

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 8, 2017

Henry Roybal, Chair - District 1

Anna Hansen, Vice Chair - District 2

Anna Hamilton - District 4

Ed Moreno - District 5

Robert A. Anaya - District 3 [excused]

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

August 8, 2017

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:12 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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 Anna Hamilton
Commissioner Ed Moreno

Members Excused:

Commissioner Robert A. Anaya

- C. Pledge of Allegiance**
- D. State Pledge**
- E. Moment of Reflection**

The Pledge of Allegiance was led by Erle Wright, the State Pledge by John Michael Salazar and the Moment of Reflection by Robert Griego of the Growth Management Department.

- I. F. Approval of Agenda**
 - 1. Amendments**
 - 2. Tabled or Withdrawn Items**

CHAIR ROYBAL: Are there any amendments or tabled or withdrawn items?

KATHERINE MILLER (County Manager): Mr. Chair, on page 3, under Consent Resolutions, item II. B. 5 was added and on page 4, under Matters from the County Attorney, items VI. A. 3, 4, and 5 were added. These amendments were made on 8/4 at 3:40 pm and there have been no other changes to the agenda since that time but those are the ones since we posted the original agenda last Tuesday.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Do we have any other amendments? Commissioner Hansen.

COMMISSIONER HANSEN: On item II. B. 5, we should strike "Santa Fe" because it's just the Food Depot.

CHAIR ROYBAL: Okay. So noted. So instead of Santa Fe Foot Depot, that is supposed to read the Food Depot. Thank you, Commissioner Hansen. Any other amendments? If not, we'll entertain a motion.

COMMISSIONER HAMILTON: I move to accept the agenda as amended.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

I. G. Approval of Minutes

1. Approval of July 6, 2017, Special Board of County Commissioners Meeting Minutes

CHAIR ROYBAL: Are there any changes or what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to accept the minutes.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

2. Approval of July 11, 2017, Special CDBG Board of County Commissioners Meeting Minutes

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

COMMISSIONER HANSEN: I move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

3. Approval of July 11, 2017, Board of County Commissioners Meeting Minutes

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

COMMISSIONER HAMILTON: Move to approve.

CHAIR ROYBAL: We have a motion.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: And a second.

The motion passed by unanimous [4-0] voice vote.

II. CONSENT AGENDA

A. Final Order

1. **BCC CASE #APP 16-5151 Hearts Way Ranch Appeal. Richard Bank, Appellant, Appealed the Santa Fe County Planning Commission's Decision to Grant Heart's Way Ranch, Susan Carter, Property Owner, JenkinsGavin, Design & Development Inc., Agents, Three Variances of the Santa Fe County Sustainable Land Development Code (SLDC) to Allow a Retreat Facility Consisting of Two Casitas, a Yoga Area, and a Main Residence on 39.5 Acres. The Property Owner Requested a Variance of Chapter 7, Section 7.11.6.6 to Allow the Grade of the Approach at the Intersection to Exceed 5%, a Variance of Chapter 7.11.2, Table 7-13, to Allow the Overall Grade of the Driveway to Exceed 10% in Three Separate Locations in Order to Get to the Casitas and Main Residence, and a Variance of 7.11.2 Table 7-13 Local Road Design Standards to Allow Access from Offsite Roads that Do Not Meet Code Requirements. The 39.5-Acre Property is Located at 34 Sendero de Corazon, Via La Barbaria Trail, within Section 9, Township 16 North, Range 10 East (Commission District 4), SDA-3. John M. Salazar, Case Planner (APPEAL GRANTED/VARIANCES DENIED 5-0)**

