

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
January 28, 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 02/28/2020

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:28 p.m. by Chair Henry Roybal in the Plaza Conference Room, County Administrative Complex, 100 Catron Street, 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 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 was led by Billy Baca, the State Pledge by Adrianna Vasquez, and the Moment of Reflection by Joseph J. Barela of the Housing Authority.

Commissioner Hansen asked for a moment of silence for Art Montoya, lifelong resident of Agua Fria Village.

I. F. Approval of Agenda

CHAIR ROYBAL: Are there any changes by any of our Board members to the agenda?

KATHERINE MILLER (County Manager): Mr. Chair, the agenda was posted last Tuesday and then amended on Friday, January 24th at 4:31 pm. At that time we added four items on page 1 under opening business: items J, K, and L were added, and then on page 2 of your agenda, under item 10, Matters from the County Attorney,

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item 10. A. 2 was added. Those are the only amendments to the agenda from the staff.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to approve the agenda with changes.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Hamilton.

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

I. G. Recognition of Years of Service for Santa Fe County Employees for January 2020

MS. MILLER: So as you know, we recognize employees who have hit a milestone in their consecutive years with Santa Fe County and we recognize them in five-year increments and so in your packet we have employees who have been with us five, ten, fifteen, even twenty years. And so I just wanted to make sure in this meeting we gave an opportunity to recognize those employees. We've just actually had William Baca or Billy Baca from Housing. He just hit his five years of consecutive service with Santa Fe County.

In the adult detention facility, Manuel Valdez. In teen court, Chanelle Delgado has also been with us five years. In the information technology, Rico Lovato. In the Clerk's Office in reporting and recording, Manuel Olivas. Also in Housing, Roberta Martinez and also in the Clerk's Office, Estrella Martinez have hit their five-year milestone, and then Ashley Woods at the dispatch facility, RECC.

Then those employees who hit a ten-year milestone are Julia Valdez who's in the Clerk's Office but used to be in the Manager's Office as a constituent liaison, and also Walter Dasheno from the wildland program in the Fire Department.

Those with 15 years of service are Tino Alva in Corrections in electronic monitoring, and then at the adult facility, Aaron Garcia, David Ita and Daisy Quintana hit their 15-year or will hit their 15-year mark on January 29th, tomorrow.

At 20 years we have in the Fire Department, Patrick Romero. In Land Use, Rick Lovato. In the County Manager's Office, in Finance, Sam Montoya. In the Sheriff's Office in Administration, Gabe Gonzales. It doesn't say Major but we know that, and Yvonne Gonzales in animal control. On December 6, 1999 is when they started with us and they have hit the 20-year milestone. So congratulations.

CHAIR ROYBAL: Thank you, Manager Miller. It's important for us to recognize these milestones. I just want to thank staff for their dedication to Santa Fe County and just congratulations once again. I'll go to the rest of my Board members. Commissioner Hansen.

COMMISSIONER HANSEN: I just want to congratulate everybody, especially those who did 20 years, Major, Sam, Patrick, Gabriel and Yvonne. Thank you for being here for 20 years. I won't get to serve that long here, unfortunately, but I am grateful that you are here for those 20 years. So thank you and thank you to everybody

who has served the County for the five, ten and fifteen years. I'm honored to be able to be a County Commissioner and serve all of you. So thank you very much.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Any other comments from the Board. Manager Miller.

MS. MILLER: And Mr. Chair, we have special gifts for those individuals who hit their 20-year mark as a result of – last year I think the Commission asked that – it's pretty significant if you've been here 20 years straight, so those individuals who've been here 20 years straight like Sam and the Major –

COMMISSIONER HANSEN: Patrick, Yvonne Gonzales and Gabe Gonzales, Rick Lovato.

MS. MILLER: So maybe you could step forward to see which ones you are. I just wanted to point out we have kind of nice glass award for them. So we really do want to recognize how important it is to have people here for so long. I can tell you that working with any of them on items particularly relative to the budget, Sam goes, oh, yeah. I remember that. And it really helps to have that institutional knowledge, so we really appreciate you've stayed with Santa Fe County and made it your career.

CHAIR ROYBAL: Definitely. Congratulations. Commissioner Garcia

COMMISSIONER GARCIA: As an individual who actually worked here for 28 years at Santa Fe County. And many of you were here when I started. Just congratulations to all of you. I think at Santa Fe County we sometimes feel maybe now it may not be a good place to be employed, but actually Santa Fe County is a very good place to be employed. Congratulations to individuals that have been here for five years. You've got a little bit of time to go. Congratulations and thank you for working for Santa Fe County.

CHAIR ROYBAL: Thank you. Any other comments? Commissioner Moreno.

COMMISSIONER MORENO: Twenty years – you are the elders of the County, I'm so happy to see that there are so many. You're the brains of the County. We up here, we come and go, but you, in your hands, you control the future and I'm so happy for all the honorees and have a good day.

CHAIR ROYBAL: Thank you, Commissioner Moreno. So I just once again want to reiterate the importance of the time you guys spend here. You guys are the heartbeat of the County. You're the ones who put in the time, day in and day out. The Commission actually gets a lot of kudos for the work that you guys do. You're the heartbeat of the County and I appreciate everything you do. Any other comments from the Board? Thank you guys and congratulations again.

1. H. Recognition of New Hires in November and December 2019

CHAIR ROYBAL: So now we're going to move onto our next item which is item number H and is also of great importance. We have the new hires that come to work for Santa Fe County and hopefully will make a career here and decide to stay here and be our next group in 20 years to recognize. I know that as Commissioners, we probably won't be here for that but I think that we can be here to cultivate a culture where people want to make their careers here. Manager Miller.

MS. MILLER: Mr. Chair, Commissioners, I just want to – in your packet there's a list of new hires. These are new hires in the month of November 2019 as well as the month of December 2019. So some of them may not seem like new hires because three months go quickly and it's like, you've been here forever. So I just want to name them off and welcome them to the County. If you see them or if you have not met them yet and you do meet them, welcome them to the County.

The first one on the list is not actually new to the County but I will say Erin Ortigoza actually took another position outside of the County but she came back to work part-time with us so she's a new hire on the list but not new to the County. Stacy Weber, GIS analyst, Jocelyn Moreno, Devanna Rodriguez and Soriada Sanchez in Corrections, and then at the dispatch center, Nicholas Anderson and Samantha Cordova.

Those were the new hires in November and then in December, in IT was had Matthew Hyde. In the Sheriff's Office we had several new deputy cadets, a deputy I and that's Justin Dillinger, Antonio Naranjo, Gustavo Palomino Ruiz, Zachary Sisemor, Aria Ulm and Shamar Walker in Corrections, detention officer. The others were in the Sheriff's Office. Then the Treasurer's Office, Rachel Piatt. In Community Services, Jacob Calles and in Solid Waste, James Anaya and Justin Martinez. And then also in the dispatch center, Jacqueline Lopez and Michelle Mendez Granillo. So I just would like to welcome them to the County.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: I would actually like to thank the HR Department staff because this is really good to see these new hires come aboard, especially in the area of Corrections, our Regional Emergency Communications Center, as well as – what do we have? Five or six different Sheriff deputies and all the other departments are definitely represented as well. These are some of the areas where we needed some help in recruiting some individuals into these positions. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I also want to welcome everyone to the County. Thank you for being here and thank you, Sonya, for being our HR Director. That's great. Thank you very much. We look forward to working with you and good job on all these hires.

CHAIR ROYBAL: Thank you.

1. I. Santa Fe County Employee of the Quarter, 4th Quarter of 2019 Award

CHAIR ROYBAL: It's always great to recognize the Employee of the Quarter. It's an award that we give out every quarter, so with that I'm going to go to Manager Miller.

MS. MILLER: Mr. Chair, Commissioners, normally I have a big long list of employees to read a summary about what they have done for the quarter, but this quarter we have one outstanding candidate who is the Employee of the Quarter, and that's from Community Services, Diana Ortiz-Acosta. She's a Housing intake specialist and Diana consistently provides excellent customer services to Santa Fe County Housing

authority clients. She is very resourceful and goes out of her way to provide information timely to help people in need. Diane has a large workload and completes this efficiently, with exceptional accuracy and a positive attitude.

What we have for Diana is – do we have a sharpie pen so the Commissioners could sign the certificate? The main thing, as you all know is the nice gift that the employee receives is this wonderful glass sculpture that says, Santa Fe County Employee of the Quarter, Diana Ortiz Acosta, January 28, 2020.

CHAIR ROYBAL: So I just want to thank Diana for her dedication and hard work for Santa Fe County. I think that it's really great to have an opportunity to recognize and employee that's going above and beyond. So I just want to say thank you for all your hard work. Great job. We really appreciate everything that you do for Santa Fe County. Is there any other Commissioners that would like to comment? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, also, Diana, I actually met you a long time, when you first started with the Fire Department?

DIANA ORTIZ ACOSTA: Started with the Sheriffs and then Fire Department.

COMMISSIONER GARCIA: Then Chief Holden, right?

MS. ORTIZ ACOSTA: Yes. And then Sperling.

COMMISSIONER GARCIA: And so it's actually good to see, as Commissioner Roybal mentioned, to see an individual recognized for customer service. Because customer service is all of us sitting in this building that work for Santa Fe County, for the taxpayer, it's about customer service. They are the customers for our organization. Congratulations.

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

COMMISSIONER HAMILTON: When Manager Miller was reading this and talking about the workload, I had a sister who did something similar to this and the level of work doing intakes and this kind of thing. The workload was unbelievable and it was rare that there were a number of people that I knew that she worked with. It's so hard to keep up with this sort of thing. So it just struck me how remarkable it is to be able to keep up and do this kind of thing timely, but really in good service. So this is hugely well deserved and thank you so much for that level of effort.

MS. ORTIZ ACOSTA: Thank you.

MS. MILLER: And Mr. Chair, I know that Joseph Montoya would also like to say something if he could. And then I want to ask before everyone runs off, when the Employee of the Quarter and the next three items that we have, the recipients we could go out and take pictures with them. Because it's hard in this room but at least we could go over there and get some pictures with them.

CHAIR ROYBAL: Absolutely.

JOSEPH MONTOYA (Housing Director): I want to thank you so much for this honor because Diana really, really deserves it. She is the face of the Housing Authority who has very difficult clients and Diana keeps her calmness, and she's always gracious under extreme stress. And of course you know all her clients come in within a four-day period of time.

And so not only does she do all the work that we mentioned earlier in terms of bringing in people and bringing in those new accounts to us and letting people go, every single person that comes into the Housing Authority is touched by Diana. In fact she is the only employee of the whole Housing Authority that in some point in time, in all our programs, she touches. And I just want to say her work has been exceptional, especially in terms of her accuracy and in terms of the financial side of things and her ability to put into the program reports. As you know, we have new software programs. She's been exceptional about learning all the new software programs and has gone out of her way to be able to get training and support in order to do her job better. So we're really – I'm really proud and thankful that she was able to get this award because she richly deserves it.

MS. ORTIZ ACOSTA: Thank you.

CHAIR ROYBAL: Thank you, Director. Diana, would you like to say anything?

MS. ORTIZ ACOSTA: Just thank you for the opportunity to work with the County for 22 years. Thank you to those of you that nominated me. Feels good to be nominated and recognized.

CHAIR ROYBAL: Thank you.

MS. MILLER: Mr. Chair, if we could do all three photos and then do all three photos. So we won't have to come back and forth, that would be great. And also, Mr. Chair, I wanted to point out that Diana will also receive a day of administrative leave for receiving Employee of the Quarter. So the letter isn't in her certificate but that also comes with her nomination and award.

COMMISSIONER HAMILTON: Now all she needs is the time to take it.

MR. MONTOYA: We might have to talk about that.

1. J. Recognition of NM EDGE Program

SONYA QUINTANA (HR Director): Mr. Chair, members of the Board, I'm here today for a very important recognition item. All of them are, but it is the recent New Mexico EDGE graduates. Before I get started recognizing our employees, I just want to note how important it is to recognize not only this achievement but also the ongoing support that we receive from the County Manager and you members of the Board on our training and recruitment programs to include New Mexico EDGE. I think it's important to note in the program it states that there's more Santa Fe County employees that have graduated from New Mexico EDGE than any other county in the state.

To date we've graduated 59 employees with multiple certifications, so some of those employees have more than one certification, and so we really appreciate that support.

Starting to recognize those employees, the first is Katherine Miller. She earned the certified public manager. Gabby Trujillo from Public Works, Les Francisco, also from Public Works, Patrick Varela, and Anna Martinez.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Just real quick, Ms. Quintana, can you actually explain to the audience out there who does not know what EDGE classes are, could you just give them a little brief about what the EDGE classes are for the general public out there?

MS. QUINTANA: Absolutely. New Mexico EDGE is Education Designed to Generate Excellence in the public sector. It's a program operated through the New Mexico Cooperative Extension Service, and provides comprehensive course studies for local public bodies, municipalities, tribal government, specialized to working in the public workforce. And so the idea of New Mexico EDGE is to train employees to apply best practices with the purpose of encouraging better government through education.

COMMISSIONER GARCIA: Thank you.

CHAIR ROYBAL: Thank you for that. Any other comments? Manager Miller.

MS. MILLER: I did want to point out that Les, Gabby, the Treasurer and I were in the same graduating class for the certified public manager. That is the highest designation of certification that you can receive from EDGE. It takes about 300 hours to complete that certification. I want to say that it's 80-some classes or something like that and then culminating in a 100-hour project, and Les and Gabby and the Treasurer did their projects. My project was implementing the logo and communications plan. They may want to tell you about theirs. I started out doing it just to try to encourage people to go to classes and then I got kind of hoodwinked into doing the whole thing. But it's really enjoyable and I think one of the things that the program director, Mary DeLorenzo and some of the individuals from New Mexico State that put on this program is that it really shows how much the Santa Fe County Commission supports education and employee growth by how many Santa Fe County employees participate in the program, and they even said they wanted to do some kind of feature story on Santa Fe County's participation in the program. So you may actually hear from the folks at EDGE to get your input as to why it's so important and why we put such an emphasis on education at Santa Fe County and continuing education.

So I think that's really great. And then also Anna Martinez doing the certified public supervisor, she's on her way. So you start out as a – the first designation is certified public official. The second one is certified public supervisor, and I'm guessing she's going to go for certified public manager. We'll see.

But there are also numerous other certifications in the different fields of your profession. So they have GIS certifications, Treasurer's certification. There's even a certification for Commissioners and clerks, ethics certifications. So HR and all of the different department directors and elected officials really do support employees going to those classes and New Mexico State makes it an easy program for you to get involved in and work your way through certifications. I just want to put a plug in for the program and for all the employees that have participated in it, whether they've gotten a certification or not. We really do try to give them that opportunity to take some classes beyond high school.

And it's also a good way to – if you aren't really sure you want to get an advanced college degree, it's a good stepping stone to see if you want to go back to school.

CHAIR ROYBAL: Thank you for those comments, Manager Miller, and I just want to ditto the same comments and just really thank you guys for being great employees and striving to make those next levels. You're all extraordinary so we really do appreciate you. Commissioner Hansen.

COMMISSIONER HANSEN: I just want to reiterate what Manager Miller said about taking these classes. I have taken numerous classes over the last three years and I find it really helpful as a Commissioner to also participate in the classes. I think it is definitely worthwhile and I definitely support all our employees also participating in this. I think it's important. I just wanted to share that. But I also do want to hear what everybody's project was. I didn't want you to get away without telling us.

MS. MILLER: Why don't you tell them, Les?

LES FRANCISCO (Solid Waste Manager): My project was on solid waste, recycling by diversion. How to keep stuff out of the landfills.

GABBY TRUJILLO (Public Works): And my project was restructuring administration for transparency and proficiency.

PATRICK VARELA (County Treasurer): Mine was investments. Mary, the director, said I would like something that's easy enough for the layman to understand investments, so I did one on investing with non-jargon. But I'd also like to express gratitude for the County because in my office it's required that they get a CTO and a CPO, because I believe that a public servant, which we are, an educated public servant, so they're required to take those classes and some assessor classes because we work together on a lot of subjects. All of them have gotten pretty much their CTOs and CPOs. Thank you.

ANNA MARTINEZ (GIS Technician): I didn't have a project to do, but I just have to do a whole training for my supervisor's vacation, and we have to do quite a few presentations. I also want to thank you for giving me the opportunity. I have three other certificates from New Mexico EDGE. It has helped me and I appreciate that you allow us to do this.

MS. QUINTANA: Mr. Chair, members of the Board, I just want to throw one other thing in there. Katherine has set the example for the program, not only by taking the classes, but she didn't say that she also steps in to teach the classes, many of the management classes when needed. So I think she's not giving herself all the credit.

