross-examine or question the witness if the applicant wishes to cross-examine or ask questions of County staff or any of the members of the public. The applicant must notify the Chair before the staff member or members of the public is excused. So if there's any cross-examination or questions it has to happen before that person that's testifying is excused. If you fail to do this the right to cross-examine with regards to staff or particular members of the public is waived.

I also want to say there will be limits on public testimony. Members of the public will generally be allowed no more than three minutes to speak. I'm going to implement that rule, so it's going to be three minutes. I want everybody to stay focused on the time of your presentation. Accordingly after three minutes you will be muted. So you need to keep track of that time.

I also want to let everybody know that I'll be enforcing the prohibition on redundant or irrelevant or harassing testimony. In consequence you may not get to speak for the full three minutes. I'm asking that we're all respectful of each other's time. If someone has already said the comments that you would like to share and they're your same concerns, then you can just refer to their comments and say whether or not you're in support or opposition. This means that if someone else has already testified you can just allow someone else to testify to it as well. If testimony is not relevant to issues raised by the application I will not allow testimony. If the testimony consists of personal or other improper attacks or is otherwise out of order I will stop it. These are all just things that I think need to happen so we stay as civil and respectful to one another as possible.

As for the identification of members of the public, before we call on the appeal, Tessa Jo did make attempts to contact everybody and get them on a list so we make sure that we hear everybody's concerns, whether in support or opposition. When we get to the testimony I'm going to call on Tessa Jo and she'll call individuals by name, one at a time. Once you're called to testify and only then will you be unmuted. Once unmuted, identify yourself. You have to say your name and your address for the record and you will be sworn in by the court reporter before being allowed to testify for up to three minutes.

Once we have gone through the list of registered members of the public wishing to testify we will unmute everybody one time to see if we have any additional members of the public that would like to speak in support or opposition. Once you've testified, what we're encouraging is that everybody leave the Webex meeting and continue watching the meeting on YouTube. This will ensure that nobody will be without any

issues with technology. Technology is supposed to be our friend but sometimes we have issues so it would be best if we could go that route after you've testified. When we get to that point I will be calling on everybody. So I just wanted to go through those initial rules before we get started and I just wanted to open that up. So we're going to go ahead and – first of all, we've already talked about the case 11. C and we're going to go to staff's presentation. Who do we have from staff that will be presenting?

COMMISSIONER GARCIA: Mr. Chair, I have a question if I may.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I don't know if Attorney Shaffer can help us with this. So the individuals that are speaking can only speak about Mr. Catanach's request of the appeal. Is it basically for in terms of traffic, safety, drainage, fire hazards or potential harm to local businesses? Are those the only four or five things anybody can speak about?

MR. SHAFFER: Mr. Chair, Commissioner Garcia, [poor audio quality] would be decided by the Chair or by the Board of County Commissioners itself, if any when the testimony is offered, if there is a concern about the relevancy. So in other words, I don't believe that that would be my place to make that determination for the Board, since the Board is the adjudicatory body that is empowered by law to hear this case and make those decision, though at an appropriate time I'd be pleased to offer advice relative to specific items of testimony. I don't think it would be useful to try and catalog all of that in advance at this time.

COMMISSIONER GARCIA: Thank you.

CHAIR ROYBAL: Okay, Commissioner Garcia. Thank you for that question. We're going to go now to staff. Who do we have from staff presenting?

NATHAN MANZANARES (Case Manager): Mr. Chair, this is Nathan Manzanares. I'll be giving tonight's presentation for staff.

CHAIR ROYBAL: Thank you, Nathan.

MR. MANZANARES: Absolutely, Mr. Chair. Mr. Chair, I'm going to start off with a brief history and summary of the applications that have been made for this request. There's been a total of three different applications that have been submitted to staff pertaining to the Dollar General Store in Eldorado.

On July 29, 2019 Pedigo Construction LLC, Applicant, Joseph Karnes, Agent, submitted an Administrative "Permitted-Use" Site Development Plan and Permit # 19-541 (Dollar General Store in Eldorado, NM). Permit # 19-541 was a request to construct a 9,100 square foot retail store on 2.53 acres as shown in Exhibit 7. The site is within the Cimarron Village Planned Development District. The amended Cimarron Village Master Plan designated this lot as part of Phase 1 and classified the lot as a commercial lot, listing retail sales and services up to 50,000 square feet as a permitted use. Therefore, the original application for the administrative permitted use" Site Development Plan / Development Permit was reviewed administratively and did not require a public hearing for approval.

On October 18, 2019 the Land Use Administrator approved the Site Development Plan / Development Permit # 19-541 with conditions. The approval was based on the applications meeting all applicable standards of the Sustainable Land Development Code. With the proposed use being consistent with the permitted uses for the property identified

in the amended Cimarron Village Master Plan. This approval also took into account positive comments / approvals from all applicable review agencies, as well as staff, internal and state review agency comments. These comments were in compliance with County and state regulations. The administrative approval conditions for permit # 19-541 are as referenced in the approved Development Order as shown in Exhibit 8.

On October 25, 2019 Mr. Edgar Catanach submitted an appeal requesting that the Land Use Administrator's decision to approve the Site Development Plan and Permit # 19-541 be reversed.

On November 21, 2019 the Santa Fe County Planning Commission heard the appeal by Edgar Catanach and reversed the Santa Fe County Land Use Administrator's decision to approve the permitted use Site Development Plan and Permit for the Dollar General Store in Eldorado.

At the November 21, 2019 Santa Fe County Planning Commission meeting, the applicant for permit #19-541 and its legal representative, Joseph Karnes, and project manager, Morey Walker, spoke on behalf of the application. Approximately 40 members of the public spoke in support of Mr. Catanach's requested appeal and against the administratively-approved Site Development Plan and Development Permit.

Members of the public who spoke in favor of Mr. Catanach's appeal expressed concerns with traffic, safety, drainage, fire hazards, and potential harm to local businesses in the area that could result from approving a Dollar General store within the community.

At the Planning Commission meeting, a petition with approximately 1,900 signatures from local residents in opposition of the approval of a Dollar General store within the 285 Corridor was entered into the record. It was also included in the Planning Commission's meeting minutes and exhibits. Additional handout materials were presented to the Planning Commission by members of the public during the public hearing portion of the meeting. These materials were also entered into the Planning Commission's meeting minutes and exhibits record as shown in Exhibit 3.

Staff made the following recommendation at the November 21, 2019 Planning Commission Meeting: Staff determined that the Administrative permitted use Site Development Plan and Permit #19-541 met all applicable requirements and design standards set forth in the SLDC and complied with the previously approved Cimarron Village Master Plan. The area has the right to be developed in accordance with the previous approvals granted by the BCC per Chapter 8.10.10.2 of the SLDC. State and other County review agencies have reviewed the project in detail for compliance with applicable state, fire, utility and transportation regulations and support the approval of the application. The appellant did not provide any information that stated that the application did not comply with the SLDC therefore, staff recommended that the Planning Commission uphold the Santa Fe County Land Use Administrator's decision to approve Development Permit #19-541 subject to the approval conditions as referenced in Development Order as shown in Exhibit 4.

On March 20, 2020 the Planning Commission issued a Final Order for case # 19-5240, the Edgar Catanach Appeal. On March 30, 2020, Pedigo Construction, LLC, and Joseph Karnes, Agent, filed an appeal of the Planning Commission's Decision on case #19-5240 that overturned the Land Use Administrator's decision to approve the Site

Development Plan and Development Permit # 19-541. This is as shown in Exhibit 1, and this appeal was submitted in accordance with Chapter 4, Section 4.5.4 of the SLDC.

Staff has determined that the administrative permitted use Site Development Plan and Permit #19-541 meets all applicable requirements in the SLDC and is in compliance with the previously approved Cimarron Village Master Plan.

Staff has determined that the first appellant, Edgar Catanach, did not provide testimony or evidence that the application did not meet the SLDC. Therefore, there were no grounds to justify the Santa Fe County Planning Commission's decision to overturn the approval of the Land Use Administrator.

In conclusion, the original application meets all requirements. Therefore, staff recommends that the Board of County Commissioners grant the appeal of Pedigo Construction, LLC, and their legal representative Joseph Karnes, thereby upholding the Santa Fe County Land Use Administrator's decision to approve the original administrative permitted use Site Development Plan and Development Permit.

Mr. Chair, may I enter the conditions as stated in the staff report into the record?

CHAIR ROYBAL: Yes, please do.

MR. MANZANARES: Thank you, Mr. Chair. Mr. Chair, the appellant's agent, Mr. Joseph Karnes, has brought to staff's attention that he noticed that one of the public notice boards had either been blown off or removed for a short period of time during the public noticing requirements. He immediately repaired the sign and reposted it. The public notice board in question was put up immediately after repair and was posted for the minimum 15 days required by the SLDC. Therefore it has been determined that the public noticing for this case and every substantial case has been adequate. Mr. Chair, I stand for any questions from the Commission at this time.

CHAIR ROYBAL: Thank you, Mr. Manzanares. Do we have any questions from any of the Commissioners? I'm going to go to Commissioner Hansen first.

COMMISSIONER HANSEN: I would prefer to ask my questions after everybody else speaks but I'm going to ask one question. When was the master plan amended?

MR. MANZANARES: Mr. Chair, Commissioner Hansen, the master plan was amended in 2008.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I'll come to you last. Commissioner Hamilton

COMMISSIONER HAMILTON: Thank you. Nathan can you speak to any conditions if they exist that are put on this that have to do with consistency in appearance with landscaping and other kinds of conditions that were put on this development, consistent with commitments that were discussed during the public hearings years ago when the plan was approved?

MR. MANZANARES: Mr. Chair, Commissioner Hamilton, this application was reviewed in accordance with the 285 Corridor regulations and it was set forth in Exhibit 8 of the development order that the project meet all applicable design standards of the 285 Corridor. Also, I don't know if it's possible. I can potentially share a better rendering of the allegations that show what the exterior of the building is going to look like. It's going to be stuccoed, pueblo-style and it will also have some portals added

as well. It's not going to look like your everyday Dollar General Store. Let me see if I'm able to share these pictures.

COMMISSIONER HAMILTON: Thank you.

MR. MANZANARES: So right here, this is available in your packet. This is the original application for 19-5241. These are the proposed exterior elevations. As you can see, there's going to be some decorative rock on the bottom. The east façade will be stuccoed. These are also pergolas that are going to be installed as well.

Mr. Chair, is there any further questions from the Commission?

COMMISSIONER HAMILTON: Mr. Chair, is there any way to share this with the public?

MR. MANZANARES: Mr. Chair, Commissioner Hamilton, this information has been shared with the public and a number of people requested to view the file during the Planning Commission appeal and a lot of community outreach was done to the community and this has been shared. It's also available in the packet material as well.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Did you have any additional questions, Commissioner Hamilton?

COMMISSIONER HAMILTON: Not at the moment. Thank you.

CHAIR ROYBAL: Okay, I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: I don't know if Commissioner Moreno would like to go before me but this is certainly his district. I don't know if he doesn't mind me going before him. Whatever you like.

CHAIR ROYBAL: I believe this is Commissioner Hamilton's district, but I can go to Commissioner Moreno. Commissioner Moreno, are you ready to speak?

COMMISSIONER MORENO: Well, the defining line is the highway, so we share the road. And so I'd like to hear from the community.

CHAIR ROYBAL: Okay. Thank you, Commissioner Moreno. Is that your comments for now, sir?

COMMISSIONER MORENO: For now.

CHAIR ROYBAL: Thank you. Commissioner Garcia, back to you.

COMMISSIONER GARCIA: Very well. I appreciate that. In regards to appearances, Commissioner Hamilton stated – in regards to the 285 Corridor recommendations and ordinances, I guess just looking through the site plan that was submitted by the developer as to how he worked with the area residents, I understand the stucco color. Everyone wants brown stucco in the County of Santa Fe so I just actually – I want to know if the applicant actually met – how many times did he meet with the area residents as into – I understand this box store type development that we're talking about but I was actually looking at something on Good Morning America, three, five weeks ago, they had a store similar to this in another part of the country and I don't know if it was actually Durango or where it was.

It didn't really look like an Albertson's. It didn't look like this type of store because of the regulations that we have in those different cities, and I was just wondering if the developer back then actually did work with the area residents. Some of the things I looked at is the parking. The parking lot seems to be right in the front of the development on the proposed site. I was wondering how come – isn't the parking lot supposed to be in

the back of the store? Those are just questions that I have also.

In regards to the New Mexico Department of Transportation, what was their recommendation in regards to the traffic, because that is a state highway.

And just really quick on another note, the sign – even though the public notice sign was blown away, obviously everybody knows what's happening there because they're all online so I don't see there's a problem with the signs. But I don't know – Nathan, if you want to answer some of those questions as to why the parking lot isn't in the back, and what does the DOT say. Those are all I have for now, Mr. Chair. Thank you.

MR. MANZANARES: Mr. Chair, Commissioner Garcia, to answer your first question, this project, like I stated, was classified as a permitted use site development plan per the previous master plan approvals. The project was also under the threshold of 10,000 square feet to hold a public meeting prior to submittal. So there was no community meeting requirement for the submittal. As far as the parking, we did review that and it is in accordance with the 285 regulations. The Department of Transportation reviewed the application as well and they stated that no improvements are required and that the intersection is sufficient and will remain sufficient, and actually operates at a level B classification.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Just for my bearings, can you tell me where exactly it is? Is it going to go off of the main T intersection off of 285 there? Or is it actually going to – or is it actually – is it located where the feed store is? Where exactly, for my bearings is this property or this building actually at?