B. Resolutions

1. **Resolution No. 2017-80, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Grant Funds from the New Mexico Department of Transportation (NMDOT) / \$4,125 (Finance Division/Don Moya)**
2. **Resolution No. 2017-81, a Resolution Requesting a Budget Increase to the Federal Forfeiture Fund (225) to Budget Cash Carryover / \$1,607 (Finance Division/Don Moya)**
3. **Resolution No. 2017-82, a Resolution Authorizing the Disposition of Fixed Assets in Accordance with State Statute (Finance Division/Don Moya)**
[Exhibit 1: Resolution Text]
4. **Resolution No. 2017-83, a Resolution Concerning the Housing of United States Marshals Service Prisoners at the Adult Detention Facility; Authorizing the County Manager to Renegotiate the Per Diem Rate and Guard Hourly Rate for Such Prisoners; and Delegating Authority to the County Manager to Execute a New Intergovernmental Service Agreement or One or More Modifications to the Existing Intergovernmental Service Agreement Concerning Such Prisoners (County Attorney's Office/Gregory S. Shaffer)**
5. **Resolution No. 2017-84, a Resolution Supporting the Sixth Annual Neighbor to Neighbor Food Drive in Coordination with the City of Santa Fe and the Food Depot on September 16, 2017 and Authorizing the Use of County Facilities for the Collection of Non-Perishable Food Donations. (Commissioner Roybal) *[Exhibit 2: Staff Memo]***

C. Miscellaneous

1. Request Approval of a Memorandum of Agreement between Santa Fe County and the City of Espanola for Funding Related to Improvements at Valdez Park and the Lucero Center (County Manager's Office/Tony Flores)

CHAIR ROYBAL: Are there any questions on the Consent Agenda or anything that needs further discussion? If not, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

CHAIR ROYBAL: So we have a motion to approve the Consent Agenda.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second. Under discussion, is there anything under discussion? Under discussion, I'd just like to recognize a couple of items.

The first one is the resolution supporting the sixth annual Neighbor to Neighbor Food Drive in coordination with the City. I'd like to just thank the City for coming forward and bringing this to our attention and giving the County the opportunity to participate. We are proud to be a part of it so we would like to say thank you. Is there anybody else that has anything to say? Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: I would also like to say that I'm very happy that we are supporting the Food Depot in the Neighbor to Neighbor Food Drive. In my neighborhood, Casa Alegre, we did this last year. I live in the city and it was a great event and I think it is only something that can grow and prosper and help our most needy in the community. So everyone, please participate and please find the head of your HOA in whatever part of the county you live in and participate in the Neighbor to Neighbor Food Drive on September 16th.

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

COMMISSIONER HAMILTON: I would just like to add my voice to how important and wonderful an undertaking this Neighbor to Neighbor Drive is and I'm very glad we're participating and supporting this.

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

COMMISSIONER MORENO: I too am very proud that Santa Fe County has stepped up to the plate making this a countywide operation, and it's going to be a very great help to the people that we all know are really in need. And so I encourage everyone who is listening and watching on the internet, get out and help our neighbors. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. So I am very honored to be a part of this resolution being passed today. I would like to say that I know we did go and tour the facility and it was really, really great to see the way everything was put together. I remember seeing Commissioner Moreno's wife was there that evening as well. The other thing I'd like to touch base on is a memorandum of agreement between Santa Fe County and the City of Española for funding related to improvements in Valdez Park and Lucero Center. I'd like to say that I'm glad and proud to see that the elected officials and the staff from the City of Española have started communicating a lot better with each other and we're starting to move forward and projects in collaboration with one another and I'm excited to see any other projects that would benefit the individuals in the northern part of my district, so I'm glad to see that come forward and proud to be a part of that as well.

So we have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

[Clerk Salazar provided the numbers for the resolutions throughout the meeting.]

CHAIR ROYBAL: We did have some individuals from the City that were here. Is there anybody that would like to speak from the Food Depot in regards to the resolution?

LINDA WILDER FLATT: Thank you very much for giving me this opportunity, Chairman and Commissioners. I am so pleased and excited about this. This is our sixth year. Last year we were challenged and we had over 96,000 pounds of food that we were able to give to the Food Depot. And you and all of us know that there are many people out there who struggle. And it just warms my heart to know that the County is stepping up and being a part of this. And I thank you and I'm so excited. Thank you very much.

JENNIFER WESTON: I'm Jennifer Weston with the Food Depot and I just wanted to say thank you so much to the County. We are so very excited about your support. This project has been the brainchild of Linda Wilder Flatt and we couldn't be more excited to bring the County on and just increase and grow with this. So thank you so very, very much. It's very important to us.