COMMISSIONER HANSEN: Thank you, Sonya, for reminding us because one of the first classes that I took as a Commissioner when we came in, Katherine taught. It was fantastic, so thank you.

CHAIR ROYBAL: Can you share with us what sort of student Commissioner Hansen was?

MS. MILLER: Mr. Chair, I have found that any of the Commissioners who take classes are excellent. It's very nice to see Commissioners in those classes.

COMMISSIONER HAMILTON: We paid her to say that. [laughter]

MS. MILLER: And elected officials. And I know that the employees really notice with the elected officials participate in those classes. They appreciate seeing Commissioners and other elected officials partaking in them.

COMMISSIONER HANSEN: I find that people are -- they thank you -- me for being there, and I'm grateful to be there. So I think it's a really good program.

CHAIR ROYBAL: Thank you for those comments, Commissioner Hansen and Manager Miller. I've taken some classes as well and they're really informative. So I do appreciate the program and I think it does give us that next level of customer service for our constituents. So thank you. Any other comments from the Board?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I think it's no accident that so many of us take these classes and end up with so much – not just top to bottom but lateral encouragement – cause each other to improve ourselves and to share in the education and to do things in a good way. So it's just a surprise that Santa Fe County is such a great place to work and the staff is so proficient and works efficiently and encourages each other and does things well and ethically and with a high level of performance. It's a wonderful thing. It makes it a great place to work.

CHAIR ROYBAL: Thank you, Commissioner Hamilton.

MS. MILLER: And Mr. Chair and Commissioners, not to belabor the point, but one of the things that I really noticed that these classes and certifications do is that a couple of those people up there I know didn't like speaking in public, and they're not nearly as afraid to get up and off the cuff just do a presentation. It's the kind of thing that really does push you to learn how to speak in public, to think on your feet, to write papers. You have to write a paper. So if that's not something you're used to doing, it doesn't matter what your subject matter is. It doesn't matter what your field of study is or career field is in the County. One of the common things in the program as you get certifications you have to stand up and speak. You have to write papers and I really helps develop that thought process and that confidence to do that type of work.

So if you all would stick around so as soon as we finish the next two items we'll all go out and get a picture. Congratulations.

COMMISSIONER HANSEN: Don't go too far away.

1. K. Recognition of Adult Misdemeanor Compliance Accreditation for Santa Fe County DWI Program

MS. MILLER: Mr. Chair, Commissioners, so I know that some of you were at the New Mexico Counties award luncheon last Thursday but not all of you had the opportunity to be there and one of the things that Santa Fe County, and we were the only county at this particular mid-winter conference that received this, and I'm not sure we're the only county in the state but we're definitely one of the few, if not the only – so we're the fourth? To receive this accreditation.

The DWI program has been working under the supervision of Lupe and Rachel and all of the staff have been working on receiving the misdemeanor compliance program designation and accreditation. So it's actually the County DWI program went forward to apply for the adult misdemeanor compliance accreditation. And there are professional standards that are set out by New Mexico Counties and an entity that was created by New Mexico Counties to set out those standards and they have to actually put all those standards in place and confront those in order to receive this particular accreditation.

And so I just wanted to make sure that you knew, if you weren't able to attend the New Mexico Counties conference that Santa Fe County did receive that accreditation last Thursday. And maybe Rachel or Lupe want to tell the Board a little bit about what it took to get there.

RACHEL O'CONNOR (Community Services Director): Thank you, Manager Miller and members of the Commission. Ten years ago when I worked for the Governor's Office on DWI issues they were just starting on putting together requirements for misdemeanor compliance. And even at that time, Santa Fe County was out ahead of the pack. But I'm really pleased and proud of the work that everyone here did, and Lupe is going to introduce everybody, and to say I really – I think the most amazing part of it is how fast they did it, one, and two, how quietly they did it. Because I had absolutely nothing to do with it. They did absolutely every step. They sent me an email every week and said we're proceeding, we're proceeding, and suddenly it was done. And so all the credit for sure goes to this crew and I just wanted to say thank you. So there you go.

LUPE SANCHEZ (DWI Coordinator): Thank you, members of the Commission. I'd like to introduce the staff. First of all, we've got Erica Gutierrez, Leeann Rodriguez, Paul Portillo, Joanne DeBaca, Peter Olson. Without them, this probably would have never happened. Like Rachel said, we did it in about 7 ½ months and it's usually a two-year process. So we're real proud of the work that they put in to get that done. If it hadn't been for the diligent work they did it probably wouldn't have ever happened. They're an excellent crew and moving forward, I think Santa Fe County is a good compliance unit. Thank you.

CHAIR ROYBAL: First and foremost, I want to congratulate all of you for your hard work in earning this certificate of achievement. It says a lot about what the passion of our County is and what your passion is in this job. You guys have done a great job. We're really proud of you. But I'm going to go to the rest of my Commission. Any other comments? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, staff, congratulations. That's actually great. On the part of Santa Fe County elected officials your employees are getting a great award that's needed throughout the state of New Mexico. Congratulations.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for making this effort and working so hard to do it. This is great. I have mentioned to Manager Miller that I think we have an outstanding DWI program and this just proves it. But maybe we could advertise it a little bit by having a float in the Fiesta Parade. Because I think people in the county need to know what kind of good work that we are doing here. And advertise and promote ourselves because we are doing good work and I think it's important for people to know that. Fiesta can be a little wild and to help people know how important it is to drive carefully and not drunk and do all the right things is really important. So I'm grateful to all of you for the work that you put in here. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for those comments. I'm going to go to Commissioner Hamilton.

PETER OLSON (DWI Program): We're working on the float, by the way.

COMMISSIONER HANSEN: Okay. Thank you.

COMMISSIONER HAMILTON: We want to see this. An exercise in

creativity.

COMMISSIONER HANSEN: Right and I want all of us Commissioners to be able to walk in the Fiesta Parade. I'm a big fan of the Historical/Hysterical Parade. I used to ride my horse in the Fiesta Parade, so I want to have a van.

COMMISSIONER HAMILTON: We always have to have stuff to say, but this is very impressive so I just wanted to say congratulations, but also ask really, really briefly how you feel this is enabling us to do things a little differently or achieve something we couldn't achieve before, because it is a big deal on the surface of it. I think people would like to know that.

MR. SANCHEZ: The accreditation process, it makes programs stronger because there's 121 standards that we had to write policy and procedures for and to ensure that we're compliant with. You've got to provide documentation on each one of those standards that you're actually doing that you're saying you're doing. So it ranges from HR practices to referring clients to outside services, so it covers the whole gamut of what the program should be doing. So I think because of that it ensures programs are doing best practices and are incorporating best practices into their program.

COMMISSIONER HAMILTON: That sounds great. It just seems to me it's like some of the comments about people who take the EDGE classes. For the whole staff to have participated in achieving this must really upgrade their knowledge and performance too and we have much better staff working on this. Congratulations to all of you on that.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Yes. I think Santa Fe County has been a leader in this area and it makes me happy that teams come together to do things and it requires a lot of patience and congratulations for this. It's a good thing. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. I just once again want to reiterate saying congratulations and thank you for your hard work and keep up the hard work and if there's anything the Board can help with please let us know. Thank you.

1. L. Recognition of Risk Management Division for Receiving Safety Award Honorable Mention at New Mexico Counties 2020 Legislative Conference

MS. MILLER: Mr. Chair, Commissioners, I wanted just to make sure that every one of you knew that Santa Fe County was recognized at the New Mexico Counties mid-winter conference and I said that there were several employees who graduated from the EDGE program. We had the misdemeanor compliance accreditation. And we also received recognition for our Risk Management Division for receiving the safety awards honorable mention. And what that means is that they achieved – and the County as a whole, because this actually requires that employees don't get hurt on the job. But it's achieving a positive claim trend for lowering the frequency of Workers' Compensation claims for 2019. And that's really led by Mark and his staff for making sure that our Safety Committee meets, to make sure that we do safety inspections throughout the County, correct anything in the County where we may have potential for tripping,

injuring ourselves, falling, anything like that. And so it's the Risk Management staff that really keep our Safety Committee going and continue to inspect and follow up on any of our potential areas where we might have accident on the job.

Mark, do you think you could introduce everybody and also give them a little summary of what you did to get this award. So this is the safety award, honorable mention, which the Clerk and I received at the New Mexico Counties conference.

MARK LUJAN (Risk Management): Mr. Chair, Board of County Commission, to my right I have John Sanchez. He's our safety coordinator supervisor and he's been with me the longest. He's been in safety since about 2009 if I'm correct. He's moved up to supervisor and he's supervising. To my left is Alexis Rodriguez. He's our safety coordinator. This is Joaquin Zamora, our other safety coordinator. And they do an excellent job and they're really showing that they're pro-active out in the field.

As an honorable mention we're still looking at a different goal for next year. We're going to be safety gold members. That's what our main goal is. I always give credit to all Santa Fe County employees because this is a County program. This is all driven by County employees. We do our best to work with all different departments to reduce claims within their departments, reduce auto claims, work on claims, whatever we can do. We work diligently with Mr. Sedillo, our warden, different people in really trying to reduce things within their department.

CHAIR ROYBAL: Great. Thank you, Mr. Lujan. Commissioner Hamilton?

COMMISSIONER HAMILTON: Sure. It seems like a pretty diverse challenge to me because we do so many different kinds of things around the County and the kinds of things you have to pay attention to just vary across the Board. I was just thinking about being a volunteer firefighter. If you remember the storm on Thanksgiving Day out there clearing snow and having people working in treacherous conditions, to office things. So it's just pretty impressive that you guys had to keep all of that in hand and to really upgrade our ability to work safely. It's pretty impressive. Thank you and congratulations.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I want to ditto those same thoughts, but I also want to just thank you for being compassionate and holding such a high respect for safety and looking out for our constituents and our staff. It's a huge honor for you guys to be looking out for our staff and making sure that we're in compliance and working safely and having that compassion is something that a lot of people don't realize that it actually keeps us safe. It helps the workers to go home in the same condition that they get to work. So I really appreciate that. Great job. I'm going to go to Commissioner Hansen next, but I just want to say thank you again and congratulations and great goal for next year. Whatever we can do to help, let us know.

COMMISSIONER HANSEN: I want to thank you also because I know that many of you attend the EDGE classes and at the annual conference I really enjoy being able to hang out with you and visit with you during those conferences. So I want to thank you for that but also really thank you for taking care of us and making us safe. It's really important. So thank you very much.

CHAIR ROYBAL: Commissioner Garcia, and then I'll come to Commissioner Moreno.

COMMISSIONER GARCIA: Mr. Chair, congratulations to the safety crew. Honorable mention, that's actually very, very awesome. That's great. Especially when you're out there receiving the award in front of the entire state of New Mexico, all 33 counties were there. You gentlemen should be very proud that you actually – you have a good program going on. What happens to Santa Fe County, educating employees about safety. I can remember seven, ten years ago. We used to wear green vests out there and you guys tried your hardest to actually get everybody – that's just the minimal part you're responsible for. Whenever you see a road crew out there and they're all dressed in green, I think that's really great because it's safety for them and their families as well, not just us here.

Whenever you go to the state of Arizona, Arizona, if you actually look at the Department of Transportation, those individuals that work out there on the highway, they're dressed in green from their hat to their sunglasses, to their shoes. It's just a safety matter that we all need to be concerned about. But congratulations once again.

And just real quick, how many awards is this? Because last year you all received an award as well, right? And the year before that?

MR. LUJAN: We've received at least two, three in a row.

COMMISSIONER GARCIA: Congratulations.

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

COMMISSIONER MORENO: Just thanks for keeping us safe and comfortable. Thank you for your service.

CHAIR ROYBAL: Thank you, Commissioner. We're going to go to Madam Clerk, Geraldine Salazar.

GERALDINE SALAZAR (County Clerk): As an elected officer I'd like to thank you also because you help us in many different ways, and you keep us checked also, with the warehouse, with the office. If we have concerns about what's going on or if you have to make sure we're safe if we have somebody that comes in that could be volatile in some way, you guys are always there and you're auditing and you're doing a good job. There's a lot that you do. And I want you to know that we appreciate the work that you do, and how you help us in the Clerk's Office. Thank you so much.

CHAIR ROYBAL: Thank you, Madam Clerk. It's really great to recognize you for this certificate you got. It's something that is not always in the forefront of employees' minds but I know that you guys are working on building that, cultivating that culture so that all of our employees not only take safety serious here but at home if we can start having them take it home with them as well. I know you guys are the right guys to have in place to cultivate that spirit, so I appreciate that. I think we are going to go and take a photo out there in just a little bit. Manager Miller.

MS. MILLER: So Mr. Chair, this is the award that was received and given to them at the New Mexico Counties conference.

CHAIR ROYBAL: Congratulations.

[The Commission recessed to take photographs from 3:25 to 3:35.]

2. CONSENT AGENDA

- A. Resolution No. 2020-9, a Resolution Approving a Budget Increase to the Fire Protection Fund (209) in the Amount of \$788,157, the Fire Tax Fund (222) in the Amount of \$150,000, and the Fire Operations Fund (244) in the Amount of \$100,258 (Finance Division/Yvonne Herrera)**
- B. Request Approval of County Health Care Assistance Claims in the Amount of \$3,819.27 (Community Services Department/Jennifer Romero)**
- C. Resolution No. 2020-10, a Resolution to Authorize Certain Growth Management Department Staff and the Enforcement Officer for the Solid Waste Division to Issue Citations for Violations of County Ordinances; Repealing and Replacing Resolution No. 2019-23 (Growth Management/Vicki Lucero)**

CHAIR ROYBAL: Is there any items from the Consent Agenda that any of the Commissioners would like to pull for more discussion, or what's the pleasure of the Board?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd like to make a motion to approve the Consent Agenda.

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

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: A second. Under discussion, is there anything under discussion? Okay. So we have a motion and a second.

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

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

3. APPOINTMENTS/REAPPOINTMENTS

- A. Appointments/Reappointments to the Santa Fe County Lodgers' Tax Advisory Board**

LISA KATONAK (County Manager's Office): Good afternoon, Commissioners. With me this afternoon I have our Lodgers Tax Board members Tom Romero and Nicole Fiacco. Tom Romero represents our at-large board member for Lodgers Tax and Nicole Fiacco represents Four Seasons Rancho Encantado for the lodging industry. Before you today I have appointments and reappointments to the Santa Fe County Lodgers Tax Advisory Board. The background for this item is that the role of the Santa Fe County Lodgers Tax Advisory Board is to make recommendations to the Board of County Commissioners concerning the expenditure of the occupancy tax

proceeds. LTAB prepares semi-annual budgets setting forth the amount of money collected by the County Clerk and also setting forth all expenditures during such semi-annual period.

LTAB consists of five residents of the county, two of whom represent the lodging industry, two that represent or are directly involved in tourist-related activities, and one member at large who represents the general public. Members must reside within Santa Fe County. LTAB members serve a two-year term and may be renominated for up to two additional successive terms. The terms of all five LTAB members expired on December 31st. The term of the appointed LTAB members will be two years beginning today, January 28, 2020 through January 31, 2022.

The Santa Fe County staff advertised the board member positions for Lodgers Tax Advisory Board two times in December, on December 4th and December 23rd, and staff has received letters of interest and résumés and all mandatory forms from the following individuals seeking reappointment: Nicole Fiacco, who is the sales and marketing directors for Four Seasons Resort Rancho Encantado. She represents the lodging industry. Ryan Miller, the owner and innkeeper of the Bobcat Inn, representing the lodging industry, Ms. Katherine Fox Ehlert, Santa Fe Community College, representing the hospitality program for tourist related activities, Daniel Goodman of El Rancho de las Golondrinas, representing tourist related activities, and Tomas Romero, representing the general public in the at-large position.

Staff has also received letters of interest and résumés and all mandatory forms from the following individuals seeking appointment to the LTAB. Those include Mr. Stuart Ashman, CEO of the International Folk Art Market, Mr. Rick Herman, who's a retired CPA, Ms. Judith Mitchell, retired CPA, Mr. Rory O'Brien, who is the food and beverage manager at the Legal Tender Saloon in Lamy, Mr., Bixente Perry, general manager of the Four Seasons Resort Rancho Encantado, and Ms. Sharon Peterson who is the production manager at *Essential Guide* as well as office manager from Frontier Frames.

To assist the BCC in making these appointments staff prepared the following chart that indicates the applicants and what the qualifying representation is.

CHAIR ROYBAL: Thank you, Ms. Katonak. Would you guys like to address the Board?