MR. MANZANARES: Mr. Chair, Commissioner Garcia, this is in the intersection of 285, Camino Valle and Camino Amistad, the four-way intersection.

COMMISSIONER GARCIA: Mr. Chair, so it's pretty much at the first intersection once you get off of the I-25.

MR. MANZANARES: Mr. Chair, Commissioner Garcia, that is correct.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Nathan.

COMMISSIONER HAMILTON: Mr. Chair, can I ask one more quick question?

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hamilton, and then we'll go back to Commissioner Hansen and see if she has anything. So Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Nathan, are there any constraints on the sign height or the nature of the Dollar General Store sign that will be at this location?

MR. MANZANARES: Mr. Chair, Commissioner Hamilton, the sign is going to come in as a separate application. It was not submitted with this application. It is part of the development order approval conditions that are shown in Exhibit 8 that a sign permit will come in after the appeals are processed, and it will have to meet the requirements of the SLDC.

COMMISSIONER HAMILTON: So do you know off hand what those requirements are going to be?

MR. MANZANARES: Mr. Chair, Commissioner Hamilton, let me just pull that up real quick if you'll bear with me. There is definitely going to be height

requirements, lumination requirements. It's more likely not going to be your average Dollar General sign. It's going to have to meet the community's Dark Skies Act requirements and will also have to meet the County's height requirements as well.

COMMISSIONER HAMILTON: And some consistency in terms of style and appearance?

MR. MANZANARES: Mr. Chair, Commissioner Hamilton, that is correct.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER GARCIA: Mr. Chair, regarding the question from Commissioner Hamilton, a lot of times a lot of that stuff isn't in the packet, so two very good questions.

COMMISSIONER HAMILTON: Yes. I'm aware of that. I wanted this discussed live on the broadcast for everybody's benefit.

CHAIR ROYBAL: Thank you, Commissioners. Commissioner Hansen, I'm going to come back to you.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I appreciate your question, Commissioner Hamilton, about signage. I did not see that in the packet. Besides the brown stucco on the building, what else on the building is in some kind of traditional style? You said portals. I couldn't really tell from the elevation in the packet or from the image you showed. Will there be portals on it? What is going to make it look like it's part of the community?

MR. MANZANARES: Mr. Chair, Commissioner Hansen, I'm going to pull that image up one more time. Let me see if I can zoom in on this a little bit here. So as you can see there's going to be some rock façade on the bottom. There's also going to be some viga-type pergolas that are going to be installed as well as some portals on the side here. It does meet the requirements of being an earth-tone stucco and the pergolas and portals are just some added design feature to make it look more like the area.

COMMISSIONER HANSEN: Okay. That will suffice for the moment.

CHAIR ROYBAL: Thank you, Commissioner Hansen. If there's not any other questions or comments from Commissioners I'm going to go on to our next presenter in line and that's Mr. Danny Martinez.

JOSEPH KARNES: Excuse me, Chair Roybal. I'm the applicant.

CHAIR ROYBAL: Mr. Karnes?

MR. KARNES: Yes.

CHAIR ROYBAL: That is correct. You're absolutely right. We're going to go to your first, Mr. Karnes. So go ahead and proceed, and then we go to Danny Martinez after.

MR. KARNES: Thank you, Chair Roybal, members of the Commission. Would you like me to be sworn in?

CHAIR ROYBAL: You can state your name and address for the record.

MR. KARNES: Sure. Joseph Karnes, Sommer, Karnes and Associates, 125 Lincoln, Suite 221, Santa Fe, New Mexico.

MR. KARNES: Thank you. I'll go right ahead. I'll be about ten minutes. I'm here tonight to speak on behalf of the project applicant, Petigo Construction, and their principals, Jerrold Petigo and Drew Crosby, who are on the line with us tonight.

Also with us present is Morey Walker, the project engineer. These three gentlemen will be available to answer any questions that you have and Mr. Walker will address any questions concerning traffic or engineering.

I stand before you tonight in solidarity with your Land Use staff, the SLDC approved by this body, and the Cimarron Village Master Plan approved by this body to ensure, first of all, that everyone is aware that this body, by approving the master plan, creating law, declaring that up to 50,000 square feet of retail sales and service use within the master plan area is a permitted use that may be carried out as a matter of right.

My second point is that by adopting the SLDC and the master plan, this body delegated the responsibility for reviewing applications for permitted uses to your Land Use staff to ensure that the applications meet the technical requirements of the SLDC and to make an administrative decision without the exercise of any discretion. That is what staff did in this case and as you just heard, staff administratively approved the application because it met all the requirements of the SLDC and the master plan.

The reason we're here tonight is that the Planning Commission, by overturning staff's approval in denying the application did not follow the express requirements of the SLDC and the master plan, putting you in the awkward position of having to make a decision on an application for a permitted use that this body previously delegated to staff for an administrative decision. While County staff properly applied the SLDC requirements and approved the Land Use Administrator's decision, in considering the appeal filed by a neighbor, the Planning Commission declined to do so, thereby effectively abdicating its duties. The decision has resulted in unwarranted delay and expense to the applicant and property owner, damages the credibility of the SLDC and the County's land use decision making process, and provides false hope for those unwilling to accept the reality of the Cimarron Village master plan.

Commissioners, this case is not complicated. Either your SLDC and master plan mean what they say or they do not. The law created by this body is simple. Fifty thousand square feet of retail and sales and service are allowed to be developed within the master plan area as a matter or right. That is what the master plan states and that right is what your staff and your counsel who reviewed the staff report are trying to ensure they're properly applied. This body held several public hearings before adopting the master plan and decided to allow the 50,000 square feet of retail sales and service as a permitted use which may be carried out as a matter or right. The public process was carried out years ago and it's the law of the land today.

Those who refuse to accept that reality are on the wrong side of the law here. Either having false hope or being unwilling to accept the reality of the master plan, your staff, including your County counsel, have done their best to explain that tonight's hearing is an administrative hearing concerning a permitted use subject to administrative standard of review, the same as when staff approved the application in the first instance. As stated in the staff report, this means that if County staff determines that an application for a permitted use meets the applicable SLDC requirements, the application must be approved.

Staff has recommended that you uphold your SLDC and master plan by approving this application tonight. I respectfully ask you to follow your staff's recommendation and overturn the Planning Commission decision, thereby avoiding damaging the credibility of

the SLDC and the County's land use decision making process. I know that you understand the fundamentals of how your SLDC works with respect to legislative and quasi-judicial decisions in the exercise of discretion and judgment. Administrative decisions like this one that are ministerial in nature and applied to permitted use like this one, which can be carried out by the applicant as a matter of right. Your SLDC sets forth the rules that apply to development applications for permitted uses within the master plan area. The SLDC defines a permitted use as a use "that is permitted by right within a given zoning district." That's in Appendix A of your SLDC. The SLDC further states that permitted uses, like this one, are subject to what are called ministerial development proceedings. Section 4.3.3 states, "Ministerial development proceedings involved non-discretionary application of the standards of the SLDC to an application. A public hearing is not required for an action on an application for ministerial development approval."

This body delegated the authority for reviewing and making decisions on permitted uses to Land Use staff for purely administrative review to ensure that the SLDC technical and design requirements, such as height, setbacks, number of parking spaces, driveway width, ADA accessibility, etc. meet the applicable SLDC requirements. These are object standards rather than discretionary standards, and this body did not delegate to staff any discretion whether to approve or deny the proposed permitted use, because this body already made that decision when it legislatively approved the SLDC and the master plan. To put it simply, if you meet the objective development standards you have a right to build your project and have a right to carry out your permitted use. That is what your SLDC says and it is what my client signed up for. In legal terms, my clients relied upon the SLDC to their detriment by investing time and money into a use that the SLDC designates as permitted.

As you staff has advised you, my client has already been subjected to an unfortunate delay and expense in doing so. Likewise, by adopting the SLDC, this body made law creating a process for appeals, and in this type of case, the SLDC allows for not one but two appeals. And as we know, each hearing is a do-over. It's a *de novo* hearing. That's what tonight's hearing is; it's starting from scratch. However, and this is the most important thing I have to say to you tonight, the standard of review does not change. In this case, because we are dealing with a permitted use, your staff acted in its administrative capacity in approving the application pursuant to a ministerial development proceeding.

The Planning Commission and now you stand in their shoes, and you are here to make an administrative decision on this application in the same manner. You're not here tonight to legislate and you're not here tonight to exercise discretion. That is what your law requires. You are here in the same capacity as your staff was, to consider this application for a 9,100 square foot retail use in the master planned area, when this body created law stating that retail is a permitted use that may be carried out as a matter of right. You are not in a position to exercise discretion and decide that retail use should not be carried out on this property. By adopting the master plan this body determined that up to 50,000 square feet of retail sales and service may be carried out in the master plan as a matter of right.

I cannot overemphasize this. If you question whether what I have just told you is true and correct, then please ask your staff or County counsel for their legal opinion on

this most critical of issues.

I'll wrap up by reiterating that your staff report recommends approval of the application. In this case your staff did its job thoroughly and professionally by ensuring that all aspects of the application meet the applicable SLDC and master plan requirements. It is the Planning Commission who put you in the unfortunate position of having to tell all the people tuned in tonight what the law applicable to this property is. As stated in the staff report, again, the credibility of the SLDC and the County's land use decision making process is at stake tonight. And as your staff and counsel have already advised you, the Planning Commission acted in a manner contrary to law, and the members of the public, who we will hear testify in a few minutes against this proposed permitted use, are either unaware of the fact that the master plan designated 50,000 square feet of retail sales and service as being a permitted use, which may be carried out as a matter of right, or they're unwilling to accept the reality of the law as made by this body.

Your job tonight is to do the same thing as your staff did, make an administrative decision pursuant to a ministerial development proceeding as to whether this application complies with objective SLDC and master plan requires, which you staff has advised you has been accomplished. Those who are unwilling to accept this reality are on the wrong side of the law. The reality and the law is that up to 50,000 square feet of retail services and sales may be carried out within the master plan area as a matter of right. Please don't fall into the temptation that the Planning Commission did of damaging the credibility of your SLDC and the County's land use decision making process by providing false hope for those unwilling to accept the reality of the Cimarron Village Master Plan. I thank you for your consideration and I request that you allow me a brief opportunity for rebuttal following the public comments before closing the public hearing. And at this point I'll be happy to answer any questions you may have. Thank you.

CHAIR ROYBAL: Okay, thank you, Mr. Karnes. If there's any rebuttals that are specific in regards to a comment that somebody from the public has made or somebody from staff, if you could do that prior to asking them to step down from their comments, before they're excused. Because we've also asked if they could get off of the Webex meeting and go to YouTube. So if you could actually – if you have anything you need to address with anybody from the public, if you could do it at that point, sir.

MR. KARNES: I will. Thank you very much, Chair.

CHAIR ROYBAL: Thank you, sir. Next, we're going to be hearing from Mr. Danny Martinez.

DANNY MARTINEZ: Commissioner Roybal, members of the Commission, my name is Danny Martinez. I represent the Miller family in the development of Cimarron Village.

[Duly sworn, Danny Martinez testified as follows:]

MR. MARTINEZ: My address is 7009 Maryland Avenue Northeast, Albuquerque, New Mexico, 87109. Mr. Chair, again, members of the Commission, Mr. Chair, I want to thank you for your comments regarding criticism from individuals involving Joe Miller, because Mr. Miller is no longer capable of supporting himself or presenting himself. I have represented the Miller family for over 40 years on all of these developments that we have in the Eldorado area. I can tell you that I've been very

disappointed in the emails that I'm getting from the public that are so critical of Mr. Miller for reasons unknown, because he's only accomplished very little in this community because of the results of a community that has total negative thoughts about how their community should be developed.

I go back to 1992 when we started these developments, Cimarron Village has actually gone through a number of cases where we have been tabled. We have been delayed. We have gone through an 11-year water moratorium. We have gone through lawsuits. We have gone through so much that the project itself going on 25 years and has been hindered.

Phase 1 of Cimarron Village was approved as a result of a court settlement between Santa Fe County and Mr. Miller and his family. In this court settlement, it basically gave us a right to move forward with the development. So when we got Phase 1 approved of the development along with the master plan, prior to that we went through numerous community meetings, public hearings. We had a total of 23 public hearings that were subjected to the SLDC that required a lot of input, involvement from both parties, and we basically all agree that, yes, we're on the same page a lot.

Well, now, we're at that stage of the game where we've got a development. This is one development besides the self-storage and the gas station that have actually happened on this property. The result is we are just being targeted by a community that – I'm not too sure, but I will say with all due respect to the community, because we're not done yet. Cimarron Village will move forth. With regard to this particular property, we did have a community meeting. We talked about the potential development along this Camino Valle route. We talked about the development around the gas station, affordable housing. We went through the whole thing and we know that we have a lot of support from the community because we have been told directly that we support the projects that you guys have before us.