CHAIR ROYBAL: Thank you guys for being here today.

III. ACTION ITEMS

B. Appointments/Reappointments/Resignations

Appointment of a Member to the Santa Fe County Lodger's Tax Advisory Board (LTAB)

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. Good afternoon, Commissioners. I'm here before you today to ask for the recommendation of an appointment of a member to the LTAB board, or Lodgers Tax Advisory Board. As you know, the Lodgers Tax Advisory Board is made up of five members, two representing the lodging industry, two representing a tourist-related industry and one public member. Unfortunately in April of this year Mr. Rich Veruni who was the managing partner at Bishop's Lodge resigned to take a position in California and that leaves a vacancy on the LTAB board. His position was under the member representing the lodging industry.

Ms. Katonak from the County Manager's Office did a great job in going out and looking for individuals that are actually in that industry with Santa Fe County. Fortunately for us, I'm not sure fortunately for Mr. Miller, she actually had an application or letter of interest from Mr. Ryan Miller who is the owner of the Bobcat Inn in Santa Fe County and he is interested in serving in this position through the remainder of Mr. Veruni's term, which is December of 2017. So at this time staff is recommending the appointment of Mr. Ryan A. Miller to the Lodgers Tax Advisory Board and he is here in attendance if you have any questions or any comments if you like. And with that I'll stand for questions.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Did we have any other applications?

MR. FLORES: m x, Commissioner Hansen, no. This is the only person that we're bringing forward.

COMMISSIONER HANSEN: Okay. I think it's great that Ryan Miller is here and I'd love to hear a few words from him.

RYAN MILLER: Thank you, Commissioners. So my wife and I bought the Bobcat Inn last year, early in the year and we are relatively new to the lodging industry but I've been in the IT

industry for over 20 years and have supported a lot of lodging places, not only in Santa Fe but where we moved from previously about four years ago. We move to Santa Fe from a rural area in Pennsylvania. So glad to be able to have the opportunity to serve on the LTAB board.

CHAIR ROYBAL: Commissioner Hansen, did you have any questions?

COMMISSIONER HANSEN: Thank you. Our lodgers tax is an important part of the County and I read your résumé and I think your skills will be an addition to the board. And I wanted to thank you for being willing to serve.

CHAIR ROYBAL: I'd like to express the same gratitude. It's not always recognized when people volunteer and come forward but I always like to recognize our volunteers so thank you very much. Any other comments from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, in fact you're in my district and as a matter of fact I had some professionals in to do an intensive writing session which we did at the Bobcat Inn and it was so well received. It was really, really fabulous. That might be largely irrelevant but I appreciate the service you provide and then this volunteering is really appreciated.

MR. RYAN: You guys can visit any time, take a tour and have a glass of lemonade.

COMMISSIONER HAMILTON: Well worth it, yes.

CHAIR ROYBAL: Thank you, sir. Do we have a motion? Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I'll make a motion. I move to appoint Mr. Ryan Miller to fill the vacancy of the LTAB member representing the lodging industry for the term of August 8, 2017 through December 31, 2017.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Okay, we have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

III. C. Miscellaneous

- 1. Request (i) Approval of Amendment No. 3 to Price Agreement No. 2014-0297-B-CORR/IC with Bob Barker Company, Inc. for Inmate Clothing, Hygiene, Linen & Mattresses for Santa Fe County Corrections Department and (ii) the Grant of Signature Authority to the County Manager to Sign the Purchase Orders**

DON MOYA (Finance Director): Good afternoon, Mr. Chair, Manager Miller, and Commissioners. I'm here on behalf of Bill Taylor, and as you just stated, what you have before you is an amendment to extend the agreement with Bob Barker for inmates supplies for another year. This is the last extension on this agreement and I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: I'll move to approve.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a motion and a second. Any discussion?

The motion passed by unanimous [4-0] voice vote.