TOMAS ROMERO: Thank you and I appreciate the welcome, being part of it. I have served on the LTAB for I think about three years now, a little over, and it has been a privilege to be part of it. I represent at large and I always tell people that because of my horizontal posture. Just kidding. What I am involved in personally is with the Northern Rio Grande National Heritage Area for the last eight years, with El Museo and a lot of community groups who are interested in the arts and tourism. And so that's what I think I have brought to the board. It has been a privilege to be part of it and I'd be happy to serve again. Thank you.

CHAIR ROYBAL: Thank you. Appreciate that. [inaudible]

NICOLE FIACCO: Sure. Nicole Fiacco from Rancho Encantado. I've served on the board about a year and a half. I took over our previous general manager's position on the board. I'm newer to the area, so I feel like it's a fresh set of eyes on a designation that needs more awareness, and I love my position on this board because I

feel like we can really message all that Santa Fe County has to offer, the state of New Mexico in general has to offer, in particular how it correlates with getting luxury guests here from the Four Seasons' perspective to really bring in [inaudible] not only the Four Seasons guests but the county guests enjoy as well. So it's really all about raising awareness and bringing people to our fabulous destination that we're so lucky to get to call home. Thank you for your consideration.

CHAIR ROYBAL: Thank you for your comments, Ms. Fiacco.
Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much for your service. I would like to make a motion. For the lodging industry, the tourism industry at large. I want to make motion. I am nominating Ryan Miller, owner of Bobcat Bite Inn, Mr. Bixente Perry, general manager of the Four Seasons. For tourism, I'm nominating Daniel Goodman, executive director of El Rancho de las Golondrinas and Stuart Ashman, CEO of International Folk Art, Rory O'Brien, food and beverage manager at the Legal Tender Saloon in Lamy.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: So we have a motion and a second. Under discussion, are there any comments from Commissioners?

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

3. B. Recommendation for Appointment to the City of Santa Fe Public Library Board

TESSA JO MASCARENAS (County Manager's Office): Thank you, Mr. Chair. We have Maria Sanchez Tucker with us from the City Library Board. On that board the County does get to select an applicant for their position. We did a solicitation for that position and she's here to comment on that.

MARIA SANCHEZ TUCKER: Thank you Mr. Chair and Board. I'm Maria Sanchez Tucker, and I'm actually the library division director for the Santa Fe Public Library. It's a pleasure to be here with you today. Thank you for working on this appointment. I'm asking that you approve Carlo Brady as an appointment to the Library Advisory Board. He served on the board for two years as a resident of the city and he moved into the county, and so now he would like to continue serving on the Library Advisory Board as a county resident.

All of the current Library Advisory Board support this appointment and so I just ask for your approval of this appointment. Thank you very much.

CHAIR ROYBAL: Thank you. Questions from the Board? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, Ms. Sanchez Tucker, how many individuals are on this board? What exactly does the board do?

MS. SANCHEZ TUCKER: There are seven appointments. There are five city appointments and two county appointments and the board serves in an advisory role to the library and so they assist with planning and policy development and just in a general advisory role and advocacy role for the public library. The public library does

serve both city and county residents.

COMMISSIONER GARCIA: Thank you. It's public libraries, right? Even the library on the south side.

MS. SANCHEZ TUCKER: Yes. The South Side, the La Farge branch and the main branch are all part of the Santa Fe Public Library.

COMMISSIONER GARCIA: Thank you. With that I'd like to make a motion for staff's recommendation.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HANSEN: And I'll second with a comment. I just want to thank you for the library. I am a regular user of the La Farge Library and I love that library. I like that it's small and intimate and I am grateful that the City continues to keep that library open because I know there was some discussion about that in the past. So I really appreciate that that library is here in town. It's a very important part of the city and as both the city and county will both grow I think more of the people use all of the libraries. So thank you very, very much.

MS. SANCHEZ TUCKER: Thank you, Commissioner Hansen. I'm fairly new to my role. I came on board at the end of August and I'm really hoping to work with both the City and County to improve library services for both county and city residents. I think the library has an even greater future so hopefully together we can work on building new programs and better services for the entire community.

CHAIR ROYBAL: Thank you for those comments. So we do have a motion by Commissioner Garcia and a second from all the rest of the Commissioners.

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

4. MISCELLANEOUS

A. Resolution No. 2020-11, a Resolution Approving and Accepting the FY2019 Audit

YVONNE HERRERA (Finance Director): Good afternoon, Commissioners. We're here today to present the 2019 financial statements. First of all, I'd like to thank all the Finance staff and all the other departments – the Treasurer's Office, the Fire – every years that I've been here they've stepped up to help us get the audit done on time. It's not an easy process, and it's not supposed to be an easy process. We're supposed to proof without a doubt, or with reasonable doubt, actually, or reasonableness that the statements that we're presenting are accurate and can be relied upon.

So per the Section 2.2.2.10. M.4, which is the audit rule, we are required to present to the BCC, and there's a new requirement that was started in fiscal year 18 by DFA that the Board not only be presented with the financial statements but also accept them. So we have Steve here, Steve Montoya from REDW who's our external auditors. He will be presenting the results of the audit and after that we will stand for any questions and I pass it on to Steve. Thank you.

STEVE MONTOYA: Good afternoon, everyone. Good to see all of you. I'm here on behalf of REDW to present the audit results for the County's audit for June

30, 2019, for year ended.

So the purpose, as Yvonne mentioned, is to provide a summary of our audit results in accordance with the Open Meetings Act. Also, similar to Yvonne's, I'd like to express my gratitude for all their cooperation with us throughout the audit. The Finance team, as usual is very supportive, very helpful, throughout our audit process. Also the Housing Authority as well, because our audit includes the federal audit, which includes our audit over at the Housing Authority. So all of the personnel, we're appreciative of their time and their responsiveness in getting this done in a timely manner.

So we held our exit conference with the County November 22, 2019, and that's prior to us submitting the reports over to OSA. We communicated at that time our audit responsibilities, management responsibilities. I had some other required communications as part of the audit, and then discussed the results of our audit. So I'll be going over that the majority of that today with you in a more summarized manner.

So our audits were conducted in accordance with the US Generally Accepted Auditing Standards. Also with the Government Auditing Standards and the Uniform Guidance, which is the federal requirements. The scope of our audit, it included the financial statements for fiscal year 2019, the federal compliance audit, and then we also had the agreed upon procedures for the Real Estate Assessment Reports. And so that's called a REAC submission.

Part of our audit, the objective of it, is to obtain reasonable but not absolute assurance that the financial statements are free of material misstatements, and so we come out, we do planning, internal control assessments, and then based on those assessments, we look at our analytic procedures to kind of see where the risks would be in the audit. And then we design our audit procedures to detect those risks. But we're not getting 100 percent assurance. We're not testing every transaction. We're using sample-based auditing and other analytic procedures.

So the status of our audit – we're completed with the audit. We've issued an unmodified opinions on the financial statements and on the major federal program compliance. So that is the highest level of assurance we can give as an auditor. And so that's basically saying that we agree that the financial statements were materially correct.

We also have submitted, and the State Auditor's Office has approve the financial statements. The reports are available on the OSA website. And then also the reports have been submitted to the Federal Audit Clearinghouse within the timeframe. And then we've also submitted the REAC report as well for the Housing Authority.

So the reports are audit results. With that we also do a report on internal controls over financial reporting. So this is – as we're going through doing our audit, if we come across areas, control matters that should be brought up to those charged with governance or to management, we will report that. We didn't have any material weaknesses identified, and so the material weaknesses would be the higher level type of control matter. We had no material weaknesses identified during this audit.

We had one prior audit finding that was resolved, so that was the account reconciliations and that was resolved by the management team and by the County. We had one repeat finding which was over accounts payable cutoff procedures, and that was basically that there was an item in the accounts payable listing that should have been reported in the next fiscal year, so fiscal year 2020, but it was initially reported in FY 19,

and so a journal entry was made to correct that.

So for the single audit – that was it for the findings for the financial reporting. The next was our report on the single audit and we tested, with the single audit we tested the housing voucher cluster program, so that was the major program tested, and that made up about 50 percent of the total federal expenditures that the County has. So it's about \$2.2 million rather than a \$4.4 million of expenditures. With that, there were two resolved prior audit findings, and then we had no findings identified in current year audit. So the prior audit findings, there was in 2018, there was a calculation of payroll finding. When we tested payroll this year we didn't identify any issues, and then last year there was also a finding related to the REAC report submission, for the unaudited financial report, and this year the report was submitted on time so we had no findings.

And then as part of our audit we're also required to report on compliance with the state audit rule, and so these – we had four findings that we reported under the state audit rule. The first was for cash receipts. This was a repeat from the previous year. We found that six out of 25 of the cash receipts tested, the County had not deposited the money into the bank before the close of the next business day. So there's a 24-hour requirement that you would submit the cash, you would deposit that within 24 hours of the next business day.

The second was for collateralization. We found that for one of the certificates of deposit it exceeded \$250,000 and so the total value of the certificate of deposit at year-end was \$260,000. The Federal Deposit Insurance covers \$250,000 and so the remaining amount of that, which was a little over \$10,000, that's what would be needed to be covered by other pledged collateral. The state requires that half of that be collateralized, so it was about \$5,224 that was uncollateralized at year-end.

The third finding that we had was for budget expenditures. The budgeted expenditures exceeded budgeted revenues in the budgets and so we just recommend that the budgets balance with revenues equaling expenditures.

And then the fourth was related to budgets as well. It was the budget to actuals in the CAFR in the financial statements, that those didn't agree to the budget amounts in the DFA system.

With that, those were the four findings that we had. I don't know if I mentioned earlier, there were three findings from the previous year that were resolved. So last year we had reported a finding for services under contracts and we had a finding related to notification of fixed asset dispositions, and also one related to expenditures in excess of budget. Those three findings were resolved in 2019. And so we tested those and everything was cleared in 2019.

So with that, other communications, there's no other matters that are significant to the oversight of the County's financial reporting process that we feel needs to be communicated at this time. We were able to get the representations from management in the form of a written letter giving us their representations of the financial statements and that we've received all information. And then also our engagement letter describes our responsibilities in accordance with the professional standards and also discusses independence, which is not an issue because management oversees all the financial reporting process.

So other than that, I'll open it up to questions over any other matters I've reported

but that was a brief summary of our audit results and again, I would thank management as well and the Commission for giving me this time.

CHAIR ROYBAL: Thank you for your presentation, sir. Do we have questions from the Board?

COMMISSIONER HAMILTON: No, thank you.

CHAIR ROYBAL: Is there any kind of action we need to look at to address any of the findings, Manager Miller?

MS. MILLER: Mr. Chair, I think that we should talk to Yvonne and the Treasurer about how we plan to address the findings and make sure we don't have repeat findings. One of the things we did not get this year at New Mexico Counties was the audit award for large counties and I think it's because we had some repeat findings, and I'd like to know what our plan is for getting rid of those.

COMMISSIONER HAMILTON: I would support that.

CHAIR ROYBAL: Yes. That was kind of what I was hoping to hear. We do need to figure out how we can put something in place so that we can eliminate these findings in the future. Commissioner Hansen.

COMMISSIONER HANSEN: I completely agree with Manager Miller. I would like to know how come we went over on the deposits and how come our budget didn't match. What happened there and how can we make sure that those two things don't happen again.

MS. HERRERA: Mr. Chair, Commissioners, in regards to we had a repeat finding related to accounts payable. 2018 was the first year that we changed our process or enhanced our process to try to record as many transactions for purchases that we made where we received the item or the service by June 30th. So we worked really hard with the other departments trying to explain to them why it was important for them to note when they received the serviced or when they received a product.

This year we actually cleared a significant portion of that finding from last year. Unfortunately, we did have miscommunication on the fire apparatus, the resolution that was in the Consent Agenda today. There was miscommunication as to when those items were actually received, so we processed those transactions as if they were fiscal year 19 expenditures. However, the items were actually received in July. And unfortunately, without additional knowledge there's no way for us to have caught that through our normal process, so what ended up happening is when the auditors select their sample to test subsequent disbursements, they question when did we actually get this and at that time is when we discovered that what A/P understood was not what had actually occurred or had happened. Those items did not get into County possession until July.

So for Finance it's a continuing process of education and communication with departments to be sure they understand why it's important for us to know when we received a service, and when it comes time to year-end, clearly communicating to them our expectations as to what we need from them when it comes time to submit those invoices so we know exactly which year those items belong to, and try to then prevent this finding from happening.

As far as – what was the other? The cash receipts? The cash receipts per statute or per Section 6.10.54 of the statutes, Any state agency receiving any money in cash or by check, draft or otherwise for or on behalf of the state or any agencies required to deposit

that within 24 hours. One of the things that I'm not sure about – this would be Countywide. In this particular instance all of the transactions that were tested were in the Treasurer's Office, so I'll let him provide any additional information and after come back on the back end and provide anything else.

PATRICK VARELA (County Treasurer): Good afternoon. Some of the cash receipts that are in question – first of all, I had two bank professionals in my office and I still have one, which is Theresa. This was Madeline. Some of the receipts that were done, Receipt #136 was, the cash drawer was balanced on Monday 7/2, opened for the next business day. They usually open for the next business day at 3:30. At that time we had two holidays. We had the 4th and 5th off, so those deposits, the courier never picked them up that Monday.

Receipt #9115, the cashier balanced the drawer on 9/17, opened it for the next day on 9/18 and the bank ran the transaction on 9/19. Receipt #10591, the cashier balanced the drawer on 10/9/18, opened for the next business day of 10/10 and the bank ran the transaction on 10/11. Receipt #19211, the cashier balanced drawer on Friday, November 9, 2018, opened for the next business day on Tuesday, 11/13, because Monday 11/12 was a holiday, Veterans Day, the bank ran the transaction on 11/14. Receipt #85935, the cashier balanced the drawer on 12/10, opened for the next business day of 12/11, therefore the bank ran the transaction on 12/12.

So those are how that's done. So just so you guys know the process, each cashier will balance about 3:00, 3:30 in the afternoon. And once they're balanced, which typically takes about an hour, hour and a half, depending how many customers we have that day, once they're balanced, like today they'll open for tomorrow about 4:00. So those people that come in, the stragglers that come in about 4:00, they're getting posted the next day. But the courier doesn't come – because they're already open for the next day, it would be the following day after the courier picks up and takes it to the bank.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: So it doesn't seem acceptable to me to say, well, here's the process, because this is going to always happen. We're going to always have this finding. So what do we need to change? Do we need to add a courier in the morning and have two drop-offs of something. I understand the problem. It's totally understandable but we can't keep doing business as usual because it gives us lots of findings. You read off, I don't know how many receipts, eight or ten instances of this happening, so it's a common occurrence.

So what do we do to fix it?

TREASURER VARELA: Well, there's three things that we can either do, which we were supposed to do a long time ago, is get it defined, the statutes, defined better, because although the State Treasurer, back in the day, the cash receipts had to be taken to the State Treasurer's Office. Now they take them to Wells Fargo because that's the fiscal agent. So we need to get that defined. They were supposed to do that two years ago as an affiliate. It got dropped last year.

Or we could either close the office period at 3:00, so they can balance and have that time to balance and then open for the next day. Some of the small counties do that. Or pay the staff overtime. Those are the three things that I could think of. Or have a

separate courier to do that, but then we'd have to get a new contract with a pickup and drop-off before the banks close.

COMMISSIONER HAMILTON: Is there a fourth option where staff can take – if there happened to be things left over from between 3:00 and 5:00 so they're not in the previous day's deposit? Obviously we don't have whatever it is – 52 weeks times five. 250 occurrences, it doesn't happen every day. So on days when it does happen, where you have something from the night before, can staff run it over in the morning?

TREASURER VARELA: Mr. Chair, Commissioner Hamilton, I don't want to risk any of my personnel taking a deposit unless you would like to have the Sheriff's Office come in. That would be another option.

COMMISSIONER HANSEN: Mr. Chair. Does this happen every single year?

TREASURER VARELA: Just the last two years.

COMMISSIONER HANSEN: Okay, then what happened before then?

TREASURER VARELA: There was never a problem.

COMMISSIONER HAMILTON: Can I make a recommendation? Could we get a small committee that includes people outside of the Treasurer's Office? Maybe you or Theresa from the Treasurer's Office and one Commissioner and somebody – let's brainstorm to see who needs to be on it to try to figure out what some possible solutions are. Because if we're serious about not wanting this finding, and it is kind of a very sort technical – understandable but unacceptable. I mean for whatever reason it's unacceptable, we have to try to fix it and it is – I understand it is an annoyance and your point about not having an exposure of staff taking a deposit, so can we get a small subcommittee to brainstorm some solutions?

CHAIR ROYBAL: Thanks, Commissioner Hamilton. That might be an option but I'd like to see if Manager Miller has any suggestions.