And again, the reality is development will come forth in one form or another, whether it's through the Miller family or if we decide to sell the property, and I would like to mention, if the community wants to buy these properties out, let them come forth, because these properties are all for sale. And that includes all of the intersection at Camino Valle and anything else that Mr. Miller owns. Again, with all due respect, I just ask, Mr. Chair, do not let the public comments attack Mr. Miller because that's not right. That's not fair because he can't protect himself.

In regards to this project, in our community we talked about the possibility of whether it be a Taco Bell or whether it be a McDonald's or whether it be whatever – and again, I want to thank Mr. Karnes because he said it all for me. This development, as it was approved, has the ability to do all these things because the use list covers it all. So it's not like we're subjecting the community to undue projects that are impacting to them. This is a Dollar General. This is not only the Eldorado community; this would serve a wider range community all the way to Clines Corners to Pecos, even though Pecos has their own, and the Cañoncito area. It's not strictly an Eldorado project. It's a community project that fits in with a much larger community.

So Mr. Chair, members of the Commission, again, I respectfully ask that you take into consideration Mr. Karnes request that this project has met all aspects of the SLDC and I firmly believe that what happens here will have a major impact on the rest of the

development of Cimarron Village. And again, on my part, I welcome the community input but it's really hard going into community meetings when you have so much negative opposition against you because it's Joe Miller. That's what's wrong with this. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Martinez. I do want to go back to Commissioners if they have any questions of Mr. Karnes or Mr. Martinez. Any questions? Any show of hands?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Is this for Mr. Karnes or for Mr. Martinez?

CHAIR ROYBAL: I didn't ask the question for Mr. Karnes' presentation so I'm asking now if Commissioners have any questions for either gentleman.

COMMISSIONER GARCIA: Just really quick, Mr. Chair. I don't appreciate counsel telling me what my job is and how I need to vote and so first of all, I just want to put that on the record. Also put on the record to Mr. Karnes that I don't need to be reprimanded for what the Planning Commission did, so I just want to put that on the record. But I think the County Commission knows what their job is and I don't appreciate him coming forward and telling us what our job is or assuming what we're going to do. So I just wanted to put that on the record. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Okay, so we're going to go on to our fourth item. And then the third, basically this is going to be members of the public testifying against or in favor of this, so I'm going to go ahead and call on Tessa Jo. If you can start calling each individual. And just to remind everybody, you need to state your name and address for the record and be sworn in.

MS. MASCARENAS: Okay, we're now at the public testimony part of the appeal. I will call individuals by name one at a time. Once you're called to testify and only then will you be unmuted. Once unmuted, please identify yourself and state your name and address for the record. You will then be sworn in by the court reporter before being allowed to testify for up to three minutes. Once we've gone through the list of registered members of the public wishing to testify we will unmute everyone one time to see if any additional members of the public have joined the meeting and would like the opportunity to testify. So the first person on our list is Edgar Catanach.

EDGAR CATANACH: Good evening, Commissioners. Thank you for the work that you do for our community. I'm the initial opponent and my name is Edgar Catanach.

[Duly sworn, Edgar Catanach testified as follows:]

MR. CATANACH: Okay, well, so my wife and I, we're the ones who filed the appeal. We've been living out here for 30 years and our property has been in the family for the last 45 years or so. Now, I've known Joe Miller for over 30 years. We have a great personal relationship. I know his kids, and it's not a personal situation as much as it is a way of life that we feel is being threatened. And promises made to us in regards to the types of businesses that would be put out here and all of that being changed. Now, we gathered a few thousand signatures in a short period of time before that last hearing. There were a lot more people who wanted to sign and if we would have continued going I'm sure we would have a good 4,000 or 5,000 by now.

Community should have say in what kind of businesses that are being put out here. I'm not opposed to any businesses out here. I know development is going to happen but our concern is the types of businesses that are being put out here. If there are going to be franchises then this whole corridor is going to shift completely as to what the original layout was to be.

Now, I did want to say in regards to the impact of the overall Cimarron Village Master Plan, all six phases, is not being thoroughly considered for Phase 1 and so we believe that – I'm sorry. I'm kind of a little nervous about this, but our concern is that the minimal consideration has been taken into the overall effects of the master plan for this one phase and we thoroughly feel that the studies that were presented at the last hearing were inadequate and that there definitely needs to be more safety studies. This is a nuclear route, the WIPP corridor comes through this area and we've seen a lot of accidents and both of these two intersections and what they presented as their study was the minimalist that they could possibly have been.

When his master plan is completed there's over 100 businesses and uses on lots that will be developed. So all of that has not been in consideration just in regards to this one first phase. And that's a concern of ours. We know that this first one sets the precedent for the next businesses, corporate businesses or commercial places that will want to come out here and the charm of Santa Fe is basically – Santa Fe is the City Different for a lot of reasons and it's not just the city, it's the county. People see the charm of what we have because we're not like everywhere else, and when we start to allow the first ones out here then there kind of like goes the neighborhood and it's just going to be another overloaded corridor.

So those are the major concerns we have and the fact that it wants to be placed, right tucked underneath this nature preserve is just out of place. It could be put in his other Phase 2 or another phase that is not that [poor audio quality] and they are going to see this as the first thing as they come into Santa Fe, it's going to take away the charm.

CHAIR ROYBAL: You've run out of time, sir. If you could wrap up.

MR. CATANACH: So ultimately it is that we just feel that something else better could be there instead of a Dollar General. And a lot of people are feeling the same way. We just feel that it being administratively pushed through was just inappropriate. And I'm sure that more are going to cover more of the topics and [poor audio quality] Thank you for your time and for being heard.

CHAIR ROYBAL: Thank you, sir. We appreciate it, Mr. Catanach, sir. Tessa, can we go to our next speaker.

MS. MASCARENAS: Our next speaker is Kari Catanach. Kari Catanach, are you there?

MR. CATANACH: My wife had decided that she did not want to speak, being that both were on the same page with what we were going to be expressing. And so she chose to not speak.

MS. MASCARENAS: Okay. Thank you. So next we will go to Roger Taylor.

ROGER TAYLOR: Good evening, Commissioners. Roger Taylor. 54 Camino los Angelitos, Galisteo, co-chair of the 285 Sustainability Alliance.

[Duly sworn, Roger Taylor testified as follows:]

MR. TAYLOR: Quoting from the land use summary document, on October 18, 2019, the Land Use Administrator approved the site development plan and permit for the Dollar General Store with conditions. The approval was based on the application's meeting all applicable standards of the Sustainable Land Development Code. No one is contesting the commercial uses of this development, the sizing or the location. We are contesting whether in fact the applicant did meet procedural standards of the SLDC in one particular area.

The code requires community input through community meetings with the developer or his or her representatives is supposed to provide a good faith overview of the proposed business initiative. We submit they did not follow this SLDC requirement in consistent good faith, but instead appears to have performed what is in effect a bait and switch or back door entry, presenting one concept to the public to obtain approval of the amended plan, and then later introducing a proposal, the dollar store, without public input and in conflict with what was presented earlier to get approval of the amended plan.

Members of the 285 Alliance Steering Committee attended all the public hearings. We have copies of the drafts that were presented. We interacted and met separately with Joe Miller and Danny Martinez and other representatives. At the last public meeting of Cimarron Village held in March of 2016 at the Country Store, a picture was painted of organic food stores, memory care, assisted living, medical facilities, affordable housing. The public was assured the proposed development would be the type of stores and businesses that would be compatible with existing businesses in the area and not duplicate those businesses.

Members of the public directly asked if a dollar store would be considered and Mr. Miller and Mr. Martinez both said no. Questions about Taco Bell, etc. were also raised and they said those were not under consideration. So that discrepancy explains why you have 1,900 petitioners saying no, because the petition – the public was left with an idea of what this amended proposal would be and now a new concept is being introduced that we were told was not going to happen, and now they're trying to put it in through this initiative.

We believe that this is inappropriate, that the public was misled, and therefore this should not be approved. Thank you for your consideration.

CHAIR ROYBAL: Thank you, Mr. Taylor. Tessa, could we have our next speaker, please.

MS. MASCARENAS: Our next speaker is Kathryn Toll.

KATHRYN TOLL: My name is Kathryn Toll and I am co-chair of 285 All, which is Highway 285 Sustainability Alliance.

[Duly sworn, Kathryn Toll testified as follows:]

MS. TOLL: If Dollar General gets approved on the basis of meeting the letter of the law, to begin with I'd like to say that it's not only the letter of the law but also the law's intent that matters. I have to ask what about the intent of the SLDC? Or of the overlay that is incorporated in the SLDC to protect this corridor? That intent and the voices of local residents should have standing. Besides, it's also my understanding that a convenience store in the SLDC is a conditional use, and that would require a public meeting. That you can check and I wish somebody would.

This is not an anti-retail argument that we're making. It's just not what Joe Miller

and his representatives told us we were going to get, either in public meetings or on one occasion, quoted in the *New Mexican*. At those times he spoke of businesses and services that the community needs and would welcome. If Dollar Store is Phase 1 what will be attracted to fill the subsequent stages? The Dollar General is a predatory business model that guts local businesses. It's well documented as well as their track record of lawsuits. Since the year 2000 they have been fined almost \$49 million for employment discrimination, accounting fraud, wage violations, workplace safety, health violations, consumer protections and environmental violations. In fact in June of 2017 the New Mexico Attorney General's Office sued them for harmful business practices.

Retail at the Agora and La Tienda is locally owned and staffed. They participate in food drives, collect donations for causes and have helped build a sense of community. With COVID-19 we've already lost a few. Those who have been able to remain open have gone beyond. They've made enormous efforts to serve the community and Dollar General would be an impossible stress on those remaining. If this goes forward, businesses at the Agora and La Tienda will close. Local investments and jobs will be lost in the end and instead of augmenting the County tax base, the tax could diminish. Thank you.

CHAIR ROYBAL: Thank you, Kathryn. Tessa, can we have our next speaker?

MS. MASCARENAS: Patricia Greer. [Patricia Greer did not appear]
Okay our next speaker is Destiny Allison.

DESTINY ALLISON: I'm Destiny Allison, 4 Sunlit Drive West, Santa Fe, New Mexico, 87508.

[Duly sworn, Destiny Allison testified as follows:]

MS. ALLISON: So again, thank you for giving us an opportunity. I want to address the gentleman who is representing the Dollar General and the development here, who has said that you have to do this because it's the law. The reality is this development was first approved in I think 1992. The last time the public had an opportunity to seriously weigh in on the amendment according to him was in 2008. Dollar General didn't actually become a public entity until 2009. Back then, Dollar General, we didn't even know what it was. We didn't know that retail like this could exist. Since the last ten years, on top of this, we've had a 50 percent turn in the community, which means that only 50 percent of the community has ever had an opportunity to weigh in on this master plan/development plan. On top of that, in the last economic development plan and its overlay, the 285 Corridor, the Joe Miller property and its master planned development was excluded from public comment.

So we are seriously challenging his testimony that says you have to make a decision on this, because according to our understanding, the law reflects the values and the people that it serves and changes constantly as communities and nations evolve. So that's number one.

And the reality as mentioned by the previous testimony, Joe Miller was quoted in the *New Mexican* in 2016 saying that this community didn't want a dollar store and that truth hasn't changed. You've seen the petition signatures and heard the tremendous amount of public comment. Eldorado believes in local business, and the businesses in the community care about the emotional, physical and aesthetic well being of its community.

They're not only trying to make a profit they're trying to make a difference in the lives of the people they serve.

But perhaps most importantly for me, Dollar General is a predatory business that is responsible for creating food deserts across this nation. If a Dollar General took just 20 percent of our grocery store's profit it could go under and we would lose fresh produce, fresh meat, and other nutritional foods. It happened in Pecos. It happened in other areas of New Mexico, and it's happening all over the country today and I'm asking you today to not let that happen in Eldorado, which also serves Pecos, Glorieta, Galisteo and Lamy. The Dollar General does not reflect the values of Eldorado and its surrounding communities. It doesn't fit in with our beliefs, but more importantly it puts our community in danger. Thanks for your time today.

CHAIR ROYBAL: Thank you, Destiny Allison. We appreciate it. Can we have our next speaker, Tessa Jo?

MS. MASCARENAS: Steve Ewers.

STEVE EWERS: Hi. Steve Ewers, 4 Sunlit Drive West, 97508.

[Duly sworn, Steve Ewers testified as follows:]

MR. EWERS: When we had the first meeting on this, the first protest on this, the point I brought up was that in 1956 a building was built in Santa Fe that shocked the senses of the city and it passed all the historical laws that protected the city. And had they not done that Santa Fe would be a little dirt town. It wouldn't be the destination that everyone wants to come to visit and many want to come here and stay and live. And right now, that's the crossroads that we're at out in Eldorado. If you let this happen, if we get a Dollar General, we know what comes next: the next dollar store, the next franchise, the next predatory business.

If this goes through, the 1,900 people that signed that petition will be the first 1,900 people that will start to move toward Eldorado taking control of its own destiny. We'll end up having a Dollar General but we will move to protect, set our own laws to protect the beauty that's there. Some of the speakers at the first meeting, the first protest, talked about not actually wanting to buy property in Eldorado if there was actually a Dollar General on that corner.