III. C. 2. Request (i) Approval of Agreement Nos. 2017-0289-A-CORR/IC with Life-Assist, Inc.; 2017-0289-B-CORR/IC with Midwest Medical Supply Co. LLC; and 2017-0289-C-CORR/IC with Henry Schein, Inc. to Provide Medical Supplies for the Corrections Department and the Fire Department and (ii) the Grant of Signature Authority to the County Manager to Sign the Purchase Orders

MR. MOYA: Thank you, Mr. Chair, Manager Miller, Commissioners. On May 27th the Purchasing Department issued an invitation for bid for medical supplies. There were four bidders; three were deemed responsive for the medical supplies. The Purchasing Division thought it would be in the best interest to provide the medical supplies at fixed price and to grant a multiple source contract with three of the four, and they are Life-Assist, Midwest Medical Supply, and Henry Schein, Inc. And we are seeking your approval to enter into a contract with these three vendors. And we stand for questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board? No? Okay. Seeing none, what's the pleasure of the Board?

COMMISSIONER MORENO: Move for approval.

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

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Motion and a second.

The motion passed by unanimous [4-0] voice vote.

III. D. Resolutions

1. Resolution No. 2017-85, a Resolution Awarding the Santa Fe County, New Mexico General Obligation Improvement and Refunding Bonds Series 2017 [Exhibit 3: Supporting Material; Exhibit 4: Revised Redline Resolution]

MR. MOYA: Thank you, Mr. Chair, Manager Miller, members of the County Commission. What you have before you is a resolution to award the final bidder on the bond sale this morning. We had a very successful bond sale this morning that began at about 10:30. There were 14 bidders and a total of 83 total bids. The final bid or the one we're requesting you to award came in at about 30 basis points lower than what we were actually anticipating, and here to sing backup with me are Mr. Eric Harrigan from RBC Capital, who is our financial advisor, and also Daniel Alsop from the Modrell Firm. And I think we've got some information being passed out to you. Oh, you got it.

CHAIR ROYBAL: We received it. Thank you. Mr. Harrigan. Good to see you again.

ERIC HARRIGAN: Thank you. Good to see you as well. Good afternoon, Chairman, members of the Commission. Eric Harrigan, RBC Capital Markets. As Mr. Moya just pointed out the County did open up bids to its general obligation bonds. There were two components of that. One was selling \$22,015,000 of \$35 million voter-authorized of November of last year. So the County still has additional voter-authorized bonds to sell, as well as to refund the 2009 bonds for interest rate savings. Based upon the best bid provided by Piper Jaffray, the savings from refunding the 2009 bonds on a present value basis is \$431,000 with a net present value of 6.91 percent. Just to kind of put that in perspective, we try to target three percent as the minimum threshold to be considered economically beneficial; the County far exceeded that.

The borrowing cost on the new money was 2.48 percent, again, which was a terrific result. The bonds will be delivered on September 12th. That's when the money will be available for the County to start spending on the projects, and the bonds also have a 10-year call, meaning that in ten years the County has the option if interest rates permit to refund those and try to lower the interest rate just like what the County is doing with its 2009 bonds today.

We've provided some information: the sources and uses of funds, the total combined true interest cost from both the refunding and the new money was 2.34 percent and the average annual savings, as I mentioned, on a present value basis, the refunding generates about \$431,000. On an annual debt service it saves the County about \$88,000 a year in interest costs on the 2009 bonds.

The market was very strong and there has been a lot of demand for municipal bonds. Municipal bonds are trading exceptionally well to their equivalent US Treasuries, trading the best that they have since 2010. And with that I'd be happy to answer any questions that you have or I could turn it over to Daniel Alsop with the Modrell law firm if you have any questions regarding the sale resolution that is before you.

CHAIR ROYBAL: Okay, do we have any other questions from the Board?

Commissioner Hansen.

COMMISSIONER HANSEN: I read all this material although some of it was a little dry. But I did find that the statistics were the more interesting part of the material for that but I'm also very excited about the rate that we got today. That's a really good rate and means a good savings for the taxpayers and that's really important. So I'm grateful. Thank you.

MR. HARRIGAN: You're welcome.

CHAIR ROYBAL: So if there's not any other questions, what's the pleasure of the Board?