MS. MILLER: Mr. Chair, Commissioners, I defer to the auditor. I guess this doesn't happen with every other county, if there's a different schedule for deposits or something. I just think it's odd that it seems to now be a chronic finding and it's changing the time that the courier comes. We can't control it when the bank – let's say even if we had the courier come at 10:00 am, so every single thing from the day before was out of our hands by 10:00 am the next morning, if they don't key it into the system, as an auditor you're going to say it wasn't deposited on time. Correct?

MR. MONTOYA: Well, I think if we can see some type of evidence of when it was taken over into their custody. I think the real risk is it being still in the office or still available there where it would be susceptible to theft if it's there. But if we see it – we go by the transaction that we're seeing in the bank. But if there's another way, if there's some type of documentation that we can see that it's out of the County's hands, in a responsible party I think that would satisfy us. This is something that is a lot of times typical in a lot of offices. So looking at Bernalillo County, they have this sort of finding as well in theirs.

I definitely understand what the Treasurer is saying as well as far as the statute and the guidance. The State Auditor's Office, they issue a bulletin. We talked about that last year but they also issued another one in 2019 that basically says that the way that they – their interpretation, their guidance is that all entities are subject to this and that from

their side is that it presents an opportunity for risk and so that any failure on the 24-hour deposit needs to be reported as a finding. So when we go through the – when we submit our reports to the State Auditor’s Office, they have to approve [inaudible] That’s their interpretation; that’s their guidance on us. The independent auditor has to issue a report.

MS. MILLER: Mr. Chair, what you’re saying is it doesn’t really matter what we think the state law says. According to state audit rule, those are your directives to even be an auditor for a governmental entity, that if you find a deposit that has not been made in 24 hours you must report it as a finding.

MR. MONTOYA: Yes, Mr. Chair. So the way that their bulletin reads is that they identify that as a risk. And so since it’s a risk we would be – say we issued a non-governmental audit. We’d be giving like a management letter or comment to management saying there’s a potential risk. With the state audit rule they say there’s no management letters. You have to submit this as a finding, as a risk, and recommend that everything be deposited within 24 hours. So even though the statute, they have that language – even though there’s debate on the language, the State Auditor has made their assessment on that. That’s their guidance to all the independent CPAs in the state is to report that as a finding, so within 24 hours.

Now, going back to what would be support for us is we would look at it from the risk standpoint. Okay, so is it out of the County’s hands, within 24 hours, and that risk is mitigated. It’s now in the control of the responsible party. That to us would satisfy that.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I think to brainstorm possible solutions is really critical so if Manager Miller has some inputs, I just want to say for the record that something like this, while understandable, to not actively seek and implement a solution is what’s unacceptable for the County. And so I’m still thinking that multiple heads are better than one. Commissioner Hansen and I have been on the Audit Committee. So some subset of the Audit Committee that includes one or both of us, and the Finance Department and the Manager’s Office, to try to resolve this, or some expanded group, I think would be a logical group to help to work together for one or two meetings and do some investigation into what would be a viable solution that doesn’t hamstring the Treasurer’s Office, but definitively solves this audit finding.

CHAIR ROYBAL: Treasurer Varela, did you have any other –

TREASURER VARELA: Yes, I do. I think many counties now are going to have this audit finding until it gets clarified, because this happened with the interim auditor, Johnson. I think he’s the one that brought it to light, saying no, it applies to all the municipalities, villages, whatever. But I think there’s a lot of confusion because I have a letter from Stephanie Telles the Office of the State Auditor and it goes on about the bulletin and the last paragraph states, Lastly, to echo the information detailed in the bulletin – which was explained earlier – we fully recognize and indeed support the lawful exceptions provided under NMSA 1978 Section 6.10.3 and Section 6.10.36.1 that allows for an extension of five days and up to ten days to deposit public money when no suitable banking facility is within its boundaries or with inclement weather or natural disaster conditions exist. Respectfully.

Well, we had a finding, I think it was last year, that was a deposit that came from

Edgewood. A lot of counties are like that. They're rural, or like Santa Fe we're lucky we have city and rural. Bernalillo is pretty much all metropolis so they have a banking facility almost every stop but Santa Fe County doesn't have those. So I fear that we're going to hit this roadblock in some condition down the road until there's clarification in statute.

We had a conversation with Auditor Colon and he's willing to work with the affiliate to push this forward.

COMMISSIONER HAMILTON: And how much time do you think that will take? The process that they're going to go through with the affiliate to get clarification.

TREASURER VARELA: While I was still chair of the affiliate we approved it. I don't know what happened last year. There was two different chairs. There was a chair that took over. Well, the stuff that got pushed through at the affiliate in support of it didn't go through. Instead an investment bill was presented instead of all this other stuff that was supposed to have been done, which in my opinion was more important than the investment bill. Because a lot of counties are hitting this roadblock.

COMMISSIONER HAMILTON: So I just want to reiterate, I'm in complete sympathy, but nevertheless, it seems to me it's going to take months, which is going to be most of the rest of our fiscal year and then the County's going to get a third repeat audit finding. And so I would suggest we move ahead with figuring out what we have to do, even if it seems to some extent extraordinary effort just for meeting this, that we can then next year maybe not have to do anymore when they give clarification. But if we want to avoid having audits we have to respond to what's necessary now, and then next year we can change it if it changes.

CHAIR ROYBAL: I'm okay with us putting together a board that we can explore these ideas and brainstorm. Who would develop that board? Would that be Finance?

MS. MILLER: Mr. Chair, I think the Treasurer would, either himself or one of his staff, assign someone to work with it. I think one of the members of the Audit Committee and Finance staff. I don't think we need a ton of people on it. Just because what could we do? Because this is a finding which as the Treasurer said we're going to keep having it if we don't actually look for ways to make sure. I know for the departments, for instance, one year we had it because a deposit came from one of the satellite offices for dump permits, but it was past the 24 hours and we got a finding, and so we had to change the procedures at the satellite office to make sure we don't have that. So I think we have to change our procedures and do something to make sure we have documentation to show that those checks or cash are out of our hands and either with an armored courier or with the bank within that 24-hour period.

We're able to do it; we've done it before. We've not had this finding always. We're really bumping up against it in the way we're doing our – documenting our deposits. So I'd like to see us – there's no reason, by the way, we should have any of these findings. I think that this County has one of the most stellar Finance Departments and our Treasurer's Office knows their job and there's just no reason we should have findings.

COMMISSIONER HAMILTON: It is not reflective of our level.

MS. MILLER: It is not.

CHAIR ROYBAL: I agree and I do want to thank you for those comments because I know that we have a great Finance Department and I know that Treasurer Varela does a great job as our Santa Fe County Treasurer. So I think if we could put this committee together and then maybe have some sort of update in the next – either the next BCC meeting or the following so we can see what we've come up with to try and mitigate these issues. Do you have any – how many times you think you'd have to meet in order to get some sort of resolution?

MS. MILLER: Mr. Chair, the Treasurer has something to say.

CHAIR ROYBAL: Treasurer Varela.

TREASURER VARELA: I just want the Board to know I've been trying different methods – I've implemented remote data capture, which actually deposits the checks digitally. Well, we're having a roadblock with that because we can't balance right because they have to be a certain way. It doesn't read the signatures. It doesn't read the cursive line. There's other software out there which does cost a little bit more. It's a scanner software, so it does handwriting recognition so it does it a lot better. If it finds a check that cannot be read it will stop and you pull it out and manually key it in.

Well, we have those and actually we got them from the bank and I'm actually employing those at the satellite offices so they don't have to bring them here anymore. So I'm trying to eliminate that. Because they have the time to actually run them and straighten out the checks and make sure there's no folds, but the volume in our office is really high and actually I saw Gary somewhere sitting here – I'm deploying them at the Utilities Office over there so they don't have to come all the way over here to do that.

COMMISSIONER HAMILTON: That's great.

TREASURER VARELA: But it's not working in our office because of our volume. Sometimes we'll have 300 checks in the check drawer and after they balance, to rescan those, they have to balance the cash and the checks, then they have to scan them to send them to the bank. Well, it's not reading this. So it's taking double the amount of time. It's taking them two, two and a half hours to balance it with the current scanning system that the bank provided us. However, like I said, there are options with better – they do cost more and maybe that's something I'll put into my budget to see if it will work. It comes with a handwriting identification program attached to it.

CHAIR ROYBAL: Okay. Great option.

TREASURER VARELA: The other finding that I wanted to address would be the CD. It's not overcollateralized. We actually have \$250,000 cash, that's FDIC. It's the unrealized gains. The reason it's unrealized is, as everybody knows, I think everybody's been in my Investment Committee; we're in a low interest rate. So these high coupons, it's going to be a high gain. I actually put the same CD in question this morning. And it's actually \$16,668 in the positive. That's if we would sell it right now. But we're not in the habit of doing that. We're actually – I think it's a 3.14 coupon. I bought this about four years ago. It's about to mature. But as long as we're in a declining – right now the fed rate is 1.50 to 1.75. So that's how come we have an unrealized gain.

But it's just a gain; it's just a number. It doesn't mean that it's actually cash that we have in there that's holding. So when we get our interest, our interest gets paid of course directly to Finance. But what we're looking at, what you mentioned earlier is

actually an unrealized gain and it's unrealized. It could be a loss. If I would have bought this right now and the interest environment was at four, we would be at a loss right now, it would probably be a \$240,000, \$235,000 CD. But we put our money in, we get the same money out, plus what's promised to us in interest.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

CHAIR ROYBAL: So what do you suggest we do about that? Because we're still getting findings. I understand what you're saying so what do we do about it?

TREASURER VARELA: Educate the auditors.

COMMISSIONER HAMILTON: No, realistically, what do we do about it?

TREASURER VARELA: That is the only – either that or sell it. That's the only thing we can really do because it's –

COMMISSIONER HAMILTON: Haven't we had other investments where we actually made a separate account for the gains.

TREASURER VARELA: But it's an unrealized gain, Mr. Chair, Commissioner. So there's nothing there. It's just a number. It's what's the market's doing right that second.

COMMISSIONER HAMILTON: But we can show that – Yvonne, you look like you're going to answer my question.

MS. HERRERA: Mr. Chair, Commissioner Hamilton, our understanding, when we prepared the schedule that generated the amount that showed the auditors that it was unsecured was that it is a \$250,000 CD, but the difference at the time, June 30th was \$260,000, that was actually earnings. So that was actually not an unrealized gain but actual income that we had earned, and because it's being kept in the same account, that's why it's throwing it over the \$250,000 FDIC insurance coverage.

Now, what the Treasurer has here, we'd have to look at it to see why we interpret it the way we did versus how he's interpreting it, but if – I don't believe – we don't actually mark it. We don't actually mark the CDs to fair market value because it's at face value. It's just whatever we're earning on an interest during that period. So I'm not sure how to – I would have to look at the statement to understand where the Treasurer is coming from to see how we can either resolve the issue or correct our accounting, if our accounting is incorrect. But when we looked at it, the face value \$250,000 plus the earnings is what created that uncollateralized amount.

COMMISSIONER HAMILTON: Well, that was my understanding from the Audit Committee meeting where this was brought forward, and we had this discussion. And the idea of, if I'm not mistaken, of having a separate account to take those earnings so that it resolved the problem was brought up. So if you're going to go ahead and double-check that I would suggest that that might be a good idea because there's no reason for this to continue, if that's a solution.

MS. HERRERA: Mr. Chair, Commissioner Hamilton, that's correct. In some instances as the Treasurer pointed out, some of that income is actually sent to the County on a monthly or quarterly basis or deposited into one of the other – into one of our market accounts with the investment, and sometimes it's just reinvested. And we do have some – I think we have some CDs where that's the case where the income is being

deposited to a separate account so that it's covered separately under the \$250,000 FDIC coverage.

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

CHAIR ROYBAL: Treasurer Varela.

TREASURER VARELA: Mr. Chair, there is two accounts, so it might be just a matter of getting UBS to do two separate accounts, because what they call it is a settlement account. So the interest settles into that settlement account, because if it would go back into this account it would violate their standards, Security and Exchange standards. So it gets settled into this secondary account that we have. Theresa keeps track of it. But it might have been misconstrued by looking at the statement, looking at it as one account at that time.

COMMISSIONER HAMILTON: Great. Thank you.

CHAIR ROYBAL: I look forward to brainstorming to see if we can come up with some resolutions to see if we can mitigate this from happening in the future. But I'd like to go ahead and entertain a motion for this resolution approving and accepting the 2019 audit. Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make that motion and accept this audit.

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

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Okay. Anything else under discussion?

COMMISSIONER GARCIA: Mr. Chair, could we actually condition that subject to the committee being created?

COMMISSIONER HANSEN: Yes. I don't know if we can. Can I add that to my motion?

COMMISSIONER HAMILTON: I would keep it separate.

MS. MILLER: Mr. Chair, I would do them as separate, only because I want to make sure that we send to the State Auditor that we accepted the audit, and then you can make a motion that we form a committee as well.

COMMISSIONER HANSEN: I make the motion that we accept the audit as presented with all its intricacies.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen and a second from Commissioner Moreno.

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

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: So I'd like to make the motion, since I suggested it, that we set up a committee that includes a representative, one of the Commissioners from the Audit Committee, someone from the Treasurer's Office, somebody assigned from the Finance Department, and somebody – if necessary, if desired, optionally somebody from the Manager's Office to help brainstorm solutions to the remaining audit findings.

CHAIR ROYBAL: Okay. We have a motion, a great suggestion from

Commissioner Hamilton. Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: So we have a motion and a second.

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

4. B. **Request (1) Approval of Amendment No. 3 to Agreement No. 2017-0154-CORR/IC with BI Incorporated, Extending the Term an Additional Year, Updating Electronic Monitoring Devices, and Increasing the Compensation an Additional \$400,000 for Electronic Monitoring Services for a Total Contract Amount of \$1,920,000, Exclusive of NMGRT, and (2) Authorization for the County Manager to Sign the Purchase Order**

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. We're here to request approval of the amendment that was mentioned and described. This is an amendment to a contract for electronic monitoring. The amount of the increase of \$400,000 requires Board approval. This is electronic monitoring services that we provide Santa Fe County residents as an alternate to incarceration. And with that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Taylor. Do we have questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Could you explain a little bit more why we're increasing this? Do we have more people who are using this service?

MR. TAYLOR: If I may, Commissioner, and then I'll turn it over to County Manager Miller. Mr. Chair and Commissioner Hansen, as I mentioned, these are court ordered. We have been expending approximately the same amount of money over the last three years and the contract now we've expended approximately \$500,000 a year based on those expenses. We are looking into alternatives. We haven't gotten there yet in lieu of this but the court order for those electronic monitoring – the expenditures have been rather consistent over the last three years. So I don't necessarily see an increase so much to additional monitors because expenditures have been \$1.5 million over the last three years. I'll turn it over to Manager Miller.

CHAIR ROYBAL: Manager Miller.

MS. MILLER: Mr. Chair, Commissioners, this is an alternative to incarceration. The County started the electronic monitoring program quite a while ago. We started it when we had a contractor that ran the detention center and we paid the contractor for housing Santa Fe County inmates in the jail. And one of the thoughts behind creating the electronic monitoring program was it is an alternative to incarceration and it was less expensive to have a person on electronic monitoring and they could also still go to work. They did not need to be incarcerated. So it was considered to be a good alternative for the County, for the individual detainee, for the courts, everything.

Over time we took back operating the County jail ourselves in addition to operating the electronic monitoring ourselves. We do not sentence individuals to electronic monitoring. The County does not have the choice as to whether somebody goes

into electronic monitoring. That's determined by district court judges and magistrate court judges. What we do have control over is who we have that program with, who our contractor is, and what type of devices that we offer on that contract. So there are different types of devices. There's just straight GPS. There are devices called Soberlink, which monitor whether or not you are drinking and where you are, but those are more expensive.

We had a time where the electronic monitoring was kind of going up exponentially on a monthly basis but Director Sedillo and I and the electronic monitoring director at the time went to visit with some of the judges. We just said having some level of prudence on how many people you could put on electronic monitoring would be beneficial because we were not able to keep up with how much those costs were ramping up on a monthly basis. It has since then, and that was about three years ago, leveled off. But the program costs us about \$1 million a year between the contract, which is with BI, and that's to provide us the device, and then about \$600,000 a year to hire staff that are the case managers that make sure individuals who have been sentenced to electronic monitoring comply with the terms of that sentence.

Additionally, individuals who are on electronic monitoring can pay a daily fee for being on the electronic monitoring device. However, the judges can waive that fee as well. So the financial burden of this program does rest with the County. We've had conversations internally as to whether it would make more sense if the courts had their own program, but they don't have funding to do that. So it would require some negotiation with the courts as to whether they would want to take on and contract for their own electronic monitoring program.