Anyways, the representative for the Miller family said look, if the community wanted to buy this property, they could. Well, the reality is, before Joe Miller, before this first protest happened, the Dollar General hadn't actually gotten its permit and [poor audio quality] We did offer to raise the funds to buy the property. [poor audio quality]

So there is a movement already organized that I'm going to try to raise the funds within the community. Many people have committed to providing funds to make the offer and buy that property at their asking price, and then work with the County and work with some non-profits and actually have that rezoned back to residential, and put in some affordable housing. The County's been trying to work on this for years and not been able to do it. This is something that can happen. I've got many, many commitments. Many people have already said they would be willing to put in between \$1,000 and \$5,000 and \$10,000 each. And \$5, and \$500.

But the fact is this project could go forward as a community project that nobody would oppose. But right now, nobody wants this. There has been nobody signing a petition or standing up and saying we want a Dollar General. If this goes through

Eldorado plans to incorporate and we will take control of our own destiny. We do not want to break from the county. We know where our tax dollars go and it's an appropriate spread now. Don't make us tear away from the county. Thank you for your time.

CHAIR ROYBAL: Thank you.

MS. MASCARENAS: Next we have Dick Wagner. [Dick Wagner did not appear.] And then after Dick Wagner is Priscilla Dakin. [Priscilla Dakin did not appear.] So our next person will be Paula Gianino, and she is present.

PAULA GIANINO: Yes. Thank you. My name is Paula Gianino. I live with my spouse, Katherine Williamson at 71 Camino Ocote. We've been 285 Corridor residents for the last 8 ½ years.

[Duly sworn, Paula Gianino testified as follows:]

MS. GIANINO: So for the record, we do not know Mr. Miller and also I believe it is really our American tradition that laws, master plans, be reviewed periodically and that they take into account what the taxpayers, what the residents, what the community members want. We're asking the Commission to do that and to oppose this construction. We obviously have concerns about increased traffic at this intersection. It just seems that putting a large box franchise store on a state highway will increase traffic. That's a given. And it will increase hazards for all of us who travel on 285 on a daily basis.

It's clear that the Dollar General and like-minded stores like that have a predatory, aggressive business model. And the stores that have invested so much to our community, the locally owned and operated stores in La Tienda and Agora will suffer and we'll lose them. These are stores that we rely upon. These are stores that we trust. We know the people who work there. We know the business owners in many cases. We have great concerns that a Dollar General Store would negatively impact our property values because it would be such an anomaly to have a big box franchise store in our community. And as many have said and others probably after my speaking today, from the numbers of community members, residents, taxpayers, who have come out in opposition to this application it's clear that the community doesn't want this and I really hope that our Commissioners will listen to us and work with us productively for a better outcome, a better use of this space. Thank you.

MS. MASCARENAS: The next person is Turner Mark-Jacob. Okay. Our next person is Dara Mark. Is Dara Mark here? Okay, we'll move on to Donald Mengay.

DARA MARK: Hello. Can you hear me? This is Dara Mark. And Turner Mark-Jacobs is right here. We're speaking from 37-B Old Road, Lamy, 87540.

[Duly sworn, Dara Mark and Turner Mark-Jacobs testified as follows:]

MS. MARK: Mr. Chair and Commissioners, thank you for listening to the concerns of the community. We live in the Old Road Ranch Subdivision, and before the Planning Commission in November I took the petition personally around to all of my neighbors in the Old Road Ranch Subdivision, and of all of the people I presented that to there was only one that did not want to sign that. There is overwhelming opposition to this particular development with the Dollar General. I believe that the predatory business model was not on anyone's radar when the master plan was approved many years ago. This is not retail as it was understood at that time, and I believe that there should be a separate category or this kind of business. It's predatory. It will impact our community

very negatively. And it is simply not what we understood when that plan was approved.

I did not live here. None of the neighbors in Old Road Ranch Subdivision lived here when that original approval – I think this needs to be reconsidered and the desires of the community need to be taken into consideration. Thank you very much. Do you want to add anything?

TURNER MARK-JACOBS: I just want to say that I think the original master plan was approve before the 285 Corridor became the route for nuclear waste to be shipped. So that just shows you how out of date and how in need of revision this original master plan is. The whole circumstance of the traffic, and now we have trucks with nuclear waste going down this corridor, that was something that wasn't even incorporated into the original master plan. So I think that it's just in need of revision and in need of an update. Thank you very much.

CHAIR ROYBAL: Thank you guys for your comments. Can we have our next speaker.

MS. MASCARENAS: Our next speaker is Donald Mengay.

DONALD MENGAY: My name is Donald Mengay. I'm here with my spouse. We live at 35 Cuesta Road in Eldorado, 87508.

[Duly sworn, Donald Mengay testified as follows:]

MR. MENGAY: I would like to join my voice with the other ones who take issue with Mr. Karnes' assertion that the wishes of the community don't matter, basically. That it's all a *fait accompli*. I'm thinking of Jake Jacobs' book, *The Death and Life of Great American Cities*, and the whole point there is precisely that the best cities take the wishes and the opinions and the knowledge of local communities into consideration. And so for that reason I'd like to make the argument that we in Eldorado and along the entire 285 Corridor know what is best for our community. We know the corner intimately that Dollar General is proposing to buy. We know the traffic patterns along 285 and the dangers it would present by increasing truck and semi traffic there. We know the number of families, many with children in direct proximity to that corner and how they'd be adversely affected. We know the potential for light, sound, air and land pollution, and we know the potential for turning the entire area into a food desert were Dollar General to get its way.

There are many elderly residents in the area who depend on the one supermarket we have. To lose that would be a devastating blow for them and the rest of us. We witnessed what happened in Pecos, not just what happened in Pecos but all across America as well. Many municipalities are instituting bans against dollar stores for that very reason. I would like to make an appeal to the Board of County Commissioners to listen to the voices of all of us who live in the area who oppose Dollar General. We aren't averse to development per se but it should be in the right way. Rather than being imposed on our community, development should be a process that is enacted with those of us who live here and love our community.

It is clear that opposition to Dollar General is substantial for all the reasons I and everybody else here has said. And we don't want to happen to our community what has happened elsewhere in New Mexico and across the country. Thank you so much.

CHAIR ROYBAL: Thank you, Mr. Mengay.

MS. MASCARENAS: Our next speaker is Betsy Walker.

BETSY WALKER: I'm here. Hello. Thank you. My name is Betsy Walker. I'm a 33-year resident and homeowner in Eldorado, #6 Manzano Lane, 87508.

[Duly sworn, Betsy Walker testified as follows:]

MS. WALKER: I would like to thank the Commissioners for this opportunity to speak and I also want to also thank everybody else who is here. It's really heartwarming to me when our community comes together. It's part of why I love living here. I share a lot of the same feelings that have already been expressed but I'll try to be brief so I don't take too much of your time.

I have a huge concern about the traffic issue. I think with the arrival and departure of large semi trucks that would be making deliveries to a business like this will add serious traffic hazard to those drivers who are exiting and entering I-25. Where they're proposing this is right at the entrance and exit off I-25, as well as other people who are simply driving north or south on 285. We already have traffic issues there. We don't need to compound that. The large trucks will need to take really wide swings across 285 right where drivers are hopefully reducing their speed as they're coming off the highway. We already have enough semis driving north and south, especially the ones from Los Alamos on 285. We absolutely do not need more trucks.

As has already been expressed, but I'll say it also, there's a real possibility that a store like this could put our local grocery store in jeopardy, not because of selling fresh meat and produce, but because of items like toilet paper and canned meats. Those are the things that let our local store actually make its easiest profit. If they get undersold, the Agora might have the rug pulled out from underneath them. The dollar stores in Pecos already put their local markets out of business.

And then my last point is I don't see that we need this. Mr. Martinez will say that this will serve a huge community, but that's not true. There's already plenty – no one's going to come from Santa Fe to Eldorado in order to go to the dollar store. No one's going to come from Pecos to Eldorado to go to the dollar store because those communities already have them. There just isn't going to be any. There is no need for it. So I really take exception to that claim that we're going to help a huge community because I don't believe we will. And I would just like to say not only is it the letter of the law but there's the spirit of the law. And if we need to have the Commissioners examine how this was passed originally, I would like you to really keep in your heart the spirit of the law. Thank you very much.

CHAIR ROYBAL: Thank you. Can we get our next speaker, Tessa?

MS. MASCARENAS: Our next speaker is Malcolm McFarlane.

MALCOLM MCFARLANE: My name is Malcolm McFarlane. I live in Eldorado at 74 Encantado Loop, 87508

[Duly sworn, Malcolm McFarlane testified as follows:]

MR. MCFARLANE: How do you destroy paradise? You do it a little bit at a time. There's no doubt that we who have moved to Santa Fe, moved here to be part of paradise. Now, the lawyer was rather humorous when he mentioned that, oh, the law of the land today and you can't do anything about it. Well, the law of the land used to be that a black man was a slave. We changed the law. The law of the land used to be a woman was chattel. She had no right to contract. We changed the law.

The law is a changing, growing entity that reflects the wisdom of the times. All

right? So there's a reason we have zoning, because we recognize that there are permitted uses. I would like to talk about the issue of the ECIA nature preserve, which no one has talked about. It's a real harm to the community. If you're looking under the law, you say, what's the harm to the community? Potential and real harm. We have a 4,000-acre nature preserve by the ECIA directly behind the proposed space for the Dollar General Store. Now, are you going to put a Dollar General Store in front of Yellowstone Park? Why do we have to put one in front of our own nature preserve.

And let's not confuse this with the Galisteo Preserve, which is 9,000 acres, which is no more than about four miles further down the road on 285. Well, that brings up the point that Highway 285 is the absolute beautiful gateway to Santa Fe from Texas coming up Clines Corners. People are coming to Santa Fe not to see a Dollar General Store as their first impression as they come into Santa Fe.

Well, let's talk about the reality of money and what the businesses are in Santa Fe. Let's look at the collective whole of Santa Fe County. We just found out that the City of Santa Fe has a \$46 million hole in their budget from tax revenue. Well, if you calculate this ballpark, ten percent tax on sales, that's \$450 million of purchasing power. Ten percent gives you \$45 million. Okay? That's people not coming here because of the virus. You pave paradise, put up a parking lot, pretty soon people stop wanting to come up 285 from Texas and come to Santa Fe? Why? Because there's a Dollar General Store? What's the big deal? 15,000 of them. We don't need another Dollar General Store.

Let's talk about tax revenue. Tax revenue will decrease. There's probably almost \$2 billion in housing in the 285 Corridor. If you just decrease tax one-tenth of one percent you're losing revenue that's not going to be made up by a Dollar General Store. Okay? Well, let's face it, a Dollar General Store has a market cap of over \$40 billion, 15,000 stores. They offer low-wage jobs, less than 40 hours a week so they don't have to pay benefits, and that is inconsistent and incompatible with our community. We're the little people. We're not the big guys. The big guys here are the ones that are trying to build.

CHAIR ROYBAL: Thank you for your comments, sir. If we could go on to our next speaker.

MS. MASCARENAS: Chris Napp.

CHRIS NAPP: Hello. I'm Chris Napp, 7 Encantado Circle, Eldorado.

[Duly sworn, Chris Napp testified as follows:]

MR. NAPP: The attorney for the developer did state that this decision is a matter of right. I disagree with this and I think we've heard a lot of people say that they disagree as well. Mr. Karnes would like the County Commissioners to feel that they have no discretion in the approval of this because the SLDC has already been approved. That the project already complies with the SLDC and the analysis has all been reviewed. If this was the case it would go very far with your constituents, the taxpayers, to make those reports readily available so that we can all come to that same conclusion, because I don't think that due diligence was completed there.

How do we really know that it does comply with our 12-year-old plan which has its own issues? So anyway, I said in my email that my concerns are much like the November meeting with little opportunity for notice and opportunity to comment. A lot has happened since the meeting in November, but unfortunately there's been little

additional information shared. I looked for copies of the analysis, i.e., an environmental assessment on how Dollar General complies with the County Development Plan. I'd really like to see the analysis done for traffic. I'm specifically interested in the traffic analysis and in particular how this proposal will affect not only traffic numbers but also patterns and the number of intersections. And that's not just this project but the total over the whole development.

This is the first project in this corridor. How will the additional traffic to these businesses be handled? 285 is a dual lane federal highway. Adding a Dollar General, as well as those other additions in the future, all add hazards. Federal highways has apparently recognized this and they've reduced the speed limit to 45 in there. I bike through this area all the time, and there's a lot of people that bike through this area. Adding the additional traffic, especially people turning at intersections, and especially as the proposal goes into the future, adding more intersections is a hazard, not only to drivers but to motorcyclists and cyclists and pedestrians.

One thing I would like to bring up is every year there's an event that occurs in Santa Fe that brings 2,000 people to Santa Fe. A lot of revenue. The Santa Fe Century. 2,000 riders go right by that intersection. So how did the analysis do anything with that? I'd like to actually see a little bit more due diligence and transparency in the case of this particular proposal. I don't think it's been met. I think that's why you see so much angst among the community. We just don't feel it's out there so please take a pause. Let's look at this. Let's see if the SLDC needs to be revised, updated, and see if the project truly does comply. I see I'm out of town. I appreciate it, and are there any questions?

CHAIR ROYBAL: No questions, sir. Thank you. Can we have our next speaker, please?

MS. MASCARENAS: Okay, our next speaker is calling in it would be Terry River.

TERRY RIVERA: Yes. Hello. This is Terry Rivera in a lot of local organizations that benefit not only the County of Santa Fe but the very poor –

MANAGER MILLER: Ms. Rivera, you need to give your name and address and be sworn in for the record.