GREG SHAFFER (County Attorney): If I could, Mr. Chair, just really quickly explain why a revised redline resolution was passed out. The purpose of that was to fill in blanks and update certain details based upon the actual results of the sale of the bonds. So the final sizing of the bonds, as well as the ultimate purchaser, the maturity schedule, as well as the stated interest rate and providing – removing some other features that ultimately were not part of the bonds as they were priced and bid on by the purchaser. So that's what was handed out to you just now and those are generally what the changes were and how they came about. And again, I or Mr. Alsop would stand for any questions but I did want to explain to you what the changes were in the resolution that I just passed out to you.

CHAIR ROYBAL: Thank you. Appreciate that, County Attorney Shaffer. Is there any questions with the redlines that we just received? No? Okay, so what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

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

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and multiple seconds.

The motion passed by unanimous [4-0] voice vote.

IV. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: We have Dr. Mekah Gordon that would like to address the Board.

DR. MEKAH GORDON: First of all, I want to thank you, Chairman Roybal and Commissioners Hamilton, Hansen and Moreno for seeing me this afternoon. My basic concern is the

RAP or the recycled asphalt that they are placing, or I like to think of dumping on the roads in Eldorado. The letter that I had written or email that I had written to Commissioner Moreno is as follows, and it basically speaks of what I'm talking about: I have spoken to you at length on the phone concerning my discontent of the asphalt application on the dirt roads in Eldorado, especially the scheduled covering of Juego Road, which I live on.

I'm totally against the destruction of our natural environment by the consequential dumping and rolling of this unknown, untested debris-filled garbage at Juego as well as all other roads throughout the community. I sincerely feel that this cavalier disregard to communicate with every resident being subjected to this appalling fiasco is unprofessional, unethical, immoral, and irresponsible. I'm pretty sure that you did not follow the requirements and regulations of the New Mexico Environmental Department, otherwise known as NMED, core values and guiding principles, which basically state – which I have here – basically state integrity, excellence, respect and collaboration. Because there was absolutely no collaboration to the residents of Eldorado.

I am asking once again for you to cease and desist the continuance of all further dumping until you have communicated with each resident through a letter from your office, giving each neighbor a proper right of first refusal as well as through chemical analysis of this material.

Now, I was made to understand the chemical analysis would cost too much but I don't know what the cost of health is on people or animals or the environment. My general concern is that this stuff – which I forgot to bring in but I'm going to go get it later and show it to you. I have pictures and will be glad to share them with you.

The possibility of contaminating the environment through chemical leaching into our precious aquifers, animal, plant life as well as us has not been disproved. The chemical analysis that was told to me by Commissioner Moreno and Mr. Martinez is that there was this great study done on this chip sealing. Well, has it been evaluated, the stuff they're putting down now? Not in New Jersey and not in Maryland and not wherever this report came from. And to me it's a total disregard of responsibility to actually finding out and when you see the materials that are just being rolled into this stuff, just without even taking it out, it's appalling.

Please reconsider your decision. There was more than enough time to examine all considerate possibilities. Thank you very much for your attention.

Now the Eldorado Road Committee – I only attended one meeting and I found out that it was only maybe six people there. Mr. Martinez was there as well. They knew before hand, months before this chip seal is going to be done. And Mr. Martinez had said to us at the meeting which was recorded at that time that if we wanted to not have this on our road, just needed to get neighbors. Well, quite honestly, I'm a very busy woman and I own a gallery and some of you might know it when it got burglarized and then that wasn't the reason, but I know have built my own jewelry studio, and I'm busy. And as I'm getting closer to 70 I'm thinking, well, all right. What the hell else do I have to do? You know?

So the point being is that I'm given the consideration here and the honor of speaking to all of you. They knew months before; they never, ever sent out letters for first refusal at all. They kind of snuck it under the radar, is how I look at it. They had it. Mr. Martinez says, we'll we've got it. We want to use it and we're going to put it down. That's not the answer that should have been spoken to us on that day.