The balance is, well, okay, the County doesn't opt for that as an alternative to incarceration, then do those individuals get sentenced to the adult detention facility or not. I think that's something that has to be good and studied with the courts and the judges as to whether that's the case.

So, yes, the costs have gone up over time, significantly. However, they have seemed to have leveled off relative to the increases we were seeing previously, and the contract as Mr. Taylor said is about the same amount on a monthly basis. We've even discussed maybe providing only so many devices per court, or whether it would make sense for the County to appropriate funds to the courts to run their own program. And then they'd contract. The biggest challenge for us is literally if we have too many individuals on electronic monitoring, how many cases there are per case manager, and then how much each device costs and whether those are the expensive devices. And the safety of the individuals who are operating that program and who are in the program.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller. Commissioner Hamilton.

COMMISSIONER HAMILTON: So when I read this, there was information in the packet. We've already spent more or less \$1.5 million and it seemed like that was over three years, which meant more or less on average we spend half a million dollars a year. And it made me assume, or I then assumed that this increase was for the coming year, that it's another year's worth of expenditures. So that is still accurate. And it is consistent with what you just suggested, Manager Miller.

MS. MILLER: Mr. Chair, Commissioner Hamilton, this is an extension of

the contract. So that's the other thing. Typically when we go out on RFP for this or bids, we will award a year with options to renew for the three years. I think this is our fourth year on this contract, so if you divide it by four, you're right. It's about \$470,000 a year. And that's just the devices. And then as I said, we spend about another \$500,000 to \$600,000 a year for staff to manage the individuals on electronic monitoring.

COMMISSIONER HAMILTON: Thanks.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: With that I move to approve.

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

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I certainly understand the situation. The community is involved in this type of ankle bracelet monitoring. Some of the questions I have – I think we definitely need to set up some sort of a study session with the judges because it seems like the district court judges – we're paying for it. They can actually sentence 25 people to ankle monitoring and we're paying for it. We're paying for it. The cost just keeps rising and rising and rising.

I would like to see some sort of study committee and at least talk to the district judges and let them know our pockets aren't so deep that we can just pay for something that they're sentencing an individual. I understand the whole needs of the community and how it works. So if we can sit down and talk to the judges and say, [inaudible] or maybe we need to change the state statute. And what type of devices are we buying? Because there are several different types of devices that are out there. There's a device that's a [inaudible]. There's a device that I hear you have to go get a home phone in order for the device to work. And so is it up to the judge to actually determine what type of device he puts an individual in?

Those are just some of the questions I have. Some are probably more expensive than others. And data – how does the data – is it helping the individuals? I would like to see if there's some sort of data out there. But I definitely would like to see if we could have some sort of talk with the judges and see where we are at. So those are just the comments that I have.

CHAIR ROYBAL: Thank you for your suggestions, Commissioner Garcia. I'm going to go to Manager Miller. Relative to Commissioner Garcia's request, is there anything that you can suggest?

MS. MILLER: Mr. Chair, I think it's a good idea. We visited with the judges recently. I know that Tino Alvarez and Director Sedillo did participate in a – I don't know the name of the group, but they do actually participate in meetings with the judges, but I don't know that we have had a good conversation recently about electronic monitoring. As I said, a few years ago we did, but it would probably be beneficial some conversations and then come back to the Board with suggestions, if there's alternative ways of providing these services.

Not every county, just so you know, does provide electronic monitoring. Most counties do not. We are in – out of the 33 there's probably somewhere between five to ten that provide the service. So it is a service, and it's a service to the courts and as I said,

initially when we started the service it was – the idea was it would also divert people from the detention facility. And I do believe it still does that but I think it would be beneficial to do some study and provide some information to the Board as to – is that what we're seeking and is it still a good alternative to incarceration that the County should provide.

CHAIR ROYBAL: Okay. So I think – is the Board comfortable with giving that direction to Manager Miller to pursue that? Thank you. Thank you, Manager Miller.

Okay, so we have a motion and a second.

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

5. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: If there's anybody from the public that would like to address the Board please come forward. I believe there was a gentleman here earlier so we'll wait. Unless he's left. Orlando, would you mind checking to make sure there's not anybody in the backroom that needs to come forward? Okay, so I'm going to go ahead and close Matters of Public Concern, but if somebody does come forward I'll reopen it a little bit later, if somebody does come forward.

6. PRESENTATIONS

A. Update on 102 Grant Avenue Renovations

PAUL OLAFSON (Project Manager): Good afternoon, Commissioners. We do have a power point presentation and I'll give a brief introduction. [inaudible] and that will be our presentation. So I'm here to give you an update on the ongoing renovations on our County Administration building at 102 Grant, commonly known as the courthouse. I want to thank Manager Miller, interim County Deputy Manager Shaffer for helping us with this project, and this Board in helping us execute this really excellent and exciting work.

With me today are Philip Montano and Daniel Sanchez, who are part of the project team. Also from the County staff that has also been on the team and really helping us get through this all is Tessa Jo Mascarenas and Daniel Fresquez of the County Manager's Office, Bill Taylor with Purchasing, Gary Giron, Public Works Director, Joey Rowe, John Tennyson and Sam Montoya in Finance, along with Melissa Martinez and Adamino Pino in Finance, and Laura Hernandez and Celeste Sanchez in Projects and Facilities, and also David Padilla and his entire crew from Facilities. They have been extremely helpful in helping coordinate all types of activities.

Also with us today are Josh Cosio from Jaynes Corporation. He's on my right side. That's the contractor running the construction project, and Cameron Erdman and Jennifer Penner with Studio Southwest Architects. They're on the design team. They've done all the architectural design, and they'll be speaking and giving a presentation in just a minute. Lastly, we have a brief video that will show a drone flight of the construction work to date.

This project is the complete renovation of the historic 1939 Old County Courthouse Building. It was a John Gaw Meem designed building. Meem was a very famous southwest architect, a very renowned southwest architect. And it was built as a WPA project as well. The renovation includes full renovation of the original building layout, returning the building to its original layout, new mechanical, electrical and plumbing systems. ADA improvements for modern accessibility requirements. Also energy efficiency improvements throughout the building, including repair and replacement of windows, building envelope repair. We've been coordinating very successfully with the State Historic Preservation Office, specifically Lynette Pollari, who is a historic architect with that office, and we've been working with her on all aspects of the design, demolition and renovation activities, honoring the project and the building.

I'm sure you've all seen that we are well into the renovation and are nearly complete with the demolition process. The project is moving forward very quickly and we are hoping to complete the project in early summer. And with that, I would like to ask Cameron and Jennifer to give a brief overview and power point for this project.

CAMERON ERDMANN: Thank you for having us here today. We're going to give you a little overview of the building, this beloved building, I must say, here in Santa Fe. This building is 80 years old and the design probably started around 82 years ago. It's Pueblo Revival style. It's very unique to New Mexico. Here is the beloved building, a 1939 shot. We're running through a few slides here, historic slides and then we've got some current slides to show you what we're doing. It will give you an idea of what we're preserving in the building. It's a rehab project, however, we're doing a lot of preservation, a lot of exterior preservation, interior courtyard, chamber preservation, lot of miscellaneous other things. So anything that is historic in the building we are keeping it; we're not taking it away.

I guess – there is the courtyard addition which is in itself almost historic but it is not going to be staying of course. On the left there you see a 1939 photograph of the courtroom, which is now the Commissioners' chamber.

COMMISSIONER HANSEN: Is that glass that was behind it? Or was that just tiles.

MR. ERDMANN: I think it was just a grid. Supposedly it was acoustic tiles or plaster tiles. So this room is being preserved as it is now. We're doing a little bit of upgrade, doing new flooring, rearranging the pews a little bit to make it handicap accessible, and then there's other things that in the works as well, and also some acoustic attenuation so we can get clear recordings in the room.

And then on the right, the 1939 view into the courtyard, the courtyard wall and the courtyard, which we are reconstructing, bringing it back to look as it did back when it was finished. Here, some things have changed a lot over town but this building is still there and still looks the same. Across the street, a gas station and the Safeway.

This is looking down Sandoval there, back in the day, 1979. Here, if you look down to the left you can see the one-story addition. That was built in 1975, which is going away, and here you see the two-story addition, added in 1979, which drastically changed the massing of the building, how it appears and lost the interior plan of the building. Lost the daylight coming into the corridors and the offices and all that.

COMMISSIONER HANSEN: So, if I may, Mr. Chair. So there was two

additions. There was an addition in 1975 and then in 1979.

MR. ERDMANN: They added the second story in 1979. Unfortunately, we don't have any drawings. We couldn't find drawings for those additions, so it's been all discovery in the building, and now with the demolition going on we are discovering what was done and what condition the original courtyard walls are in and what we need to do to reconstruct them, now that we're actually seeing in first-hand. We had some ideas about what we would find but we weren't sure until now.

COMMISSIONER MORENO: What have you found?

MR. ERDMANN: Oh, well, we just found some things – the extent of what we need to replace is all. The parapets and roofs above the balconies, above the beams, the stacked corbels, the balconies themselves. The windows. Just moving ahead here.

We've got a series of photos here, you're going to see the building and we're going to go into the building and we'll just show you some things of what we're preserving, keeping of course the building exterior. We're going to keep that. Right now we just trying to research, find out what the original stucco color was. It may be very close to what's here now, but we're still looking into that. We're going to be looking at that tomorrow a little bit further.

Here you have the front door here. Of course those will be preserved and stay in place. Currently all the doors have been removed. They're going to get all new hardware. They're refurbishing them and putting new hardware. We are retaining the historic hinges where they exist.

Of course all the woodwork, lintels, everything will stay. On the left there you see the ceiling and the vestibule, peel aspen log ceiling. Of course that will remain. That's the interior doors, the vestibule. Of course those will stay there as well. Going inside, looking in the corridors, the corridors are all about preservation. We're going to clean them up a little bit. We're taking out all of the can lights, track lights, miscellaneous wiring that's been attached to the walls, raceway, conduits, all that sort of thing.

And so everything will be concealed with the new work. We are adding some additional lighting to supplement the historic fixtures. The historic fixtures are being refurbished or repaired and rewired.

Also we're preserving all these iconic doorways with the transoms. They will remain in place. We managed to work out with the code officials that we could reuse the doors in the building, just replacing the glass with the fire-rated glass. Oh, also there's a test patch. I'm sure you all saw this. Where they did the first test patch finding out what the brick was underneath. So we're looking forward to seeing that brick all exposed to view now.

COMMISSIONER HANSEN: It's a really beautiful pattern.

MR. ERDMANN: Yes. There's a lot of nice patterning in the main part of the building there. Okay then the stairways of course. Those are brick and those will be cleaned up too to bring the color back. Of course the murals will stay. The mural above the stairs will stay. And then on the right you see the original balcony doors that were still there. Still here. And then we're just going to make additional pairs of doors to match these for the other two balconies where the doors are gone, no longer exist.

MS. MILLER: Could I ask a question about the doors? Are we going to

strip those 60 layers of paint off of them?

MR. ERDMANN: Off of which?

MS. MILLER: Off the doors, all the layers of paint? Will they go back to original wood or will they stay painted?

MR. ERDMANN: Some of them are – there's a few doors that are being stripped but most of them will just be sort of sanded. We're not really stripping all the doors, unfortunately.

So here you see – luckily, when they did the additions they preserved the buttresses and the beams and stacked corbels above the balconies. Very fortunate that that was kept. Very soon they will be exposed. And this is the most elaborate chandelier in the building here, hanging in front of the chamber, and also the chamber doors, of course. Those are amazingly beautiful doors, three inches thick doors. And the chamber itself, it's going to be retained. Benches will be retained, however, we're going to put back the painted dado at the bottom of the wall. The painting you see there is not what was originally painted on the walls. And so we're trying to figure out what that original color was as well. We think we know but we're going try to confirm that tomorrow actually out here.

COMMISSIONER HANSEN: Who do you think painted that strip around the – was that originally there?

MR. ERDMANN: No, no. It was not originally there.

COMMISSIONER GARCIA: That was actually Jaramillo and a few of the guys – Dennis Hernandez from the Public Works Department. 1993.

MR. ERDMANN: We have a few images of the restored courtyard.

COMMISSIONER GARCIA: Can I ask a question on this slide real quick?

MR. ERDMANN: Sure.

COMMISSIONER GARCIA: You have the corbels out there that are painted blue? Are they actually going to remain – are they going to be painted blue or are they going to remain what's there now?

MR. ERDMANN: We don't really want to touch these. We want to leave these alone. What we're looking at right now is coming up with a plain color that's going to be similar to this, maybe a little different but similar. We have to clear this with the SHPO, their historic preservation architect of course.

Okay, so here you see the wall of the courtyard. The courtyard wall – these images are not – these are a little bit older but the courtyard wall is going to look very similar to the original wall. This model here it has all sharp corners. There are no sharp corners. They've very difficult to model quickly. So the wall will look very similar to the original wall, with a pair of doors entering in, and some nice landscaping.

COMMISSIONER HAMILTON: Quick question. Was that exterior staircase original?

MR. ERDMANN: Yes, there originally was a staircase.

COMMISSIONER HAMILTON: There was a staircase there?

MR. ERDMANN: And they demolished it when they built the addition. I don't know how they did that because in our view that was a code violation, not having stairs there.

COMMISSIONER HANSEN: We're talking about 1975.

MR. ERDMANN: Right. I don't know why. Somehow they got away with it. Exiting the second floor was not as safe as it could have been. So this will bring that back so we'll have adequate exiting to the exterior. The chamber is an assembly space upstairs.

Another view of the courtyard. You can see the main entry doors through the courtyard. The only thing missing here is there was a painted dado here between the buttresses that we want to put back, about three foot tall. It's a painted dado at the bottom of the wall, the very bottom portion of the wall was painted a different color with a more durable paint to hold up better.

COMMISSIONER HANSEN: Is it like a banco?

MR. ERDMANN: Well, there are bancos here.

COMMISSIONER HAMILTON: It was just painted different.

MR. ERDMANN: It's like a wainscot, only painted.

COMMISSIONER HANSEN: Okay.

MR. ERDMANN: It's an Italian, comes from an Italian word. The bancos would be painted the same color here in this case.

COMMISSIONER HANSEN: Okay.

MR. ERDMANN: Again, you can see the stairway with the main walkway centered on the three balconies going in. The walkways in the courtyard and under the portal, each portal there, are going to be brick, similar to what you see out here. It's a very, very, very durable material and it should hold up well. The concrete at the east portal has not held up very well. Jennifer's turn.

JENNIFER PENNER: So this is our site plan here. We're showing the courtyard here. North is up here. We're showing a new sidewalk along Sandoval Street. It's going to be in the same place it is now. We're just changing it to that Omaha tan color that you have around Santa Fe. We're going to add a brick walkway underneath the portal along Grant there, and then you're going to see along Johnson Street we've actually pulled the sidewalk off of the street. We're just adding that kind of landscape buffer and it's safer for pedestrians there.

We're actually taking away any of the coyote fence that you all are accustomed to right now and we're getting rid of a lot of that mechanical equipment that's located to the west, and we're adding a trash enclosure area and your recycling area, and that will kind of be tucked away now. I think those were previously just stowed off Johnson Street.

There will be two electric car charging stations, They will be located where you see it says E.V. in the parking spaces. That's just outside the west entry there.

Okay, so here we are on the first floor. A lot of what you see here is systems furniture in each department. We've got HR in the northeast corner. We've got Finance, which is taking over the southeast plus middle portion of that suite. We're talking about a lot of the non-load-bearing walls and we're adding that systems furniture in place. And to the southwest, that Purchasing and they have a conference room. And what you're going to see along Finance and Purchasing, running from east to west is our ADA solution to the elevator. You'll see that we've taken the elevator out from where it currently sits, where we will now have an exit into the courtyard. We've actually moved the elevator closer to the --

MR. ERDMANN: Alternate handicap access.

MS. PENNER: Right. So one thing I want to make sure that everybody knows is we've been working with SHPO regularly and meeting with their office in order to make sure that our design moves here are complementing the historic sanctity of this building and when we met with SHPO to talk about a solution to get, to navigate those three or four steps in the split level there on the first floor we talked about creating a new opening at the foot of the stairs. Where the foot of the stairs right now comes together, we're placing an opening in that wall that goes through into Finance. So you're actually now going across Finance and Purchasing. So creating this corridor for that access.

And the northwest corner of the building is conference rooms, break room, and then we're giving the restrooms a touchup.

MR. ERDMANN: And extensive touchup.

COMMISSIONER HANSEN: Are they going to be located together, men and women? Near each other?

MS. PENNER: They're exactly where --

MR. ERDMANN: Same location.

COMMISSIONER HANSEN: Oh, the same place they were. Okay.

MS. PENNER: But redone.

COMMISSIONER HANSEN: Right.