MS. RIVERA: Okay. I live at 83 Two Trails Road.

[Duly sworn, Terry Rivera testified as follows:]

MS. RIVERA: As I was saying, I have been very involved in the community. I've lived in Santa Fe all my life. My ancestors have all lived here in Santa Fe in this area. I live at Two Trails Road, and I just wanted to say that I am in favor of this store. First of all, when they keep saying "the community" does the community just involve Eldorado or does it involve Galisteo, Lamy, Cañoncito, Cañada de los Alamos? Like us here on Two Trails Road, Old Santa Fe Trail, Old Las Vegas Highway? We were not informed of any of the meetings. But I did hear several comments at one of the meetings that really bothered me, and one was that this type of business should not be allowed to be built here because it should be more – it's more – it should be built in the south side of the City of Santa Fe.

And then another speaker got up and said this kind of business should not be allowed in Eldorado, because I myself would not want a dollar store here. I would prefer an upscale business. Now what does that sound like to you? If it's not prejudice and

racial, I don't know what it is. First of all, let me tell you, not everyone can afford to buy from the private small business. There are many in this area that cannot afford to buy from these small stores that are now in Eldorado. They are not privileged economically like a lot of people there in Eldorado are. And I really can't see what the problem is with this store.

Somebody said that the store would take produce and meat. I've never seen produce and meat at any of the dollar stores. But if the County Commission wants to continue this area segregated they can do so by voting against the dollar store, because that's what we have become in this area – segregated. Everything that the well to do and the well privileged people don't want is put into the south side. Nothing is allowed in this area.

So County Commissioners, I'm telling you, if you want to continue this segregation, go ahead and vote against the dollar store, because that is what you're doing. And I see it every day of my life. I live here and I'm the only Hispanic family in the whole area. And notice the people that have called in tonight. Not one Hispanic person has called. I am the only one that has called. And they have no knowledge of what is done, like the anglos in Eldorado. That's all I have.

CHAIR ROYBAL: Thank you, Ms. Rivera.

MS. RIVERA: Okay. Bye.

CHAIR ROYBAL: Okay, Ms. Mascarenas. Who's our next speaker?

MS. MASCARENAS: Butch Martin.

BUTCH MARTIN: Thank you. My name is Butch Martin, 85 Alteza,
87508.

[Duly sworn, Butch Martin testified as follows:]

MR. MARTIN: Thank you for allowing me to state my views. My wife and I are property owners in Santa Fe County and are not in favor of locating a Dollar General here in Eldorado. Dollar stores have created food deserts around the country. The shops at Agora and La Tienda serve 13,000+ people along the 285 Corridor. The John Brooks grocery market offers diversity in their offerings that Dollar General would not offer. Brooks, for instance, offers organic fruits and veggies. Dollar General won't offer that. Brooks also sells numerous homeopathic healthcare items that Dollar General certainly won't carry. Brooks offers a great tea selection. Dollar General won't offer that. Brooks offers prepared foods to go and has introduced a vegetarian line called Mata G.. Dollar General won't offer that.

The CBS Sunday morning piece on Dollar General I saw months ago suggests that the chain sells nutritionally deficient, over-processed food items containing too much sugar, fat and salt, and we are at a moment when nutritional immune support is critical. When I was gathering petition signatures at Agora against the proposed location, there were times when I had three clipboards going at the same time. People standing in lines eager to sign the petitions and oppose locating Dollar General here in Eldorado. I didn't advertise or have a booth and I didn't have any anti-Dollar General buttons. I signed up approximately 300 people. There were some in favor but overwhelmingly the majority was against it.

Should this project go forward and Brooks be put out of business, please realize that it might leave thousands of us up and down the 285 Corridor in a food desert. Based

upon my experience with the petitions, the proposed dollar store location lacks support by most of the people who live out here. Thank you.

CHAIR ROYBAL: Thank you. May we have our next speaker, Ms. Mascarenas?

MS. MASCARENAS: Belinda Berse.

BELINDA BERSE: My name is Belinda Berse, 14 Quedo Road.

[Duly sworn, Belinda Berse testified as follows:]

MS. BERSE: I have been listening to the input from all these folks with their concerns and their love of their community, but I will say that I am not as eloquent or having as much detailed background as those people that have spoken before or against this dollar store so I will say upfront that I agree with them and I appreciate all their different pieces of information and all their wonderful ways of expressing their concerns about a Dollar General coming to Eldorado.

I believe a Dollar General Store is inappropriate and not needed in this location. I believe that it will increase traffic on an already very dangerous road where we've had numerous serious accidents and including a fatality. I also believe that Dollar General will take away business for already established and excellent stores that beautifully supply our community. We also have a wonderful farmers market that people are able to rely on.

There are already a number of dollar stores in close proximity. Why do we need another one? There are multiple dollar stores in Santa Fe and also in Pecos. We don't need one here. And that's what I have to say, and thank you for listening.

MS. MASCARENAS: Thank you.

CHAIR ROYBAL: Thank you for your comments. Can we get our next speaker please.

MS. MASCARENAS: Teresa Seamster.

TERESA SEAMSTER: Yes, I'm here. Thanks. My name's Teresa Seamster. I live at 104 Vaquero Road, which is just off of Highway 285.

[Duly sworn, Teresa Seamster testified as follows:]

MS. SEAMSTER: Thank you, Commissioners. I think this really is an issue that should be before our elected officials. This is not about a project meeting or not meeting the requirements of a County ordinance or the Sustainable Land Use Plan. Whether or not it meets those requirements I think is somewhat debatable and I think there are a lot of unanswered questions about the traffic safety and some of the other issues that have been brought forward tonight. I think the main problem is the nature of the dollar store and as many people have already pointed out, and I won't repeat a lot of the same comments, but dollar stores nationally do kill off local and rural grocery stores. They underprice dry goods. They don't carry fresh foods that people absolutely need for proper nutrition, and they have led to closures of long-term grocers. Adela's in Pecos and down in Mountainair the B Street Market was closed because of the competition from the dollar stores there was so intense that the stores that actually carry nutritious food and well priced food were not able to compete.

Now, for people who are concerned about the amount of money that they pay for their groceries, I did do a comparison. I live, as I said, right across the highway from Eldorado, so I drove over to Pecos and bought four items and did a price comparison with

a quart of milk, a loaf of bread, a can of beans that had meat in it, and a pack of six protein bars. And I will tell you that those items were the only foods I could find at the Dollar General in Pecos that actually had any nutritional value. They basically have aisle after aisle of chips and snacks and candy and sodas and some canned goods that don't look like they're really that much in date. They look really like they've been there a long time. There was one case of milk and ice cream and there was nothing in the way of fresh vegetables or meat or even eggs.

And while I was there a young woman came in who was about – well, she was maybe seven months pregnant who asked if there were any eggs for sale and said she had been told there were eggs there at the store, and the cashier, said, no, the eggs haven't come in. And when I looked around, there didn't look like any kind of special egg case which is where they're normally placed. So after that I went to the John Brooks Store in Eldorado and bought exactly the same brand of milk, the same brand of bread, the can of beans and the protein bars, and the difference in price was I spent \$11.05 over in Pecos and I spent \$10.53 in Eldorado. And at the same time, in Eldorado, if I'd wanted to buy other things that might have a higher nutritional value I could have done that.

So in terms of price, I don't see that the Dollar General can bring any economic benefit to our community. If people need to save on money for their groceries this isn't the way to do it.

CHAIR ROYBAL: Thank you, ma'am, for your comments. Ms. Mascarenas, can we have our next speaker, please?

MS. MASCARENAS: Our next speaker is Carol Beidleman.

CAROL BEIDLEMAN: Hi. My name is Carol Beidleman and I live at 35 Tetilla Road in Eldorado.

[Duly sworn, Carol Beidleman testified as follows:]

MS. BEIDLEMAN: Thank you. Thanks for this virtual opportunity. I greatly respect and appreciate your responsibilities. The Commissioners, related to ensuring that development proposals follow the County process and meet the County regulations, and I'm very grateful to you for allowing this opportunity for the public, and in particular those who live in the surrounding area where the Dollar General Store plan for, to have a voice in this matter. I'm also extremely grateful to the neighbors who had the conviction and took the time and put themselves on the line to appeal this development proposal, which allowed us this opportunity to speak up as those who will be impacted.

Whether or not it's under your purview, I want to point out some key objections to the 285 dollar store proposal. First, I want you to consider the unethical behavior of Dollar General and this family of companies, which many folks have talked about this evening, as evidenced by multiple lawsuits against them regarding shoddy and illegal practices. Second, I want you to know that this proposed development is considered useless and inappropriate as a business in our area where there's no need or desire to have such a tawdry commercial chain.

Third, I want you to be mindful of the fact that this proposed development would be an eyesore at the entrance to our rural residential area along 285 and immediately adjacent to the Eldorado community preserve with its beautiful and valued scenery and hiking trails. Fourth and most importantly for consideration which is within your purview

is to diligently and exhaustively ensure that this landowner and Dollar General are abiding by all necessary requirements to the complete satisfaction of the County Commissioners, and yet in the area of traffic study and traffic safety I would argue that the effort by this company has not only been wholly inadequate it demonstrates blatant avoidance of their responsibility to analyze impacts and they have had complete disregard of the safety of traffic along 285.

Thus it is in your hands to protect the lives of all our neighbors in this residential area who must traverse daily through this dangerous strip of highway. We have a traffic safety meeting in Eldorado which was attended, with our gratitude by Representative McQueen and Senator Wirth which we heard and remember the tragic stories of our neighbors and friends who lost their lives at the hands of semi trucks traveling too fast on 285 to stop at our intersections in the Eldorado are.

My husband and I have also been rear-ended coming off of I-25 on the 285. Into this already hazardous situation we cannot allow adding regular semi truck traffic supplying a Dollar General Store turning less than a quarter miles after exiting i-25 to make a left hand onto Amistad. It is imperative that you closely examine the Dart Traffic information related to this irresponsible proposal and I hope you agree that \$2 bags of cheetos or \$1 bottles of RC Cola are not worth another fatality.

So I ask you to consider the safety of all of our residents and while we respect the right of the landowner to sell his property, we're disappointed that such a long-time resident would not seek higher ground, rather than focusing on maximum profit for himself, and work with the community out of respect for all of us who call it home.

CHAIR ROYBAL: Thank you. Can we have our next speaker?

MS. MASCARENAS: Thank you. Our next speaker is Tim Hornig.

TIM HORNIG: Yes. Hi. Chairman Roybal, Commissioners, my name is Tim Hornig. I live at 2 Aster Way. That's La Paz in Eldorado.

[Duly sworn, Tim Hornig testified as follows:]

MR. HORNIG: Thanks. I'm here today to request that the County Commission uphold the ruling of the Planning Commission, which I think is correct, and deny the permit for the Dollar General Store. There have been a lot of points raised about this. I'll focus on two. The first being while I understand that the master plan was amended last in 2008, the part related to Phase 1 goes back to the nineties. So it's been over 20 years and I think a lot in the environment, in the world, has changed in the last 20 years. I can't say for sure – I went to a meeting with Joe Miller and I believe Mr. Martinez, probably in 2015 about Cimarron Village. There was a lot of talk about senior housing and an organic food store. There was no discussion at all of Phase 1 or certainly not a Dollar General.

The other point I'll address is my concern that this is not something that is needed for our community. It's not something that I would be a customer for, so my concern is though Dollar General has made commitments to the developer to make them whole, and guarantee – I think it's five years they said, back at the Planning Commission meeting, there's no guarantee that the store will remain in business and as we discover that there is no market for it out here, we may end up with a vacant eyesore as a result. And I'll keep it there for brevity. Thank you.

MS. MASCARENAS: Thank you. Our next speaker is Representative

McQueen.

MATTHEW MCQUEEN: Thank you. Good evening. My name is Matthew McQueen. I live at 38 Avenida Vieja in Galisteo, New Mexico.

[Duly sworn, Matthew McQueen testified as follows:]

REP. MCQUEEN: So I want to go back to March 21st of last year at the Planning Commission meeting, Mr. Karnes started this off by saying, "this appeal is a decade late and a dollar general short." He actually said that. He went on to say the planning process was completed in 1993 and updated in 2009. Decisions first made 27 years ago in 1993. These folks challenging the retail use aren't a decade late; they're 27 years late.

I think 27 years is a long time. The community out there is very different. It's much more populated. And I would guess a majority of people living in the community did not have a voice in the planning of this area. So if we really are decades late, as Mr. Karnes says, maybe we should pause and revisit, and update that plan

Another thing that's changed in the last 27 years is frankly the offramp on I-25. So I-25 is a major interstate. The offramp is posted at 35 miles an hour, but it was re-engineered just a few years ago and people take that thing at 70. And it's downhill, high speed, and then in a matter of a few hundred feet, certainly less than a quarter mile, they're going to be expected to stop, where suddenly you're going to have heavy traffic for the dollar store.

Mr. Karnes sent me a letter and a copy of the traffic study, and I appreciate that. I think he was concerned that my testimony [inaudible] was inaccurate, and if it was I apologize. But what I don't see in the traffic study is engineering or speed. I see traffic counts. I see volume. People coming and going. And I'm glad they looked at that. I assumed this would generate a lot of traffic. I don't see anything about slowing people down coming off that offramp and quite frankly I think that's the problem.