Just one other thing and I'll cease talking. The garbage that's being dumped – and I call it garbage because it truly is. It's pollution. It's rubber tires. It's stuff that a million years from now the archaeologists when they come to Eldorado and actually dig up all these rubber tires, maybe a million

years from now. This garbage that's being dumped on the dirt roads of this community has not been filtered for an assortment of debris including large pieces of rubber tires, paint from yellow lines, electric wire with its insulation, large globs of tire, plastic pieces plus other inclusions which should never have been included for the sake of being redundant.

I am looking for them and Commissioner Ed Moreno to kindly cease and desist right now until this can be examined and I have contacted the EPA as well as news agencies who are thinking about doing a story about what's happening here. I just – I fought for civil rights and human rights ever since I was an adult in New York and I see this as just a compilation of just not thinking ahead. And so I would be more than happy, later after I finish, I won't come up and show you, but I would like to, if I may approach you and just show you, if you don't mind.

CHAIR ROYBAL: Yes, of course.

DR. GORDON: Thank you. This is the New Mexico core values and guideline principles, which I don't think – this is the EPA, but this is something I think we should have been aware of. Starting on this page you can see. If you like you can share it. If somebody can explain to me why this stuff was not truly filtered it would be wonderful. But that is what I have in my vehicle and it's still on Demora Road, a lot of these pieces. Now if somebody can make sense of it, great. But I see a wrong, I try to right it. And this is wrong. This is absolutely wrong. Any questions on any of those materials or anything else? I'd be more than happy to answer.

CHAIR ROYBAL: Can we get somebody to make copies for the record?

DR. GORDON: Yes, thank you. And if that's all right, with your permission, Chairman and Commissioners, after I'm finished I'm going to go out to my vehicle and bring in the box of what is included and you can see for yourself that this stuff is just being rolled arbitrarily right into this chip stuff and it's – an abomination? I don't know what else to say. I was stunned.

CHAIR ROYBAL: Okay, do we have any questions from any of the Commissioners?
Commissioner Moreno.

COMMISSIONER MORENO: Thank you for coming here.

DR. GORDON: Well, thank you for having me here. I still like you.

COMMISSIONER MORENO: If I can have a moment or two.

CHAIR ROYBAL: Sure.

COMMISSIONER MORENO: In my previous political experience as a member of the road committee of the ECIA, there was a collegial feel to it and there were a lot of good projects. In the past, in Eldorado when I move there, Verano had just been paved and when the pavement started to get funky the residents of Verano Loop, which is one of the largest roads in Eldorado, that they had to assess themselves. And this product as not pretty as it looks, I've been up and down Estambre Road a couple of times, and it is kind of a jarring experience to see your nice brown road become a black road.

But the reason this is a matter of opportunity for making sure that when the roads are in trouble that these will have more durability. They're more durable and I've heard from a number of residents that are very happy about it because now we don't have to dig ourselves out in my street, just to get to a paved road. The material is actually of benefit to the community in the sense that it's used asphalt and can be reused. And in fact I think the County gets LEED credits for using a road replaceable material.

I see this situation as a community situation that is to all too often in Eldorado that they don't communicate as well as we would like. And so I think this is a pretty good solution for more uses. Certainly not on the smaller streets, and I think in the long run it will be a benefit for the community.

DR. GORDON: Thank you, Commissioner Moreno. With all due respect, I don't know – have you wanted this on your particular road in Eldorado?

COMMISSIONER MORENO: No.

DR. GORDON: Okay. Thank you for being honest.

COMMISSIONER MORENO: But the material is intended for the most used roads. Estambre is a mile and a half at least and there's a lot of traffic. It gets a lot of pounding.

DR. GORDON: Well, Juego Road, I've been there going on to 18 years and I retired from New York as a high school art teacher after 35 years. The basic thing is that I love Santa Fe. I love the community. I have given a lot to the community and I intend to give as much as I can. I don't have to know you to help you, is my mantra. The thing is that all well and said, and again, with all due respect, I think you're absolutely incorrect. If you – and I will bring it in. If the members and the Commissioners and the Chairperson will take a look at the stuff that's in this road I think you'd kind of look and go, what is this? Trying to make it all well and good, when it comes snow time, is this stuff going to be plowed up and just deposited on the sides of the road? Nobody seems to really know. They have it; they just want to use it. But they're going about it like somebody who has absolutely blinders on and just focusing ahead.