MS. PENNER: So on the second floor here, to orient yourself, the chambers is that darker blue off to the left. We've got the Legal Department to the north, and then to the south we have a large conference room and AV area, plus the staff break room. This break room, it will have a sink and a fridge, cabinets, tables and chairs, and then just to the east of that you see a public lounge. And this is for queuing of people who are waiting to go into the chambers. We worked with SHPO extensively on this particular item as well and we're all pretty happy about the way this turned out, because this -- the ramp that you see on the first floor is happening pretty much the same way here on the second floor, where it passes in front of Commissioners and liaisons, but then you see a switchback here that spills them into the courtyard.

I could sit here and talk to you guys for hours.

MR. ERDMANN: This space offers a great view to the outdoors through the triple doors there and the balcony. So you actually get a nice view from the entry into the chamber that way.

MS. PENNER: We have the County Manager's Office to the northeast, and we have the Risk Management southeast.

MR. ERDMANN: And then the public information officer.

MS. PENNER: So the men's restroom is exactly where it was, and the women's restroom, in order to make way for that elevator that's coming through on the second floor we've actually busted through the east wall and put the stalls, a little bit bigger bathroom for the women.

COMMISSIONER HANSEN: But that's the only bathroom on the second floor?

MS. PENNER: Yes.

MR. ERDMANN: This shows the windows we are replacing. Some of them are new where the windows are gone, lost to time. I think there's something like 44

windows we're replacing, another 18 that we're putting in new on the building. And of course they're energy efficient aluminum windows. They're restoration windows to look like your original windows. I don't know if you realized it but it was 50-50 on the windows. Fifty percent were wood and fifty percent were steel sash windows. So the steel sash, they're still going to look like steel sash; the wood is still going to look like wood. The remaining windows are going to get kind of light touchup work and repair and cleanup and repainting. And sealed closed.

These three views of the courtyard, the rebuilt courtyard walls, these windows are all new of course, going back into the existing openings. Some of the openings have been altered. We've got to get them back to the original size and shape.

COMMISSIONER HANSEN: Will you be able to go out on the balcony?

MR. ERDMANN: Yes, but they will be accessible only though – they're going to be locked. The public can't just open those doors. It's only if you decide that you want to open the doors. Say, it's a nice day, you want to open the doors and then people could then actually go out. So it's up to the –

COMMISSIONER HANSEN: The maintenance.

MR. ERDMANN: What you want to do with it. But they will be lockable, weather-sealed doors and all that.

MR. OLAFSON: Also, I wanted to present a really short –

MR. ERDMANN: I had some figures I wanted to – they have to do energy efficiency in the building, what we're doing. The mechanical system, which is a variable refrigerant flow system, and then it also has fresh air roof-top units to bring the air in. The refrigerant – of course refrigerant piping that brings refrigerant into the various spaces in the building that produces heat or cooling, whichever you need. And with that system we're coming up with 33 percent less energy use than we had before.

We're also going to 100 percent LED lighting throughout the building. LED uses roughly 30 percent less energy than fluorescent, 80 percent less energy than incandescent. We have lighting occupancy sensors and dimming controls throughout the building. [inaudible] being replaced with high quality aluminum windows with the insulating glass units and low-E coated. New hardware and weather-seals at all exterior doors. Low water use plumbing fixtures, energy efficient water heater system and circulation lines, and also the roof – the roof is currently roughly R-40, average, and we're maintaining that and repairing [inaudible] current state, using the same contractor who put that roof on two years ago, roughly.

Also, the landscaping, moderate to low water use plants and drip irrigation for the landscaping.

MR. OLAFSON: Okay, so now we have a video. These are two drone flights that were flown by Jaynes to help us document the process. One is January 9th and the next one will be January 20th or 22nd. So this is the 9th. This is coming from the back parking lot looking east. So you can see that they've started demo on the second floor. This is the old Legal office, basically, and the entrance to Land Use. Also, as this is going on, as they're demoing the infill, they're also doing the interior in all the different parts of the building, taking out all the fixtures and everything. So this is a full remodel, all mechanical, electrical and plumbing.

Now we have the 22nd. Now you can see that more of the – all that second floor is

basically out and they've started to cut into the floor down in the lower corner there. So they're removing that second floor. And if you walk by today there is no second floor.

MR. ERDMANN: It's all gone now.

COMMISSIONER HANSEN: I don't think you can walk by.

MR. OLAFSON: You can. The Johnson Street side walk, the O'Keeffe side.

COMMISSIONER HANSEN: Oh, okay.

MR. OLAFSON: So this is just general cleanup. It's already amazing how much more daylight is in that second floor and first floor hallway with the removal of the additions. So that's it. That's our presentation.

COMMISSIONER HANSEN: I want to really thank you for doing this. I really want to know what's happening to that building so I'm grateful that you came and shared with us how it's moving along and what you're finding and everything. Thank you for working with SHPO and respecting this incredible historic building that we have in this community and taking care of it, because I think it's a really special building and I really care about it and I care about history and I think what we're doing is a great thing. So I want to thank you all, everybody. County staff and contractors and everybody. And thank you for coming.

MR. ERDMANN: Thank you. I think I can speak for both of us. We've been developing a lot of love and care for that building. It's almost like our child.

COMMISSIONER HANSEN: I'm glad to hear that.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I'm going to go to Commissioner Garcia and then to Commissioner Hamilton.

COMMISSIONER GARCIA: Just real quick, thank you for the presentation. In regards to the entire team that actually created this project that have been here for a while. Compliments to everybody out there from Manager Miller to the previous Commission for putting this packet together and a few others who aren't here that got it off the ground. Just nothing but compliments for this building. We were out there talking to the general public. Ten out of ten individuals, haven't even been inside there. They drive by and say what a beautiful building. Thank you all.

MR. ERDMANN: Thanks to the Jaynes Corporation. They've been really great.

COMMISSIONER GARCIA: Just a couple questions. On page 24, what is a painted wainscot?

MR. ERDMANN: When you have that lower section. Historically it's called a dado.

COMMISSIONER GARCIA: And also on page 24, the judge's office and library, what's that?

MR. ERDMANN: That's the Legal Department and in that space we've preserved some of the original walls. SHOP wanted to main the original library and judge's quarters so you could see where those were, so we retained those original walls in that space.

COMMISSIONER GARCIA: Thank you.

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

COMMISSIONER HAMILTON: Just a quick question. Thank you for the presentation; that was delightful. Now that everybody's been into it for a while, is there an ETA for completion?

JOSH COSIO: We have our ETA scheduled for July 24th.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER GARCIA: So in the memo, wasn't it completion for June?

MR. OLAFSON: Mr. Chair, Commissioner Garcia, yes. In our demolition process we've had to do some extra activities to get everything ready and so that pushed us out a little bit. But we're [inaudible]

CHAIR ROYBAL: Thank you for that clarification. Commissioner Hansen.

COMMISSIONER HANSEN: So I just wondered, can this presentation that's in our BoardDocs and that you just shared with us, can that go on our website? People from the Old Santa Fe Association, they call me, and I think that they would be interested to see what is happening and I'm sure they'd love the historic pictures and to see what's happening. Because I think a lot of them really care about this building also.

MR. OLAFSON: Absolutely.

COMMISSIONER HANSEN: That way I can just say go to the website.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Thank you guys for your presentation. We really appreciate it.

[The Commission recessed from 5:20 to 5:30.]

6. B. Update on Implementation of Aamodt Settlement Agreement
[Exhibit 1: Power Point Presentation]

JOHN DUPUIS (Utilities Director): Good afternoon, Mr. Chair and Commissioners. I will present an update that will present the brief refresher on the Aamodt Settlement and Pojoaque Basin Regional Water System. I'll highlight recent milestones since our last presentation and I'll look at upcoming milestones that we're working on to get to the end of the contract.

This is the most recent map of the regional water system. It starts with a new diversion facility on the Rio Grande that's to the west, at the top of the screen there, and it then goes to a new water treatment plant on the Pueblo of San Ildefonso.

COMMISSIONER HANSEN: So where is that?

MR. DUPUIS: Where it says WTP and there's a white box with WTP inside. It's near the highway.

COMMISSIONER HANSEN: Oh, okay. Thank you.

MR. DUPUIS: And it transmits treated water through a series of waterlines and storage tank east to Nambe and south to Bishop's Lodge. The waterlines will go eventually east to Nambe and south to Bishop's Lodge, which is the furthest south.

The settlement and regional water system project are recognized here. It's a significant collaboration of a varied group of partners and it's very interesting to work

with everyone.

This is a summary of the construction funding. They County agreed to an additional \$4 million to upsize the southern end.

COMMISSIONER HAMILTON: The numbers are different.

MR. DUPUIS: We will correct that power point. Our power point needs to be updated. So you have the handout; the handout is accurate. So the County agreed to an additional \$4 million to upsize the southern end and defer all but \$10 million of county-only distribution lines. The County will construct the deferred distribution after the Bureau of Reclamation conveys the system and demand in the basin requires on our schedule.

Some of the recent milestones since we last presented are the well-metering order that went into effect. The parties formally approved the 611(g) agreement. The record of decision was signed, and this was a critical step because it had to be issued in order to begin construction and the BOR was able to issue a notice to proceed on limited construction to CDM Smith, so that has occurred. It's a significant milestone. And finally the County has been negotiating since October to amend their cost-sharing agreement and the County funding agreement. And these efforts continue.

On the next slide we have some of the next steps and the amended and restated cost-sharing system integration agreement is one that all the parties are a part of and is with a few details to continue working out but that has to be completed before we can understand what our funding obligations are, and then the funding agreement can proceed.

So that's the amended and restated funding agreement to follow.

COMMISSIONER HANSEN: Has this been approved by the 611(g) agreement? I know it was signed by BOR Director Brenda Berman.

MR. DUPUIS: The 611(g) agreement was completed and it's signed by everyone, and these agreements need to be consistent with the 611(g) agreement, so the prior ones need to be updated to be consistent.

COMMISSIONER HANSEN: Okay. And that's one of the things you're working on.

MR. DUPUIS: Correct. Another of the next steps is the cost-sharing and funding agreement, it has to be amended to conform to the 611(g) agreement as I was just explaining, and we're behind schedule on amendments but hope to bring them to BCC for consideration in the next few months. And one of the major issues is the state's contribution of \$4 million. This is something that allows for customer connections and the expenses associated with that. The parties are pursuing legislative language to resolve the matter. There was confusion as to the existing legislation and specifically if it allowed for the \$4 million contribution or not, and the legislature may act to clarify that the \$4 million is included. So that's important for us to have additional connections.

COMMISSIONER HANSEN: Right. Does that have to happen in this session?

MR. DUPUIS: Yes.

COMMISSIONER HANSEN: And who's carrying that?

MR. DUPUIS: That's something that – Arianne is the representative of the state and she would be addressing how to meet the requirements they need for clear

communication. So we all thought, all the other parties thought it was rather clear that the \$4 million was to be included and I think they're just being conservative on their interpretation, but some clarification would then make it clear that it was intended to be included.

COMMISSIONER GARCIA: And who does the lady work for?

MR. DUPUIS: She works for John D'Antonio in the State Engineer's Office. She's the Interstate Stream Commission's attorney, I believe.

COMMISSIONER HANSEN: Is it the State Engineer's Office that wants clarification?

MR. DUPUIS: I'm not completely sure but that's the representation that's been provided and that's the best I understand at the moment.

COMMISSIONER HANSEN: Okay.

MR. DUPUIS: Both agreements need to be signed before Reclamation can break ground on construction so it's a very significant step and the next step is limited construction. We are hoping to see groundbreaking in March and BOR will expend \$10 million in federal funds and \$2.6 million in state funds towards the work at the water intake site this March.

So the County is expending up to \$3 million. We will make one more payment to BOR for potential acquisition of real property interest and one major component of that is the RKM tank site. It's near Bishop's Lodge. It's an important site for the system to work properly. Our process to acquire property is more streamlined than theirs and so we are asking for verification on our funding agreement that it will be allowed to be counted towards the \$3 million contribution that we're required to make.

COMMISSIONER HANSEN: For building the tank?

MR. DUPUIS: No, Commissioner Hansen. Just purchasing the property for BOR to construct that in the future.

COMMISSIONER HANSEN: Okay.

COMMISSIONER GARCIA: So Mr. Chair, Mr. Dupuis, do we already have verification from BOR that they're going to accept that \$3 million in exchange for our contributions?

MR. DUPUIS: Commissioner Garcia, the previous two slides mentioned that we have the two agreements that we need to complete, the amended and restated funding agreement. That is one of the things that we specifically wanted well explained and streamlined so that we don't have to go through some arduous process to feel comfortable that they're going to actually accept it. But where we don't know the specific locations of other easements, because we were more streamlined in acquiring them we do think it's reasonable to take that role on where it makes sense. And when it's not specific, because we don't have all the easement exhibits yet, we would have to do some further leg work to identify and get it approved.

COMMISSIONER GARCIA: Thank you.

MR. DUPUIS: So the operating agreement is critical. It sets forth the allocation of operations, maintenance, repair and replacement costs. These are significant and I think that all parties involved are very attentive to the impacts of this, long term, and we are working with them to discern an equitable and appropriate allocation method so that we can present to you and make recommendations.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Where are we on the operating agreement?
Do we have anything written? Do we have a draft?

MR. DUPUIS: Commissioner Hansen, we have a consultant hired by the name of Stantec. Their contract includes ushering us through the operating agreement process. There is significant work that has been completed to provide a varied recommendation on all components that should be included in an operating agreement, as well as the required components from the act and settlement. So some of it is specified and some of it is just good practice. So we're considering all of that. We have workshops that we've held and it is by no means near the end. There's a lot of work to be done, but we have made good progress.

COMMISSIONER HANSEN: And what's the name of the consultant.

MR. DUPUIS: Stantec. CDM Smith – this is the consultant that provided the design for phase 1, which includes the treatment plant facility, and they have provide corrected OM&R costs for the project. The parties are still digesting the new numbers but they are significantly higher. There was electricity costs that were utilized that are not what the current electricity costs are and it was significant, the difference. So that was one of the most significant changes in the correct costs, but all options to constrain costs and assess the underlying assumptions in the estimate, like some of the employee salaries can be scrutinized a little more. That's normally a large part of a budget, and the number of FTEs associated with what it takes to operate and maintain the facility will be scrutinized as well. But we're hoping that some maybe conservative approach to it can be cut back and we have something more accurate with what we'll likely experience. Otherwise it will be significant costs and we will present on that information to you.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: What modification do you think to the cost to the County and the cost of water goes higher, operational costs?

MR. DUPUIS: Mr. Chair, Commissioner Hamilton, I've previously presented to you and mentioned it would potentially be a 1,000-customer threshold where we could start having revenue cover expenses, and the difference is – and that's utilizing our existing rate structure at the Utility and the projected costs in the prior cost estimate. That has become a situation where even with all the connections that are existing, all the intended connections for existing well owners in place, we do not cover the costs associated with delivery to those customers with the current revenue structure that we have at the Utility. So ideally we'd like to keep things simple, and if we can use rate structures that are the same or similar in both basins then that helps for lots of reasons, but that was the standard that we felt was okay to compare, because it had been accepted by the Board, at least within the Santa Fe Basin.

COMMISSIONER HAMILTON: So if nothing else changes, all other things being equal, to break even the rates would have to go up to cover this.

MR. DUPUIS: Correct.

MR. GIRON: Based on current information.

COMMISSIONER HANSEN: Exactly.

MR. DUPUIS: And ideally we want to incentivize connection and if it's not affordable rates then we won't have customers that then make it more affordable, and that inevitably entails subsidizing to some extent and I think that's the reality of current information.

COMMISSIONER HAMILTON: And so just for the record, I recognize that that's not necessarily what the final word will be. It's still likely to change as things progress.

CHAIR ROYBAL: Okay. Thank you for the presentation. Are there any other questions from the Board? I'd like to ask that we have this update available for the constituents in the NPT Basin. I don't know if we could have some copies at the satellite office so that we could keep our constituents informed as to the progress of this system. Thank you.

COMMISSIONER HANSEN: So, the cost – do we have any way or room to check with BOR and request that they look seriously at their cost?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, honestly, I feel competent in reviewing, at least at a high level, the validity of the costs and they're definitely not far off, but there is room for some fine-tuning. And generally when these are prepared they're not intended to be perfect. They're generally slightly conservative, for good reason. You don't want to underbudget or have information provided to you that is lower than what it could be. And some of the operational decisions that we make can help reduce our costs. One of them is bypass pumping on the nano-filtration when it's allowed, and that would be something that we'd have to work towards with our permit and have that feature approved, but it is part of the design and what will be constructed. So that's a cost saving measure that we intent to employ long term, as well as concentrating on making connections in the Pojoaque or El Rancho through Pojoaque phase 1 area, because one of the significant costs is electricity and that's due to the change in elevation over the entire length of the system. And so if we serve customers at lower elevation it greatly reduces the cost of pumping So that can also help to some extent.