We had a fatal accident at the next intersection down. So this is at the first intersection. We had a fatal accident at the next accident with a semi truck decided he was going too fast and wasn't going to stop at the light. I think this is a safety issue, and I don't think the safety issue has been adequately addressed. Thank you.

CHAIR ROYBAL: Thank you, Representative McQueen. Can we have our next speaker.

MS. MASCARENAS: Kris Hansen.

MR. SHAFFER: Mr. Chair, if I could interject for one second. We heard a report that our YouTube livestreaming has been temporarily interrupted and I just respectfully request that we pause for a moment to allow our IT Department to see if they can't get that up and running.

CHAIR ROYBAL: Absolutely. So you'll let us know as soon as they let you know that it's up?

MR. SHAFFER: Yes, Mr. Chair. Thank you.

COMMISSIONER GARCIA: Thank you, Attorney Shaffer. I was actually going to bring up the same exact thing on the YouTube. Thank you.

[The Commission recessed from 8:07 to 8:20.]

MR. SHAFFER: What our IT has reported is that from our end it appears that everything is streaming appropriately through our YouTube channel and that the

SFC CLERK RECORDED 06/17/2020

working assumption is that there is a delay at YouTube's end and that is not atypical for our meetings, for there to be a few minute delay in terms of the live streaming. And so based on that information and the fact that all the individuals who wished to participate in the hearing were instructed to call in or web in to the Webex meeting. I don't think there are any procedural, due process issues with our continuing the hearing, and in addition, folks are also able to listen to the hearing using local radio stations. So again, based upon that information I would recommend that we continue, since those who have wanted to participate in the meeting by offering testimony are still being afforded the opportunity to do so.

MS. MASCARENAS: Mr. Chair, our next speaker is Kris Hansen.

KRIS HANSEN: This is Kris Hansen.

[Duly sworn, Kris Hansen testified as follows:]

MR. HANSEN: Six Descanso Road. I'm a petition signer and a petition circulated for my neighbors on Descanso Road. Of those I was able to contact all but one was willing to sign this petition. I respectfully ask that the Chair and fellow Commissioners to uphold the November 21st Planning Commission decision. You google dollar store in Santa Fe you end up with five hits, the Dollar Store and their sister stores such as Dollar Tree and Family Tree. They're already within 20 to 25 minutes of the Eldorado community, and we know there are two in Pecos. There's no need for another dollar store type building here.

The minutes of the November 21st packet and several of our speakers document the predatory nature of these stores and especially reference their history in Pecos. So there's no need for another food desert to develop in our community. So in the spirit of the City Different, it would be a shame if Dollar General is allowed to predatorily compete against those shops in the Agora and La Tienda shopping districts.

The second point I want to raise is regarding traffic. There were recent "improvements" as a result of the meeting held, coordinated by Representative McQueen and Senator Wirth last fall regarding speed limits. Speed limits signs have been lowered. There have been two permanent solar-charged speed monitoring devices coming off the freeway going southish towards Clines Corners. There's also a temporary speed warning device just below the Phillips 66 service station. The permanently positioned solar-charged device has been inoperative for a couple weeks. There's been minimal enforcement of the new speed laws and most people are going 50, 50+ up and down this corridor, around the Eldorado entrance.

So I would suggest this is a safety issue. The effects study is inadequate and insufficient regarding the continued high speeding in this area and the increased truck traffic that's going to come with this development. Those are the two points I think the Commissioners should consider in upholding the Planning Commission decision. Thank you for your time and consideration.

CHAIR ROYBAL: Thank you, Mr. Hansen. Can we have our next speaker please?

MS. MASCARENAS: Our next speaker is Jennifer Warren.

JENNIFER WARREN: My name is Jennifer Warren. I live at 21 Vaquero Trail, 87508.

[Duly sworn, Jennifer Warren testified as follows:]

MS. WARREN: Thank you everybody for your time. I was at the community meeting in 2015 or 2016. I was at the November hearing about this Dollar General Store. I firmly believe it doesn't belong here. It goes against the safety, the well being, health, and atmosphere of this community. It would like have a negative impact on our locally owned and run stores, potentially leaving those of us who live here without the needed businesses that we have now.

There has been really – my main issue. I agree with everyone who has spoken out against it, that there's been very poor signage and efforts to disenfranchise and to sneak these hearings by those of us who live here. You have to be driving about ten miles an hour to see the signs that are up. They are not put clearly, and I think it really is a clear effort to disenfranchise us. We've been lied to and misled by the developer and his representatives.

The plan originated in 1992. My daughter was born then. That's 26 years ago. It was amended 12 years ago. A lot has changed in that time, so it's hardly representative of our community. It's hardly representative of the traffic flow, and as many people have said, we really don't need another Dollar General Store that doesn't take care of its employees and doesn't represent the City of Santa Fe and the extended communities.

It's not fair or reasonable to not take into consideration those of us who live here, and I very much appreciate your time and service. Thank you.

CHAIR ROYBAL: Thank you for your comments. Can we go to our next speaker.

MS. MASCARENAS: Hank Hughes.

HANK HUGHES: This is Hank Hughes at 25 Esquila Road in Eldorado.

[Duly sworn, Hank Hughes testified as follows:]

MR. HUGHES: I would just like to urge the Commission to carefully review this issue from all angles, given its importance to all of us in Eldorado. I think it would be a very good idea to revisit the master plan along 285; 27 years is a long time. I've lived here most of that time and a lot of things have changed. I'm also really happy to see that so many people have gotten involved in this issue. I think that's really important. And finally, I just wanted to say I'm here to listen and learn since it's possible I would be elected to serve County Commission District 5. Thank you.

CHAIR ROYBAL: Thank you, Mr. Hughes. Can we have our next speaker please?

MS. MASCARENAS: Lisa Griego.

LISA GRIEGO: Hello. Hi. This is Lisa Griego, 17 South Rancho de Bosque, Lamy.

[Duly sworn, Lisa Griego testified as follows:]

MS. GRIEGO: Thank you for allowing us to speak tonight and I'd like to say I agree with a lot of the comments that have already been made in opposition to the Dollar General. We moved here specifically because of the family friendly community atmosphere of this community and I don't believe that Dollar General fits into that family friendly community atmosphere. And in addition to all the things that have been said tonight, one thing I think I would really like to point out is that our local small business in this time of crisis have really taken care of us in this community and really have come together to support the community in any way they can. And I think it would be almost

criminal for us to turn our backs on them at this time because of the fact that having Dollar General come in and I can guarantee you that the Dollar General would not have cared about this community or cared to help in any way they could in this crisis if they were in this area. And so thank you for letting me speak and I agree with all of the opposition comments that came before.

CHAIR ROYBAL: Thank you, MS. Griego. Ms. Mascarenas, can we have our next speaker.

MS. MASCARENAS: Chris Warren.

CHRIS WARREN: Hello. My name's Chris Warren. I live at 21 Vaquero Trail.

[Duly sworn, Chris Warren testified as follows:]

MR. WARREN: First of all, I agree with everybody who's against the Dollar General Store and I think there's not even really enough room in that particular spot for such a large operation. And I totally disagree with the sneaky way that announced this proposal to our world by hanging an 8" square sign by the road that one had to be lucky to notice. In fact the new sign is now off the road on the side road and the only way you could see that is if someone told you about it. The case all seems kind of sneaky to me. I don't like that. I think this is just another example of unnecessary corporate greed in America and not what Eldorado needs. Thank you very much.

CHAIR ROYBAL: Thank you. Okay, can we get our next speaker, Tessa?

MS. MASCARENAS: David Harris.

DAVID HARRIS: Hello. Dave Harris, 9 Waldo Road, 87508.

[Duly sworn, David Harris testified as follows:]

MR. HARRIS: Mr. Chair, County Commission, thanks for giving me time to speak. This business and its location are I think the antithesis of what this county needs. The natural environment, the setting, the predatory nature of the business, in contrast to the community businesses, all clustered in a walkable, bikable area. It creates community and that's what people here in Eldorado love about the community itself and I think as a gateway it wouldn't be building on the natural assets of the county as a gateway into greater Santa Fe County as well as the City of Santa Fe for visitors and travelers through the corridor. And there are as well some traffic issues that would create a greater conflict at an intersection so close to the interstate. With that I have completed my comments. Thank you.

CHAIR ROYBAL: Thank you, Mr. Harris. Can we have our next speaker?

MS. MASCARENAS: Gail Bernard. [Gail Bernard did not appear.] Okay, that was the last person on our list. We've now heard from all members of the public who registered to testify, and now I'm going to unmute everyone. If you've not yet testified but would like to please identify yourself at this time. I'll take down your name and user name or phone number, and if more than one person identifies themselves I will call on your one at a time to testify. Are there any additional people who would like to testify that have not already?

ROBERT KAUFMAN: I'd like to say something. This is Robert Kaufman.

MS. MASCARENAS: Please go ahead with your comments.

MANAGER MILLER: So Mr. Robert Kaufman?

MR. KAUFMAN: Yes.

MANAGER MILLER: Please state your name and address for the record and be sworn in.

MR. KAUFMAN: Robert Kaufman, 17 Camino Piñon, Santa Fe, New Mexico.

[Duly sworn, Robert Kaufman testified as follows:]

MR. KAUFMAN: So I've been listening to the others' comments against the general store. I firmly agree with them for various reasons. I'm a neighbor of Edgar Catanach so I am less than a mile away from the proposed general store. I moved out here in about 2005 and the last thing I wanted to see was something like an eyesore like the Dollar General Store. I came out here to be in more of a natural environment and it sure would be great to possibly – I'm not against the Cimarron project, but a Dollar General Store is the antithesis of what this community is about. I have a 15-year-old daughter and I think the last thing she wants is to have to go by a Dollar General Store each day. I think she'd much rather prefer something natural, something that fits naturally and organically into the environment.

I can't image how bad it's going to get traffic-wise. Traffic is already not going to well at the intersection of the 285 and Camino Valle and she just started to drive and it's the last thing I want to see her have to deal with, whether it's delivery trucks, whether it's increased vehicles.

There's been too many vehicular accidents at that intersection and I for one, and a lot of the folks in my community that have been speaking against this general store, I truly believe that this intersection will not profit by having such a huge general store that sticks out like a sore thumb, and that's not what our community is about. Thank you for your time.

CHAIR ROYBAL: Thank you for your comments. Do we have anybody else that wanted to address the Board?

MS. MASCARENAS: I'm going to briefly unmute all in the event there's somebody that we missed they'll have the opportunity to speak.

COMMISSIONER GARCIA: Mr. Chair, Tessa, can you mute everybody except the County Commission and essential staff please.

MS. MASCARENAS: We are unmuting them briefly so anybody that's not already commented and would like to would have the opportunity to.

COMMISSIONER GARCIA: Mr. Chair, what I would recommend is actually we ask four times if there's anybody else out there and then just close the public comment period.

CHAIR ROYBAL: Okay, I'll take care of that part, Commissioner Garcia. What I am going to say is basically the same thing is I want to ask one more time – I know when we unmute everybody there's a lot of distortion and background sound, so I'm going to ask one more time if there's anybody else that would like to address the Commission, and I'd like to ask if that you're clear and basically what I want to hear is that you say, yes, I would like to address the Commission and you state your name for the record. Or just state your name so we know who to unmute and mute the rest. So if we can do that. Go ahead and unmute, Tessa and we'll see anybody else wants to speak.

MANAGER MILLER: Mr. Chair, it doesn't sound like there's anyone

else requesting –

MS. ALLISON: Destiny Allison would like to address the subject of segregation. Please, I'm asking you. That was a very huge accusation that does not any more represent the Eldorado community.

CHAIR ROYBAL: We can hear you but that individual is no longer on the phone so we won't be able to listen to that comment at this point, because –

MS. ALLISON: Commissioner, I so respect what you're doing but I am asking you please. 23 years ago I was a single mother making \$32,000 a year and moved to Eldorado. Eldorado has changed. We have a food pantry for people who don't have things. We just sent 25,000 gloves out to the Navajo community. We have free gift cards at both the Agora and at La Tienda for people who need food. We do so much in this community to raise money and support people. We established a permanent fund for food insecurity at the Eldorado community school. And so when we get accused of segregation and being white and racist, I really feel that it's important that the County Commissioners understand that this is a community that –

CHAIR ROYBAL: Is there anybody else that would like to address the Board relative to the issue at hand? Okay, with that I'm going to close public comment.

DOROTHY BEATTY: I just wanted to state I'm against the dollar store.

CHAIR ROYBAL: Okay, can you state your name for the record please. The last person didn't get sworn in either.

MS. BEATTY: My name is Dorothy Beatty. I live at 29 Azul Loop, 87508, and I came to this community from a little place called Clayton and this community has cared -

[Duly sworn, Dorothy Beatty testified as follows:]

MS. BEATTY: I just want to be on record that I'm speaking against the Dollar General Store and it's for the reasons that all the previous people have mentioned, but I came from a small town and then I moved here because it reminded me of the community spirit that the small town had and as Destiny said, we do, we help take care of the people here who are food insecure. We have good food, which is amazing and the Dollar General doesn't care about us.

Also, the traffic is a really, really, really huge concern of mine and I [inaudible] difficult. I won't say anymore. All the other people had great points. I just wanted to be on record of being against. Thank you so much for doing this. I appreciate your time and patience.