I mean I really – people who want it – I don't know. I don't think they're here today but if they wanted it that bad I think they could have been here. But they complain about the dust. Well, hello. This is the high desert. And in the high desert you have tons of dust. You even have dust in Alaska. So the point being if a dirt road is there and I go around it and I go 20 miles an hour or less, and I avoid it. But the beauty and the aesthetics of that road is why I moved here. And not that I've increased my property and my investment in this community by building an 800 square foot studio, that was my decision, but that's a big investment when you first come out and buy a house and then this happens. And to me it's more of a slap in the face and some of the members of the community as well, because we were never given a right of first refusal, and you're just going ahead and you're dumping on this garbage on this road.

I don't see any benefits. If you want to put it on, the people who are currently speeding want to keep on speeding, well this will give them a better opportunity to go faster. Well, I've been vigilant with that myself and telling people to please slow down and of course they just give me their age when they let me know. I don't know. I really think that this Commission and everybody here should really understand the disaster that's taking place there and where it's not the sake of being redundant anymore, if anybody has any more questions, I'll be more than happy to answer. And to take this really into consideration to stop this and say, what are we doing?

CHAIR ROYBAL: Any questions from any other Commissioners? I do want to afford the opportunity to our Deputy Public Works Director, Robert Martinez, to respond to some of these concerns.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, just a brief history about RAP, which is recycled asphalt pavement. The County's been using this material for over ten years. Somebody decided years ago that it was beneficial to reuse asphalt than landfilling it. So they developed the machinery that grinds the existing paved roads and you can utilize them for base. You can utilize them for a finished surface. We've used them up north in Sombrillo and in La Puebla. We've used them down south. We've used them all over the county.

So in these pictures, the millings that the roads re getting done with, you've probably passed by them every day if you go down St. Francis and you get on the interstate. They're stockpiled there on the right-hand side before you get on the interstate. I believe these millings came off of St. Francis when they repaved St. Francis.

So the thing, the issue about the rubber in the material, well, crack sealing is part of a pavement preservation treatment. When you get a crack in a road you seal the cracks with rubber. And that's what you're seeing in the piles. There's no way that when they're milling the roads that they can go and isolate the cracks and remove the rubber. They mill it all as one. So that's what you're seeing in one of those pictures. In the other picture where you're seeing the yellow paint, that looks like it's a larger piece of milled asphalt where the center stripe was. So it's not like somebody threw their trash in the stockpile. That appears to be the centerline of the road that was in the milling.

And that picture below it, it appears to me, it looks like it's a temporary pavement marking that delineates the lanes prior to them striping. Sure, in one of these pictures you see a piece of rubber. It appears to be maybe a piece of an old tire but these millings have been stockpiled on St. Francis, drying out, so the amount of asphalt that's in there is pretty minimal.

We started this conversation with the Eldorado Community Improvements Roads Association back on March 30th. We said you've give us your list of roads that you have trouble with during the freeze-thaw, whenever you get good rainstorms. We've got an opportunity to get these millings from the Federal Highway Administration, and that's where these millings came from. They came from the FHWA through NMDOT. We had to apply for them. We had to show what roads these were going to be used on. At the Association of Counties conference in Taos at the Public Works Affiliate meeting the deputy secretary, Anthony Lujan, gave a pitch to all the counties. We've got these millings that are free; take advantage of them. They will help you to improve your roads.

So back on March 30th is when we started the conversation with the Eldorado Community Improvement Association Roads Committee, back in April ECIA sent us a request of roads they would like done. In June, June 8th, I attended the ECIA Roads meeting where Dr. Gordon and other residents from the public were there, including the entire ECIA Roads Committee. I sent, on June 9th, ECIA, the material safety data sheet for the asphalt that showed there were no carcinogens or anything toxic. Yes, if a worker gets hot asphalt on his arm while they're laying down asphalt they're going to get some kind of discomfort.