COMMISSIONER HANSEN: What about solar electricity? Do we have room?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that has been discussed and we're doing projects at BDD that are an example to follow, and I think that that is a great opportunity to partner with the other members to do in the future but is not included in the current project.

One of the big hurdles would be space. We are on a very confined water treatment plant site, and that's at the request of San Ildefonso and we're trying to respect that, and minimizing any footprint that we have in the area.

COMMISSIONER HANSEN: Is San Ildefonso open to solar?

MR. DUPUIS: I think that's a great question and we're going to explore it. It's a very useful tool to help reduce costs.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: One additional thought would be many other people are working to get community solar approved and this would be something

where now you don't have to put solar just on that site. You could find another site and it could be part of the justification of this project as a major subscriber.

COMMISSIONER HANSEN: And possibly the Solar Direct program. I don't know how that would fall into this.

MR. DUPUIS: It's in the forefront of our minds. We need to find solutions to help reduce those costs.

COMMISSIONER HANSEN: Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen and Commissioner Hamilton. So we're going to move on to our next item. Actually I want to make sure that we do put this information on the County website and that it does go out on the email list for District 1.

6. C. Update on Cañoncito Waterline [Exhibit 2: Supporting Material]

MR. DUPUIS: Mr. Chair, Commissioners, I will provide a brief update on two projects. The first is the Ca Regional Water System improvements, phase 2, and the second is the Cañoncito -Eldorado waterline. The first is for installation of the local regional system for Cañoncito at Apache Canyon Mutual Domestic Water Consumers and Mutual Sewage Works Association. I will refer to them as the association from here on out.

The second provides a new source of supply to Cañoncito, to that new system. We have the overview sheets from the plan to give a general area of the project. In this slide the interstate alignment is on the bottom of the page and north is up. These are alignments of the waterline along roadways within the Cañoncito community and where waterlines will be installed.

Today we received the 100 percent plans and specs as well as the update opinion and probably construction costs and I have what I feel is very good news. I don't believe the County Manager has had a moment to hear this yet, but I hope she's happy. Originally the cost estimate exceeded available funding and thanks to hard work and creativity from those involved, like David Madrid who is here with me and many others, we were able to find cost saving measures that still achieve the end result, and the current cost estimate is within available funding and we can begin the bid process. And that's with a ten percent contingency.

MS. MILLER: You realize you're being recorded.

MR. DUPUIS: I know. That's why it is an opinion of probably construction costs, not how much it will cost. But we have confidence in our consultant and we're scrutinized and they've revised it numerous times because it is very important for us to have this project funded.

MR. GIRON: Mr. Chair, Commissioners, I will tell you that there has been a lot of work by staff and stakeholders to be able to have these conversations, so I appreciate that.

MR. DUPUIS: We intend to recommend awarding construction in May and the construction complete and project close-out by December. There is a grant deadline requirement that's driving that schedule and we are on track to meet that requirement.

After the association, we'll have a new system. I think it's important to mention that as the association moves forward it will entail a cost to the customers because they will have to connect to the new infrastructure their line that goes to the existing meter. Generally beyond the meter is the customer's private line. That will then have to be connected to this new meter that will be installed. So there is some cost to them that the association will work through in getting them transferred over.

Also, with that new system it enables an acquisition to occur with minimal impact in terms of a surcharge to the association members and that is because it will then meet the County standards and is equitable to a new development that we would otherwise have included in our system through a development process. So we're continuing to work out the details but that greatly reduces any potential surcharge to those customers.

Part of the process will be to present and seek direction from you. These are steps we've taken before with Hyde Park Estates. I envision something similar occurring. Once the closing requirements of the acquisition agreement are complete, then the customers would become County customers and we'd provide service from the second project that I'm going to elaborate on. Anything you think should be mentioned regarding the first project, the regional water system?

DAVID MADRID (Project Manager/Public Works): No, just that the grant funding expires on December 16, 2020. All the payments have to be made to contractors and everything has to be done.

MR. DUPUIS: Without any questions I'll move on to the next project. The second project, Cañoncito -Eldorado waterline provides a new source of supply to Cañoncito. This was the original intent of the project and through a good working relationship with the Eldorado Area Water and Sanitation District we have helped to achieve the potential for long-term sustainability for the district. They've had concerns with drought and their long-term water supply availability, and as far as the construction or the plans for construction we've just completed the 90 percent plans. It's slightly behind the phase 2 regional system.

We meet regularly with the district as well to finalize the terms of the delivery agreement. That delivery agreement is incredibly important. There are a few key terms like the wheeling of water through their system which has provided for significant savings in our project, as well as a new source of supply for Eldorado. It also allows for the water quality to not be as significant, and that's because they would actually consume water that we're providing along that lengthy section of pipe to their system, and then some of the water that would then go to Cañoncito can be blended with groundwater which doesn't have as significant concerns on disinfection byproducts. So that's helpful in us achieving the appropriate water quality in Cañoncito. So there's a lot of key benefits to working with them to complete it in that way.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: And how is the water going to taste?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, their water would taste just like the water I drink every day does. It's the same source.

COMMISSIONER HANSEN: Will it taste as good as BDD water?

MR. DUPUIS: That's correct.

COMMISSIONER HANSEN: Okay. Good tasting water is really important.

MR. DUPUIS: It is. It's part of the reason why I live in Santa Fe. We currently need additional funding for this project but we will work with our staff and engineers to allow for construction and [inaudible] to prevent any delay in seeking the additional funding. This is not one where we can creatively re-approach how we're doing the end result to find the savings. It's too significant a gap and hopefully through our efforts in requesting capital outlay funds or other sources of funding we're confident that we can have that additional funding so that construction can be continuous. So we're prioritizing the connection from Eldorado to Cañoncito.

So the waterline – maybe I'll give an overview first, starting from where it connects to our utility, and then I'll mention how we prioritize the two sections of the project. It starts with the connection to the existing Santa Fe County system. This is just to the east of Santa Fe Community College and near our million and half gallon storage tank, and that's adjacent to the Rail Trail. It's shown here with this symbol here and over here. So this is part of what provides fire flow and pressure on the system. The new waterline will start here along the existing waterline and follow the power line to the boundary of Eldorado's district, which is here, and then a short distance to the east –

COMMISSIONER HANSEN: How many miles is that?

MR. DUPUIS: I would have to defer to –

MR. MADRID: Mr. Chair, Commissioner, I believe that from the point of connection from the Rancho Viejo line to where we meet Eldorado is about six miles.

COMMISSIONER HANSEN: Okay.

MR. MADRID: It will be traveling under the high voltage power lines from the Public Service Company of New Mexico, and we're currently negotiating an encroachment agreement with them.

COMMISSIONER HANSEN: How much do they want?

MR. MADRID: On the house.

COMMISSIONER HANSEN: On the house?

MR. MADRID: I believe the last time we asked for an encroachment agreement they charged us \$384.

MR. DUPUIS: Thank you, David. The new waterline will follow the power line, like David said. Once it enters the Eldorado boundary we will install a master meter. We're working with them on an easement to locate that master meter and have access. After it is wheeled through their system it will then connect near Highway 285 on the east end of their system, and there will be another master meter there to know how much water is then being brought into Cañoncito.

It goes north across I-25 to a new booster station that is located at the Hondo fire station site and then it goes east along Old Las Vegas Highway to Cañoncito to connect to the new Cañoncito Regional Water System.

COMMISSIONER HANSEN: And how many miles is that?

MR. MADRID: Mr. Chair, Commissioner, that's approximately seven miles and will connect to a point right in front of the Apache Canyon Church. And that will be existing association infrastructure system.

MR. DUPUIS: That concludes our update. If you have any questions I

stand for questions.

CHAIR ROYBAL: Are there any questions from the Board?

COMMISSIONER GARCIA: Just real quick, to staff, thank you for the work on the project to date. Many, many years ago and now it's back in the county, which is great. Thank you for working very hard for all the staff and working on those – negotiating the prices and working with the contractor, because that's where it's at. That's what the projects managers as into working [inaudible] But thank you guys for that.

MR. DUPUIS: Mr. Chair, Commissioner Garcia, along with considering the cost, one of the issues that has occurred is this project has been rather lengthy. We've planned this project for some period of time. Had bond questions on funds to support this project, and the timeframe that has elapsed is analogous to what's occurring with the Aamodt project and indexing becomes a significant fact. So just as an example, we have in depth indexing analysis on the gap in time and that is a 40 percent increase. So if it cost a million bucks, not it costs \$1.4 million kind of a thing. That same timeline for Aamodt is overlapping with the timeline for this project and it's seeing a similar effect. So that is one of the main drivers of our shortfall in funding.

COMMISSIONER GARCIA: Then also real quick, Mr. Chair, Mr. Dupuis, do we have any idea of how many customers are going to hook up to this line?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, we are working with the association. We've identified a total of 108 association members, and we intend to provide for a connection for all of them.

CHAIR ROYBAL: Manager Miller.

MS. MILLER: Mr. Chair, the only question, John – you know we talked to our legislative delegation last night so I'd like to make sure you close the loop with Tessa Jo regarding our request to the legislators, specifically for this project because those need to be modified.

COMMISSIONER GARCIA: And also, Mr. Chair, just on the note, if you can try to get yourself and Tessa to work with the State Engineer's Office to make sure about that definition of the formula for dollars. That's something we had to do last year and prior years also. Thank you.

CHAIR ROYBAL: Thank you. Any other questions or comments?
Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to expand that the direct hookup of people in Cañoncito issue was answered, but even in the immediate benefit of this project is actually in my estimate bigger than what the project was initially conceived, it now includes all of Eldorado. The water issues in Eldorado are massive and the number of people there is massive. And the ability for Eldorado to do conjunctive use with this BDD in addition to groundwater means resting the wells and recharge, and that recharge will not only benefit Eldorado but areas south. And if you think about it, the area south includes all the way down into La Cienega where draw-down impacts the lower Santa Fe River and guess what. The issues there have to do with the City pipeline so in this case, the foot bone's connected to the ankle bone and it's a regional impact.

And furthermore, there are so many more customers surrounding Cañoncito that aren't currently hooked up. The communities – I have to tell you huge numbers of people

have talked to me about, well, now that the water is right here in Cañoncito and there are a lot of water quality problems there, can we hook up? In fact they could if future projects with the communities could get together, to the Water Trust Board to get distribution infrastructure and then hook up. So this opens up a gateway for a lot of additional public benefit. So there's immediate benefit and then future potential benefit to communities that are currently not served.

COMMISSIONER GARCIA: Very good point.

COMMISSIONER HANSEN: Mr. Chair, I know that this Cañoncito water project has been on the books for a very long time. I can't think of how long but I can remember way before I was involved in the County Commission. So it's a good thing we're moving forward with it. Thank you.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. Twenty years or so ago there was a myth that Eldorado had millions and millions and millions of gallons of water under the ground. And myths die hard. But in recent times it came to a reckoning and it will recharge the existing fractures and all that, and sharing of the water – I think that's a really neat way to build consensus for projects. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Are there any other questions from the Board? Thank you for your presentation.

COMMISSIONER HAMILTON: Thank you so much.

7. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

B. The Second Session of the 54th Legislature: Updates and Requests for Direction on Introduced and Proposed Legislation *[Exhibit 3: Supporting Material]*

MS. MILLER: Mr. Chair, Commissioners, the only updates I have today are relative to the legislative session. Tessa Jo is here to help with that. I don't know if you would like to give an update on where we are so far relative to the session and then I can talk about the

MS. MASCARENAS: And I believe Hvtce Miller is on his way as well. So just to get started, we are six days into the legislative session. Today they're already starting to hear some pretty controversial bills. A new process that we have instituted here at the County is that any bills that there may be interest in may be County-related, we are taking those bills and setting them to the elected officials or the department heads for analysis so that we know what effect they'll have specifically on the County.

Sometimes we rely on the FIRs that the Legislative Finance Committee does or anything like that but they're not necessarily specifically County-related. Katherine has a roll so at any time when you contact the legislative team we'll know what bill and we'll have an analysis of it. That's the plan. We're still kind of working it out, but the department heads have been really supportive in that.

MS. MILLER: Mr. Chair, Commissioners, also, Hvtce has provided a report to you relative to legislation by the numbers. Just a reminder, legislature's opening day was January 21st. The deadline for introduction of bills is February 5th, and the

session ends February 20th at noon. March 11 is the date for the governor to act on legislation. Up until that day any legislation not passed prior to that day is considered pocket-vetoed, and then May 20, 2020 is the effective date of legislation. It's not a general appropriation bill or a bill carrying an emergency clause or other specified date. So those are just some general dates and rules. Hvtce, would you like to go through the rest of the report, relative to legislation by the numbers and the agenda items.

HVTCE MILLER (County Manager's Office): Absolutely. Good evening, Mr. Chair, Commissioners. How I have this report set up is very basic. Manager Miller went through the dates and the next item on that page 1 was just a look at the amount of legislation that's in place, so not a colossal amount of legislation in place right now, 505 bills and one has gone through both houses and signed by the governor. That's the feed bill. That's to pay all the workers there at the Capitol that are working during the session right now. Things are still going off fairly slowly as expected with any legislative session.

The remainder of the report starts on page 2 and that goes over the agenda items that the governor has in place, and right there at the top it shows you that her main items are education, the economy, public safety, health, and the environment. And so you can take a look through those particular categories and see actually the specific pieces of legislation that she has in place for those particular items.

So these items here are more or less the main items that we're going to be focus on, what she's trying to push through for the session and for her agenda and overall for her different departments that she's in charge of. So she's wanting to take care of these items, first and foremost.

I don't know if you wanted me to go through those individually, or you want to take a look and see –

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So these are her initiatives, not the County's.

MR. MILLER: That's correct.

COMMISSIONER HANSEN: So if we wanted to lobby for any of these then we need to tell you that we would agree with this?

MR. MILLER: Unless it's not in line with one of the other resolutions that you have in place right now. I think anything budget-worthy or along the lines of capital outlay funding, that type of thing, that's going to be already included within her call, which is going to be include on the agenda. So it's going to be heard because it's germane to the topics of the session. Was there anything in particular that you were wanting to know about that may be not on her agenda right now?

MS. MILLER: And Mr. Chair, Commissioner, I might be able to add to what Mr. Miller said and that is that the only things that the County Commission has passed resolutions on for us to lobby on behalf of were those items that we had in your packets last night at our legislative reception. That was a resolution supporting the Association of Counties or New Mexico Counties' initiatives, which were additional funding for EMS, transportation for inmate transportation, also detention costs as well as additional funding for Human Services Department for individuals with behavioral health issues. Those were all budget initiatives, most of those House Bill 2.

Other initiatives that the Commission supported were also PERA solvency. That was another of the New Mexico Counties' resolutions. The fresh foods for schools and seniors, and also the Board passed resolutions supporting the Mortgage Finance Authority initiatives and supporting affordable housing in initiatives and the Boys and Girls Clubs. And the other resolution that the Board has passed that gives us direction is to make sure that we protect and lobby against any bills that would negatively impact County revenues.

So those are the resolutions that have been passed by the County Commission and give us direction as to how to lobby on any bills that might be introduced relative to those subjects. Anything else that's on the governor's agenda – so for instance, there is a PERA solvency bill. That would be one that we would review and make sure it's in line with what the resolution that the Board passed and then take a position for or against, or partially for or partially against, depending on if there was something in the PERA solvency bill that negatively impacted counties. Otherwise, I do not believe that we have taken, or the Board has taken, any position on these other pieces of legislation or governors priorities, and so if you wanted us to follow the bills or stand in support or in opposition to any bills at any hearings we would need you to give us some direction to that effect today.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So I'm going to start in the back of the call. So on the environment, I would think that we would want to support the solar tax credit and the electrical vehicle tax credit and the community energy efficiency block grant bills that are being introduced. I have been over to the legislature about this IRB authority for transmission lines, but one of the things that I spoke with Representative McQueen about is that we're okay with that bill, because we have zoning. The problem is that many of the other counties throughout the state do not have the kind of zoning rules that we have. And so it needs to have zoning put in that bill that counties have some say about where these transmission lines go. So there is a little caveat there that needs to be worked out.

It is not a bad bill in the fact that it does allow us to get PILT money. So we could get payment in lieu of taxes for any transmission line in the county. So it's fine for us because we have good zoning ordinances. It's not good for some place that has no zoning ordinance, like Guadalupe County. So that needs to be worked out. So that's what I would say about that bill.