CHAIR ROYBAL: Thank you, ma'am. Is there anybody else that would like to address the Board? Okay, hearing nobody else I close the public comment. So first I'm going to go to the County Commissioners. Is there any questions or comments relative to this case? I'll go to Commissioner Hansen first. I'll look for a show of hands.

COMMISSIONER HANSEN: Thank you, Mr. Chair. One of the issues that I do have when I have been reading over everything was on page 37 in comments Mr. Walker made about this traffic study he did was not particularly done for the Dollar General, but I didn't quite find out when he did do the traffic study. How long ago was it that he did the traffic study? And he kind of compared it to one in Questa, and that really confused me, because there's no way that this 285 highway is anywhere near something in Questa, where they put a Dollar General. So if Mr. Walker is available to answer these

questions I would appreciate it.

MR. KARNES: Chair Roybal, if I may address that question.

CHAIR ROYBAL: Absolutely, sir. Please proceed.

MR. KARNES: Mr. Walker prepared the traffic study which is part of the record and I believe it's in your packet. It's dated June 11, 2019. It's an updated traffic impact analysis for Cimarron Village and existing Lot 1. I'm just going to hold it up here. It's in the packet. It was reviewed by the County Traffic Engineer as well as the staff of the New Mexico Department of Transportation and deemed to be adequate and in compliance with the SLDC and the master plan. I see Mr. Walker is here, if he'd like to address it further. Go right ahead.

[Duly sworn, Morey Walker testified as follows:]

MOREY WALKER: Morey Walker with Walker Engineering. 905 Camino Cerro Vista, Santa Fe, 87501. The traffic study, I've done the traffic study probably three to four times in that area. It looks like every five to ten years I'd update it. I was just looking at it before you came, before you asked, and we actually did that in June 2019. We also did it – boy, let's see. Looking it up right now – 2008 and 2014, so I know the traffic well. I used to live out there so I've seen that traffic.

The capacity in the intersection, Joe Miller actually paid for – I don't know if you knew this or not – paid for a quarter of that traffic signal. So you have a much better, safer intersection because he did install that – paid for a quarter of that traffic light.

As far as capacity of the lanes, I can't really address some of the issues that the Highway Department – it's a Highway Department issue. The Dollar General is really only generating maybe two, three percent of the traffic in the background. So it has a very small impact on the traffic itself. That's not even taking into account what we call bypass traffic, people that just stop in on the way home. So we did a very conservative traffic study and from everything I've seen that intersection will work well with the addition of the Dollar General.

COMMISSIONER HANSEN: So I just want to comment on the amount of accidents, fatalities that have happened at that intersection and the other intersection. It just seems that it is unsafe.

MR. WALKER: It's not an unsafe intersection, at the light. It's the highway light. People make mistakes when they drive through intersections. That's not an unusual intersection as opposed to any place in the county to tell you the truth, with the light and the highway. It has very good sight lines. People can see pretty far away. There's nothing impeding traffic as far as not being able to see what's going on. So when all is said and done, it has four lanes, it has turn lanes. It has everything that a traffic signal, traffic intersection can have. We can't do any more to that traffic intersection to do well. I don't know what else I can say about that.

COMMISSIONER HANSEN: So it just seems that the traffic that is coming off I-25 to that light, what can be done to slow that down? Slow the traffic coming off of –

MR. WALKER: I can't answer that to tell you the truth. You'd have to ask the Highway Department because that's a Highway Department issue there. We, like I said, we are much smaller. I think we're approved for 50,000 square feet and I think we're only building 16,000 square feet. So we're actually putting in less traffic than what

was approved. So as far as that offramp, we have, like I said, only two percent of the traffic there. It's kind of hard for us to address such a big issue. It's impossible.

COMMISSIONER HANSEN: So how many WIPP trucks go along that road every day?

MR. WALKER: I couldn't tell you.

COMMISSIONER HANSEN: When you were doing a traffic study did you see any WIPP trucks on the road?

MR. WALKER: When I did the count myself I think I saw – in a two hour period I think I saw two trucks.

COMMISSIONER HANSEN: I'm talking about the nuclear waste trucks that travel along the highway.

MR. WALKER: That's what I meant. At least two.

COMMISSIONER HANSEN: That's all I have right now, Mr. Chair, for the moment.

MR. EWERS: May I speak?

CHAIR ROYBAL: Thank you, Commissioner Hansen. Who is the one that's making that comment?

MR. EWERS: Steve Ewers.

CHAIR ROYBAL: Are you from the public, sir?

MR. EWERS: Public.

CHAIR ROYBAL: We've already closed public comment for tonight, sir.

MR. EWERS: I would just like to say I know this individual.

CHAIR ROYBAL: We closed it, sir. I'm sorry. Any other Commissioners that would like to make comments or questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. I have never had so many concerns about what seems on the surface a cut and dried issue. There were so many concerned raised and frankly I have sympathy for every single comment that was made with respect to the nature of the business, the predatory nature, the ethical aspects of supporting community, and the threat of diminishing or impacting local businesses, existing businesses. I'm very sympathetic to all those comments, and I appreciate everybody coming and speaking to that.

I also do actually have some concerns about the sense that there's not sufficient public outreach. I recognize that given square footage and what not the regulations didn't specify a public hearing, but I just find it distressing that we have situations where there are extensive public discussions. I was frankly at some of them where the Cimarron Village development was discussed. I was at some of them right before I was seated as a County Commissioner and the nature of the businesses that were being planned were discussed and the way people reported that is consistent with my recollection. I don't know what happened to create a disconnect between what is discussed at a public meeting and then what is presented to the County and approved in a plan so that later on, there's a pretty pervasive feeling that things were not upheld.

I will say that I am somewhat relieved to hear Land Use assure us that the building itself will be consistent with the 285 Corridor overlay that was said earlier this evening in the initial presentation. To me that is at least a little bit – it has nothing to do with the nature of the fact that it's a dollar store, but it does speak a little bit to the

concerns about dollar stores being an eyesore. This building blends in with the rest of the Eldorado community. I think that's an important consideration. I take a little bit of comfort in that. I assume that that is accurate.

If there is a sense that what is generally approved for the area in terms of zoning is no longer consistent with what the community wants and needs, we should pursue process to revise that. I frankly really agree that there is nothing more important than having the community wishes acknowledged and respected. But there are temporal disconnects when the land use code was developed there were public meetings and this area was zoned commercial. It was zoned commercial subject to conditions that apply include what the buildings look like and having to comply with other things – the traffic study and what not. It doesn't say commercial, as long as the current residents approve of it. It's not a conditional use. I don't see a hope that we have for addressing the concerns that the business is not to the liking of most of the people. It is just zoned commercial.

Moving forward, I would very much like to see – this is an active community that I do believe wants real economic development that is consistent with the nature of their community. I would like to see us move forward and think about what pathways there are to change things that people see a real problem with. But right now, I am sitting here looking at trying to fulfill all the requirements of the community, and I see this zoning as commercial, and that's a permitted use. I think that's what I need to express at the moment.

CHAIR ROYBAL: Okay.

COMMISSIONER MORENO: Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I have recently, within this past year, my liaison and I, with the help of the Highway Department – they helped us install a series of features in that curve that goes to the south. The improvements included shorter distances for trucks and for all three intersections and other features that I can tell you about. But this is an existential situation. The community is what it is. Everybody in town laughs. But you cannot find so many people who have bought in, love it and never leave.

That's my take. I have heard all the discussion and if it's appropriate I would like to make a motion.

COMMISSIONER HAMILTON: Mr. Chair, before a motion is made, can I make another comment?

CHAIR ROYBAL: Sure.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. You know, there are a number of issues that were brought up that give many people and several Commissioners concern about the nature of the information. The traffic study is one of them. I guess Representative McQueen questioned the fact that it was presented primarily on traffic counts. There was an issue brought up much earlier in terms of what was presented at different meetings and whether it was consistent and whether the process was accurate. I understand that technically we actually don't have to make the decision tonight. We could table this long enough to gather – to reconfer with the experts and our Land Use Department and gather some additional information and verify or investigate, frankly, some of the input that we've received from the public. And it seems that at least giving a little bit of time to pursue that information would be appropriate. It would be

respectful, because some of the information to me was new from the public and it would give me some comfort. So I understand that's a possibility. So before there's any other motion, I'd like to consider that as a possibility.

COMMISSIONER GARCIA: Mr. Chair, can I speak?

CHAIR ROYBAL: Thank you for that comment, Commissioner Hamilton. Let me just make one comment and then I'll go to Commissioner Garcia, but what you say is correct. After we – the Board, we don't have to announce a decision tonight in a land use case, after concluding the public hearing. We could have time to talk this over and talk it over in executive session and make an announcement on a decision in a future meeting. So just to keep that –

COMMISSIONER HAMILTON: So before we go elsewhere – I appreciate that and before we go elsewhere I'd like to actually make that a motion, just so we have a motion on the table.

CHAIR ROYBAL: Okay, Commissioner Hamilton. I'm going to go to Commissioner Garcia before we second.

COMMISSIONER HANSEN: I'll second her motion.

COMMISSIONER HAMILTON: Thank you, Commissioner Hansen.

CHAIR ROYBAL: Under discussion. Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, I didn't realize we were going to do this with this case because once you have a second on a table I don't believe we can actually have any further discussion. So I don't appreciate actually not having any discussion on this. So I'm going to state – correct me if I'm wrong, Mr. Shaffer. So if that's where it is, then that's where it is. If we're going to table it and go into executive session and we're going to do this behind the scenes, then we can do that. Is that where we're at, Mr. Shaffer?

COMMISSIONER HANSEN: Commissioner Garcia, I was under the impression that you could make a motion and have a second and still have comment and discussion before the vote.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: County Manager, go ahead.

MANAGER MILLER: So I do not believe, Mr. Chair, Commissioners, I do not believe that Commissioner Hamilton's motion was to table. I believe that she was asking – you have the ability to go into executive session and deliberate. You also can continue to have conversation on this and then go into executive session and deliberate. You could come out of executive session and state that you are not ready to make a decision on this case and continue to get information. You don't have to make a decision at this exact moment. You have the ability and our agenda says that you can go into executive session and deliberate, as well as you could table. You closed the public hearing but if you wanted additional information you can do that as well. I think Mr. Shaffer could add to that but my understanding of what Commissioner Hamilton was saying is that – her motion was to actually deliberate on this. She didn't say executive session but to get additional information. I would suggest perhaps, Commissioner Hamilton, that you amend your motion to state that you would like to go into executive session to deliberate on this case.

COMMISSIONER HAMILTON: Yes. That is exactly what I was trying to

do. I feel we need the opportunity to discuss it further and to potentially get more information, so I'm not necessarily willing to commit to making a decision tonight. If there's insufficient information that we can identify I would like a continuance on it. That's all I'm really asking for.

COMMISSIONER HANSEN: Mr. Chair, as second, I would like to say I agree with Commissioner Hamilton and that we will deliberate in executive session and announce a decision at a future meeting.

CHAIR ROYBAL: Okay, I want to make sure that we're following Robert's Rules and that everybody waits to be called on.

COMMISSIONER HANSEN: I do apologize.

CHAIR ROYBAL: I do want to go to Commissioner Garcia. I know you had comments, and that's what I was trying to explain in the first place when I first was explaining going into executive session to deliberate and take into that point of going to executive session to deliberate. Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick. Thank you for my fellow Commissioners. As an individual who has worked for the County for many years, and I can remember back in 1992, whenever 285 was actually two lanes and we worked with all of these developments, and for kind of a little bit of history, on the Eldorado and Santa Fe units, 1, 2, and 3 where the Agora Center is, and then you had Eldorado at Santa Fe where they sold these large parcels to individual developers and they cut up the subdivisions, and this was actually created by AMREP. And what happened is that was the largest subdivision in the state of New Mexico and that's what actually changed the Attorney General's position to the state legislature to create a Subdivision Act in the state of New Mexico, back in 1976, 1986. And as an individual that actually reviewed many, many subdivisions in that area, and worked with the Highway Department there to get a four-lane there because of the WIPP route, and actually tee off all these intersections that were offset as into Old Ranch Road and so on and so forth, and so I'm very familiar with as to how the Cimarron Village got zoned, how the Agora Center got zoned, how the community center got zoned and all the businesses that have happened out there throughout the years.

One of the things that I wanted to talk about and mention is 1992 approval of Cimarron Village. I understand it's a 1992 approval, and I can hear the individuals out there saying, well, they went for a master plan amendment, master plan amendment, master plan amendment. And the County granted that because you have a five-year timeframe and all of that stuff. March of 2016, they actually went for another four-year extension and they told the community, here's what we want to move forward with, okay? Move forward with it.

One of the things that is very important that happens in my traditional communities in my district is the overlay. This overlay district that somebody brought up. I think it was Mrs. Toll of the 285 Alliance, is the overlay district. So is there an overlay district or not? I don't know that. Staff, we don't have to answer that today because we're in a table motion. And if there is an overlay district, what uses are allowed within that overlay district?