June 14th, got an email from Felicia Probert, who is the ECIA chair saying we support this. So we have been completely in communication with ECIA. Actually Felicia Probert told me that Juego was in the top ten of the roads that ECIA wanted to be improved. So I just wanted to give you that bit of information.

CHAIR ROYBAL: Thank you, Mr. Martinez. Is there any questions from the Board for Mr. Martinez. Thank you, sir.

DR. GORDON: Well, okay. After hearing what Mr. Martinez is, with all due respect to him, the qualifications of the Road Committee, I don't know what they are, but you have a Road Committee through Mr. Martinez basically stating to us and to me that this was known on March 30, 2016. With that being known, why didn't the Road Committee immediately contact the residents that were being pointed out, so to speak, for this stuff to be put on it. This again is a terrible oversight and again, unprofessional.

These roads – nothing was said to us. And Felicia, whatever. I know who she is. I attended one of the meetings there and I don't know what makes them an expert. I just know it makes them somebody who has disrespect, I would say, for their neighbors and anybody else who decided to get together and put this together, because we never got a right. And for them to come down my road or any other road and then say, that's one of the roads, and that's one of the roads, without even talking to the neighbors there and getting input, is shameful. Absolutely shameful.

So like I said, through respectiveness to Mr. Martinez, he can tell me from now until the end of time that this asphalt is okay. Well, this asphalt is not okay. And if you're not willing to do a test on it or figure out why all these things – millings. They had a chance to put this through some kind of a process. Not that I wanted it. But to include all these foreign objects, all of these things – rubber from the road or tar. There's chunks of tar.

One of my friends, Deborah on Demora Road in Eldorado who is to the point of she was crying to me on the phone and stating after they put water down on this road she drove back home. She has to leave her house because of the constant beeping from the trucks, from the noise, from the smell. From everything else that's going on. She cannot stay there. But when she did come home the other night, after they put water down on this road, her car was inundated with tar, pieces of tar all over the side of the paint of her car. And being that she's probably and I understand to be chemical – call is sensitive – this woman is trying to – getting suggestions. Oh, use WD-40. The point is I don't want this on my truck. My husband doesn't want this on his white car. And I don't think anybody else would want this.

So understand, people who want it – that's great. Whatever they are saying between the dust and between the pieces and this and that, you can throw it on the wall and it will not stick. What will stick is the stuff that's on that road. The large globs of tar which have not been taken out or filtered. Not that I'm saying if it was I wanted it; I don't. So that's where I am and that's what I say and I will go out to my truck and I will present it to whomever and you can physically see the stuff that Mr. Martinez says is perfectly okay to include, just rolled right into the road. And to me that's an insult, to the community and to anyone who loves the environment as I do.

I want to thank you, Chairman Roybal. I want to thank you, Commissioner Hansen, Moreno and Hamilton for your kind attention and I just certainly hope you rethink all of this. And please don't let politics stand in the way. This is a serious environmental hazard. I don't know what else to tell you. Any other questions?

CHAIR ROYBAL: Do we have any questions from the Board? Okay. Well, I'd like to thank you for being here.

DR. GORDON: I'll just go out and just eventually bring it in. How is the procedure on that?

CHAIR ROYBAL: You can if you like and when we have a break or something maybe we can take a look at it. Mr. Flores, how would you want to handle that?

MS. MILLER: Mr. Chair, just take it to the front office.

CHAIR ROYBAL: Okay, if you take it to the front office that would be fine, Dr. Gordon.

DR. GORDON: All right. So everybody will have a chance to look at it, I'm assuming.

CHAIR ROYBAL: Yes.

DR. GORDON: Thank you.

CHAIR ROYBAL: Thank you. Okay. We're still on Matters of Public Concern. Is there anybody else here from the public that would like to address the Board? Okay, seeing none I'm going to go ahead and close Matters of Public Concern.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Mr. Chair, the few updates for you. Just a reminder, tomorrow we have a Thornton Ranch site visit. This is part of the County's ongoing efforts to collaborate and consult with tribes and pueblos on the Thornton Ranch open space property. This is the second and final site visit and