And in regards in to the traffic study, I was very interested because it's actually a federal-state highway and so whenever we sent that traffic report to the State Highway

Department they actually give us comments as to what they should and should not do, whether it's a deceleration lane, acceleration lane, and so on and so forth. I understand that. And so whenever somebody brought up – it might have been the engineer – the last traffic study we did was for Cimarron Village. Cimarron Village was approved in 1992 and if we actually look at the 2016 master plan amendment, that was March 20th, then I have some questions about the traffic, the overlay district. So my actually motion was going to be for tabling for this as well, so that way the applicant can actually meet with the individuals out there one more time and so we can actually have some detailed questions with all due respect to the applicant. We're going to table them because there's some unanswered questions. I would like to let the applicant know what unanswered questions are there. Whether it's traffic, whether its site, what it's going to look like or what's happening. So those are just some of the things that pop into my head.

One of the other things that I disagree with some of the individuals, some of the individuals as into what the dollar store and what type of product the dollar store sells, because there's some unfortunate individuals, possibly in my district, that that's where they shop. So I take a little bit of offense as into what they sell and what they can and cannot sell. So just being upfront. Sometimes I get in trouble but I am speaking upfront because that's how I feel and I'm getting chills talking about this. So my motion was actually going to be to table it and so those are – thank you, Mr. Chair for giving me the ability to speak, and thank you.

MR. SHAFFER: Mr. Chair, if I could.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Go ahead, Attorney Shaffer.

MR. SHAFFER: So it seems to me that we have a few different ideas that are floating around. What I understood there to be was a motion to go into executive session to deliberate on this administrative adjudicatory proceeding as permitted by Section 10-15-1(H)(3) NMSA 1978. That was what I understood to be the motion made by Commissioner Hamilton, which was seconded by Commissioner Hansen. Out of respect to your guests that we act on that motion, and the Board can then deliberate and decide what if any additional information it desires, and then it can come out executive session and clearly communicate what that additional information is, and announce the meeting, if it so desires, at which it will take additional evidence on those points. That would be my recommended action going forward, which I think is consistent with the motions that are on the table. And you can then announce what is required of what you're doing at this hearing tonight so the people that are assembled know if there will be a continuation and if so, what points of evidence will be taken on.

COMMISSIONER GARCIA: Mr. Chair, I have a question.

CHAIR ROYBAL: Okay. I just want to first say thank you, Attorney Shaffer for that clarification. Commissioner Garcia, go ahead with your question.

COMMISSIONER GARCIA: So Mr. Chair, County Commission, Mr. Shaffer, does that executive session need to happen tonight?

CHAIR ROYBAL: Yes, I believe it does, but I'll let Attorney Shaffer answer that.

MR. SHAFFER: Mr. Chair, Commissioner, no. You could close the hearing on the matter and close the record and deliberate on what you have in front of

you. I think, however, there's a possibility that you may ask for additional evidence, that deliberations, at least that far would be in order, so that we could announce what that additional evidence is and it would be heard.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Thanks for that clarification and I'll go to you next, Commissioner Hamilton, but I know that it's been a very long night and you've already been in seven hours so I'll go by whatever the Board wants to do. But I'll go to Commissioner Hamilton at this point.

COMMISSIONER HAMILTON: Yes. Frankly, what Attorney Shaffer is suggesting is consistent with my motion. I was anticipating that we would – we have an executive session tonight. I think it is appropriate for us to discuss it at least some. However, I do recognize – and that's what I was trying to express initially, that some of the items we feel we need additional information on might not be able to be gathered tonight, and that was why I mentioned a continuance, which [inaudible] confused with tabling. That's why I was simply expressing that I thought we might need to get a picture to identify, of as Mr. Shaffer said, identify the information that we feel we want and then we can report back out on that. But we may not be able to clarify everything that's on our minds tonight.

We do have an executive session planned, so we can at least start that discussion. It is consistent with our procedure.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. I just want to make sure for the record – I'm not sure that it was listed on our executive session for tonight, that it is okay for us to discuss this matter in executive session and if it had to be specifically announced on the executive session. I think Attorney Shaffer –

COMMISSIONER HAMILTON: If I'm not mistaken, we have the right to go into deliberation for any deliberative process or for any hearing that we are holding. We can go in.

MR. SHAFFER: Mr. Chair, Commissioner Hamilton, I think that the agenda is adequate to cover the possibility. Not only is it listed on the executive session portion, but under the public meeting disclosures, specific to public hearings, there is a notation that the Board of County Commissioners may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session and permitted by Section 10-15-1(H)(3) NMSA 1978. So I think we've adequately noticed that. But it's a great question, Commissioner.

CHAIR ROYBAL: Okay. Thank you for that verification. I just wanted to make sure and for the public that is here that we are totally transparent. It's best to get input from our legal counsel. That's what they're here for, just to make sure that even as a Commissioner we might feel that it's okay to do that, just to get clarification from our legal counsel. So I appreciate that and I appreciate the comment from Commissioner Hamilton as well.

Okay, so we do have a motion and a second. Commissioner Hansen, do you have another comment?

COMMISSIONER HANSEN: I would just like to make the comment that if we go into executive session, I would like to be able to announce our decisions and our fact finding at a future meeting. I don't know if that is agreeable to Commissioner

Hamilton, but I want to ask that so we do not have to come back out and announce our decision tonight but that we start the process of fact finding tonight and make some decision. We have been in a meeting for 7 ½ hours now and we have other things to talk about in executive session besides this and I think it would behoove us to announce our direction at our next meeting or at a future meeting, and what the items are that we want to look into.

CHAIR ROYBAL: Okay, thank you for your comment, Commissioner Hansen. Commissioner Hamilton, did you have something else?

COMMISSIONER HAMILTON: No, Mr. Chair, she just asked if that was consistent with my – and it would be consistent with – I would be fine with that as long as Mr. Shaffer says that's acceptable.

CHAIR ROYBAL: Attorney Shaffer.

MR. SHAFFER: So is the primary motion then to table or continue this matter to a future meeting at which you will either announce your decision or announce what additional evidence you would like to be brought forward at a future meeting. Is that what you're asking to do, Commissioner Hansen?

COMMISSIONER HANSEN: Yes.

MR. SHAFFER: That's separate from going into executive session to deliberate on it. You could still do that.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Hold on.

MANAGER MILLER: Mr. Chair, the motion that was on the table was to go into executive session to deliberate on this particular issue. It's my understanding that the idea of that would be to go in and determine what exactly you would like additional information on, and then come out of executive session and then decide whether you are tabling to a specific date future. Commissioner Hamilton is moving that up. What I think – and hopefully I can clarify this – is don't worry about what's on our agenda for the rest of executive session. We can deal with that. We can continue this meeting at another time. We can pick that stuff up later. I think what the Board needs to do right now is the motion that Commissioner Hamilton made and Commissioner Hansen seconded, was essentially to go into executive session on this particular land use case and deliberate on what you want to do next. And then come out of executive session and make a motion as to what that is, whether that the public hearing is completely closed but you want additional information that you want by date specific, at which time you will then get that information and then make your decision on that case.

I think we're trying to jump ahead of what Commissioner Hamilton was suggesting with her motion and that was that we just go into executive session to deliberate on this particular case so that we can decide what it is that we need in the way of additional information and by what date. And then you would come out of executive session and make that motion as to what to do with this case and when to continue it to.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. I'll get a response from Commissioner Hamilton please. Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: That is accurate. That is really what I would like to do. We can make the decision about how we have to proceed and then state it for the public record.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Hansen, is that what your second was?

COMMISSIONER HANSEN: I will second that.

CHAIR ROYBAL: Okay, so we have a motion and a second. And just for clarification, and I know we've had a bunch of clarification, we are going to go into executive session, I'm hoping for not more than 20 minutes, come back out, give the decision of the Board. We can go back into executive session for our other matters on executive session after that, after we come back out and give our decision. Okay, so that's my understanding. So we have a motion and a second and I'm going to go to a roll call vote.

COMMISSIONER GARCIA: I don't understand. So we're going to go into executive session for one case. Then we're going to come back out, excuse ourselves and go back into executive session for what's on the agenda? Because I thought Manager Miller said we could actually postpone the stuff that we have tonight that was on the agenda to next month.

CHAIR ROYBAL: Yes, Commissioner Garcia. So we will go and deliberate, and we will decide in executive session if we need to come back so that we can gather additional information, and we can come back at a later date. So when we come back out we will announce that we are coming back out and a date specific time to come back to make a decision. I believe that's accurate. Is that correct, Manager Miller?

MANAGER MILLER: Mr. Chair, yes, and then to the issue of whether we want to address these other items on the agenda that were in executive session, you can decide if you would like to put those off as well.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Manager Miller. So is there like a timeframe or are we going to have all these individuals wait until we decide to come out of executive session to give them a time and a date as into the next meeting? Just asking.

CHAIR ROYBAL: As I mentioned just a few moments ago, I'm trying to see if we can keep it within 20 minutes. So if we keep it within 20 minutes, when we go into executive session. Unfortunately, I wish it could be quicker, and it may be quicker, but I'm going to say we're going to try and get back out here in 20 minutes.

COMMISSIONER GARCIA: Thank you, Mr. Chair.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (3) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

MR. SHAFFER: Mr. Chair, Commissioners, so we're going to, as a matter of protocol, all of the Commissioners, the County Manager and myself are going to exit this meeting. So you should all exit this meeting. You will continue with Tessa Jo as the

host. The Commissioners will be given a separate Webex meeting invitation for executive session. You should now join that meeting, which again will be limited to the County Commissioners, myself, and the County Manager, who will be hosting. So County Commissioners, myself and the County Manager are going to exit this meeting, and it will be continued to be broadcast live, with Tessa Jo as the host but you need to then log into –

[The Commission met in executive session from 9:26 to 10:38.]

CHAIR ROYBAL: Welcome back.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: So after deliberation we're going to go ahead – yes, Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, I would like to make a motion to come out of executive session and the only thing we spoke about was this case that we have been on and items on the executive session.

COMMISSIONER HAMILTON: Second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for the motion and thank you Commissioners Hamilton and Moreno for the second.

COMMISSIONER GARCIA: And also, just for that, Mr. Chair, no action was taken.

CHAIR ROYBAL: No action was taken.

COMMISSIONER GARCIA: For the record.

CHAIR ROYBAL: Commissioner Hansen, is that an okay amendment to your motion?

COMMISSIONER HANSEN: Yes. And no action was taken.

COMMISSIONER HAMILTON: And to my second. Yes.

CHAIR ROYBAL: Okay. Perfect. I'm going to go to roll call vote.

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

CHAIR ROYBAL: We voted unanimously to come out of executive session. I want to first of all to start off by saying thank you for everybody that stayed here. I'm sorry that it took us a little bit more than that 20 minutes to deliberate. There's a lot of different thoughts that went back and forth so you know it took us a little bit longer, so we do appreciate your patience. But I just want to make an announcement. As far as the BCC case \$19-5241, the public hearing is closed. The Board of County Commissioners is taking the appeal under advisement. We will continue to deliberate on this matter in one or more future executive sessions and announce our decision in the form of a final order that will be noticed on a future agenda approval.

So I do want to thank everybody for being here but this is where we're at at this point.

Okay, I'm looking at the other items that we have on our agenda. It appears our next item is number 12. Attorney Shaffer, do we need to table the other items on

executive session, which we've chosen to revisit those in a future meeting?

MR. SHAFFER: Mr. Chair, no. that would not be necessary. We can simply adjourn without getting to those items of business and they'll be put on a future agenda as appropriate. Tabling, we often utilize when we have something that's been noticed, so that there's a legal notice component of it. So for those items, no, a tabling is not necessary.

CHAIR ROYBAL: Thank you, Attorney Shaffer. So under 12 Information and Reports, we don't have anything. But I do want to thank staff for all the reports that were brought forward.

[The following items were deferred to a future meeting:]

10. **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 Public Hearing(s) on the Agenda, 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. Acquisition of Real Property for a Behavioral Health Care Facility
2. Annexation Dispute
3. Joint Powers Agreement Dispute

10. B. Request Approval of Business Lease 1660 Between Santa Fe County and the New Mexico State Land Office

CONCLUDING BUSINESS

A. Announcements

CHAIR ROYBAL: And as far as concluding business, do we have any announcements from our County Manager or any Commissioners? Any announcements that you want to share with the public?

MANAGER MILLER: Mr. Chair, we don't have anything else this evening.

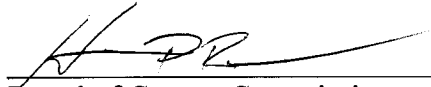
CHAIR ROYBAL: Okay.

B. Adjournment

SFC CLERK RECORDED 06/17/2020

Upon motion by Commissioner Hansen and second from Commissioner Moreno, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 10:42 p.m.

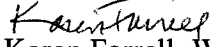
Approved by:


Board of County Commissioners
Henry Roybal, Chair

ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

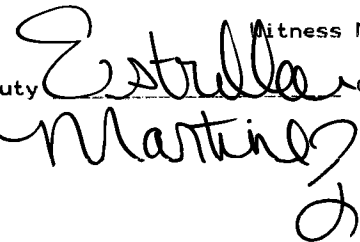
Respectfully submitted:

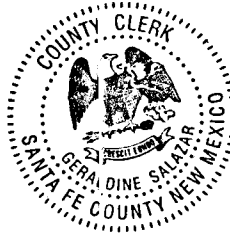

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 93

I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of June, 2020 at 10:15:07 AM
and Was Duly Recorded as Instrument # **1919166**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM



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