If the Commission would support me in the solar tax credit, the electrical vehicle tax credit and the community energy efficiency block grant I would make a motion to support those.

COMMISSIONER HAMILTON: I would second that.

CHAIR ROYBAL: Okay. We have a motion and a second. Is there anything under discussion?

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

CHAIR ROYBAL: Commissioner Hansen, you had something else?

COMMISSIONER HANSEN: Yes, I do. I know she has this recreational

cannabis bill on the call. There is another recreational cannabis bill supported by – it's Senate Bill 115, I believe. Is that correct?

MR. MILLER: Yes.

COMMISSIONER HANSEN: And that is brought by Senator Ortiz y Pino. So I think that that's actually a better bill but I don't know how the Commission feels about that. I definitely support that. I will stand by myself in support.

COMMISSIONER HAMILTON: I strongly support that.

COMMISSIONER HANSEN: Okay, so I would like to make a motion that we analyze those bills and see which one is best, but I think we need to look at them and make sure that we're protecting the county and possibly discussion with the Sheriff because I do feel like he has to enforce it. But I would like to make a motion that we support recreational cannabis and that we look at the bills.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion and a second.

MS. MILLER: Mr. Chair, I did want to point out that the Sheriff was here earlier. He had to leave. He did want to speak to this issue. I just wanted to let you know that he was here. He was hoping to get to stay long enough to just talk to the Commission about any implications relative to legalizing cannabis, but he had to leave. I just wanted that on the record.

COMMISSIONER HANSEN: That's why I included the Sheriff in this discussion, because I do want to be respectful.

CHAIR ROYBAL: I'll go to Commissioner Hamilton and then Commissioner Garcia.

COMMISSIONER HAMILTON: And I just want to add though, that since you included in the motion analysis, there is opportunity for including those kinds of question. I still feel like I would very much like to move forward with the motion.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR ROYBAL: And so just so we're clear, I want to make sure, I think that Commissioner Hansen when she made the motion said it's in support, not to review the two different bills but to actually support the effort of legalizing marijuana. Is that correct? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, I did speak with the Sheriff and also the Association of Counties legislative conference, the sheriffs affiliate actually had a meeting to discuss the governor's proposed legislation to legalize marijuana. And according to the sheriffs affiliate, there's still many, many unanswered questions as unto how much money is it going to bring in? Where's the money going to go? What are the safety precautions? Is it going to increase drug activity? What happens to the schools? So the sheriffs affiliate just felt that they couldn't at this time support it because there's just too many unanswered questions. And so the question that I have is there's a motion on the floor. Is it to analyze the bill, or is there a question to actually support legalization?

CHAIR ROYBAL: That was actually the clarifying question I asked earlier and I believe that it was in support of legalizing. Is that correct, Commissioner Hansen?

COMMISSIONER HANSEN: That is correct.

CHAIR ROYBAL: And Commissioner Hamilton?

COMMISSIONER HAMILTON: That is correct.

COMMISSIONER GARCIA: So at this time I'd just like to make it for the record, I think the bill is too premature as unto what the state of New Mexico needs. There are many, many, many questions that need to be answered regarding the legalizations. The legalizations of recreational marijuana, and so I cannot support this.

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

COMMISSIONER MORENO: I attended – I think you attended too, the presentation at the Association of Counties. Were you there?

COMMISSIONER HANSEN: Yes, I was.

COMMISSIONER MORENO: I came away with kind of mixed bag of issues. But this is going to be a step in the road. Other states have gone through this. They have experience – Michigan, Colorado, Oregon. A lot of states are joining and pretty soon it's going to be ubiquitous, I'm sure. But there's a lot of good information for us to just mull it over. It's going to be a slow walk.

CHAIR ROYBAL: Thank you, Commissioner Moreno.

COMMISSIONER HANSEN: Mr. Chair, that is part of the reason why I asked that we analyze these bills and look at them, not just jump in but take the time and see what the impacts to the County are, and talk to the Sheriff. But I'm going to stand with my motion.

CHAIR ROYBAL: Okay, so we do have a motion and a second. And I think at this time, I know without input from our County Sheriff, which is really vital, I won't support this at this time either, but we'll go ahead and call for the vote. So we have a motion and a second.

The motion passed by majority 3-2 voice vote with Commissioners Roybal and Garcia voting against.

MS. MILLER: Mr. Chair, relative to those, before any staff would stand in a hearing in support of specific legislation, we would respectfully want to analyze for sure at least House Bill 160 and Senate Bill 150 and provide some information back to the Board, and get your direction as to whether there are parts of the bill that we should stand in support of and those we should oppose.

COMMISSIONER HANSEN: I tried to include that in the motion.

MS. MILLER: Okay.

COMMISSIONER GARCIA: So Mr. Chair, that's actually a very good point because as previous staff and Ms. Miller knows, the County Commission or anybody can be in favor of or against the bill and before you know it, from one committee to the other committee it changes the whole entire bill. So I think that's actually a good point.

COMMISSIONER HANSEN: That's why I said that in the motion.

COMMISSIONER GARCIA: I'm just saying that for any other bill also. Just keep that in mind for the bill. I know you know that but sometimes that bill can change from one point to another point. But thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

COMMISSIONER HANSEN: There's a number of bills – I have a list that I gave to Sara.

MS. MILLER: Mr. Chair, Commissioner Hansen, I was just trying to make sure we got through this list first.

COMMISSIONER HANSEN: Okay. I know there are other bills on the call from the governor but I know there's Hvtce and there's Tessa Jo and Katherine so I don't want to see you standing all day in rooms, but if there is anything else on this list that my fellow Commissioners see that could be important for us to – I could go like increase penalties for human trafficking. That's definitely an important bill. There's sex offender registration. But I think there's people who are standing on those bills so I don't know how the Commission feels about some of those. The sex offender registration requirement is authored by Representative McQueen and I know he does a pretty thorough job of presenting a bill.

So I would move to support those. This is my other list. I'm still on the governor's list. So I would move that we stand in support of those two bills, the increased penalty for human trafficking and sex offender registration requirement.

COMMISSIONER HAMILTON: How much – many of these bills are potentially really good. I was – the ones we've acted on are the ones I feel would have the most impact. When are we going to run out of staff –

COMMISSIONER HANSEN: Right. I agree with you on that.

COMMISSIONER HAMILTON: And I think some of these are fairly well moving on their own, potentially.

COMMISSIONER HANSEN: I hope so.

COMMISSIONER HAMILTON: But can you give us – if we add every single bill that they're considering we're never going to be able to meet that in terms of watching out for the County's – analyzing the County's cost and benefit or pros and cons from the County's point of view. I'm afraid we just won't have time for all of that.

COMMISSIONER GARCIA: Mr. Chair, just on that note Commissioner Hansen made. I agree with you 99 percent, because it's difficult for staff to follow all these bills. They're great bills. They all are great bills. I think we should actually kind of stick to the resolution that we passed supporting the New Mexico Counties. New Mexico Counties does look out for the entire counties throughout the state. And the ones that we adopted, the one that we just adopted a few minutes ago. Because like I said these are all great bills. Just hearing the titles, they're good. And there are 22 days left. The time is just flying by. So a lot of this stuff, it's almost like, in my opinion, they could their minds set. These are great. And always keep in mind we could go there as County Commissioners and say on behalf of myself and on behalf of the entire County Commission I support or I don't support this bill. We always have that option as well.

COMMISSIONER HANSEN: Since I didn't get a second on those two bills, I'll drop it, but I do want us to support the community solar bill, because I feel like that is something that we are doing with the Coalition of Sustainable Communities, and that is something that is germane and important to this County, along with other things that we are doing.

COMMISSIONER HAMILTON: Point of clarification. I strongly agree but my understanding was the community solar bill wasn't on the call and wasn't going

to be heard this session.

COMMISSIONER HANSEN: Well, Speaker Egolf has brought it up, and he mentioned it today at the Roundhouse this morning and it's having its first hearing.

COMMISSIONER HAMILTON: I didn't know that. Well, I would second.

CHAIR ROYBAL: So we have a motion and a second.

MS. MILLER: Mr. Chair.

CHAIR ROYBAL: Manager Miller.

MS. MILLER: I was asking -- to see if it's germane.

COMMISSIONER HANSEN: I don't know when it's being heard. He just said it was being heard.

COMMISSIONER HAMILTON: Well, I think supporting community solar is incredibly important so if we could just follow and analyze that.

MS. MASCARENAS: Do you have a bill number?

COMMISSIONER HANSEN: I have two bill numbers. I have 143 – I think it's House Bill 9, is what it is. It's House Bill 9. Because he just – him and the executive director from the Coalition of Sustainable Communities just worked on it over the weekend. So I would say that House Bill 9 is a bill that we want to support.

CHAIR ROYBAL: Okay, so we have a motion and a second. Under discussion, do we have anything else under discussion? I do want to point out, and I think I've brought this up before, is I think that we need to work on the process for our constituents to get their permits through the County and all that and I think it's a little bit harder than what it needs to be, so if this legislation doesn't pass I believe we still need to work on that as a County.

COMMISSIONER HANSEN: I agree with you, Commissioner Roybal. That was why we got at least the SolSmart bronze award, but my goal is to get the SolSmart gold award so we have it really easy for people. Las Cruces has gotten gold with the SolSmart so there is an example there to follow.

CHAIR ROYBAL: Another good goal. Manager Miller, you had your hand up.

MS. MILLER: Mr. Chair, I just wanted to say, since you brought up the solar requirements in our code, Penny is – I met with her a couple of times about what we're doing to streamline that process, regardless of the community solar bill. It will happen.

CHAIR ROYBAL: Great.

COMMISSIONER HANSEN: Did you find House Bill 9?

MS. MASCARENAS: Yes. It is actually scheduled for the House Energy, Environment and Natural Resources Committee at 8:00 am on the 30th. Thursday.

COMMISSIONER HANSEN: On the 30th?

MS. MASCARENAS: Yes. It was ruled germane.

COMMISSIONER HANSEN: That's the motion I am making to support that.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second.

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

MS. MILLER: So, Mr. Chair, I just want to make sure that you would like us to track and stand in support House Bill 9, not Senate Bill 143.

COMMISSIONER HANSEN: No, House Bill 9 is the one that I've gotten the word on.

CHAIR ROYBAL: Okay.

COMMISSIONER HANSEN: And we might have to follow it. The numbers might get changed, especially if it goes to conference and the number, it might go over to the Senate and something else might happen.

MS. MILLER: Mr. Chair, so that's everything that – just to try to keep on track. So that was what we handed this out, to see if there was anything in there. The second list, you just were handed out is a spreadsheet. These are bills that Commissioner Hansen requested that we do a bill analysis on. We're in the process of – staff is in the process of doing that right now. A lot of them don't even have bill analyses yet from anyone on the legislative side. Staff has turned in about eight or nine of those so far and if you have any questions on any of those, we might actually have an analysis done, I can answer those. Otherwise I would just be able to more or less give you the title of it and the general information about it.

COMMISSIONER HANSEN: I know you already live at the Roundhouse, Hvtce, but I do think that a lot of these bills that we do have analysis on are important. I don't know how germane they are going to be to the County but as somebody who gets Social Security I think that having income tax on it is wrong. And I think that there are bills that do affect the health and welfare of our constituents in the county, considering that we have an aging population. And So that is definitely one bill that I would like us to stand in support o.

MS. MILLER: What bill was that again? On your list?

COMMISSIONER HANSEN: It's House Bill 29. I make a motion to support that.

COMMISSIONER HAMILTON: Where is that?

COMMISSIONER HANSEN: House Bill 29. Social Security income tax exemption.

CHAIR ROYBAL: I'll second.

COMMISSIONER HANSEN: And it's no impact to the County.

CHAIR ROYBAL: Okay. So we have a motion and a second. Anything else under discussion?

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

COMMISSIONER HANSEN: I also would like to support House Bill 8, which is electric generation facility economic district. It's the Public Works, Finance, Growth Management and Sustainability. We've done the analysis and there's no impact to the County. It's House Bill 8. On the top. The first one.

COMMISSIONER HAMILTON: Oh. Thank you.

COMMISSIONER HANSEN: So I make a motion that we support that.

CHAIR ROYBAL: I'll second. So we have a motion and a second. Is there anything else under discussion?

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

CHAIR ROYBAL: Commissioner Hansen, you still have the floor.

MS. MILLER: Mr. Chair, I just wanted to point out, one of the ones that is on the governor's list of priorities. It's on page 3, Electric Generating Facility Economic District Act, House Bill 8, Representative Lundstrom.

COMMISSIONER HANSEN: So we already passed that. I'm sorry.

MS. MILLER: No, you didn't. I just wanted you to know there's a summary of what it was. You passed the one on environment.

COMMISSIONER HANSEN: Solar tax credit and electric vehicle tax. Oh, okay. So I missed that one.

MS. MILLER: It's economic.

COMMISSIONER HANSEN: I don't know, I think, Chair Roybal, you probably would want it. SB 8, Complete Count in 2020 Census.

CHAIR ROYBAL: Is that SB 4?

COMMISSIONER HANSEN: Yes. SB 4. So I want to make a motion to support a Complete Count in the 2020 Census.

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

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

COMMISSIONER HANSEN: Okay. I'm going to give up the floor.

CHAIR ROYBAL: Are there any other Commissioners that have – I think you went over most of the ones that I wanted to support as well.

COMMISSIONER HAMILTON: Me as well.

CHAIR ROYBAL: Commissioner Garcia, anything additional?

COMMISSIONER GARCIA: I'm fine, thank you.

CHAIR ROYBAL: Madam Clerk.

GERALDINE SALAZAR (County Clerk): Yes, thank you. Are you all done with all of that? Because I want to bring something up.

First of all, I want to thank staff for doing this. I think this is going to be great if we can do a little analysis and see if there's any impact. What I want to bring to the attention of the Board, the handout that states House, January 28, 2020. I want to share with you some of my experience historically working in the Clerk's Office.

If you look at House Bill 216 on the last page, on the back, it's absence of a probate judge. It provides that in the absence or incapacity of a probate judge, a probate judge from another county may act in the absent judge's stead with the approval by the Board of County Commissioners of the absent judge's county. The affected county is to reimburse the acting probate judge for per diem and mileage.

Historically, the way we've done this, I'm now speaking as the Clerk, not as the probate judge, is that when this happens, and when it's happened in the past, a district judge has been appointed to handle the duties of the probate judge. Which I think the

district judge is more familiar with Santa Fe County and I think the fiscal impact would be the County – if this was enacted, the County would have to reimburse for per diem and mileage, which I don't think is necessary when a district judge can be appointed to do this work.

And then also with House Bill 229, I don't know if there's any fiscal impact in this one but I'm going to check it out. I look forward to doing that. Okay. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. Any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Do you want us to stand against this absence of probate judge?

CLERK SALAZAR: I wanted to provide you with this information because if you looked at this you would think that we had no other alternatives, but we do, based on my experience, the many years that I've been in the Clerk's Office. So that is a fiscal impact. And I'm familiar with a district judge being appointed to do these duties in case if a judge went on vacation, a County probate judge went on vacation or was sick, any issues that come up that could happen, where a district judge is appointed.

COMMISSIONER HANSEN: Madam Manager, it seems like it would have impacts. So should we stand against this? These small counties – I also have to think about the small counties. All of them don't have district judges available.

CLERK SALAZAR: Chair Roybal, Commissioner Hansen, I would like to hear from Greg who is a former district judge and what he remembers, if he remembers any of this. I believe all areas in New Mexico have district judges. Like we are the First Judicial District Court.

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Hansen, yes, that's correct. The entire state is divided up into judicial districts so there is a district court judge if not physically housed, one that has responsibility for every county in the state.

COMMISSIONER HANSEN: And how many district judges do we have? How many districts?

MR. SHAFFER: I want to say that there are 13.

COMMISSIONER HANSEN: I think it's something that needs to be analyzed.

CHAIR ROYBAL: Manager Miller.

MS. MILLER: Mr. Chair, Commissioner Hansen, I have not had a chance to look at this bill. I know there's been conversation at the New Mexico Counties about whether counties could opt out of having a probate judge and have a district court do it. That was a bill, I think that was passed and this is an option I think some of the smaller counties have looked for. But without actually reading it I couldn't tell you. I would actually defer to the Clerk as to whether she thinks it would be a cost on the county if that were to happen. Otherwise I think we need to analyze it and provide you back with some information.

CLERK SALAZAR: Chair Roybal, Commissioner Hansen, yes. I just wanted you to be aware of what I am familiar with, what's happened in the past when the county probate judge is not available, it's the district court. And years ago, I can also remember being in the office one time, the probate judge appointed the County Clerk to

be the probate judge, which I personally have no interest in. But I know a former County Clerk while I've been in the office was the acting probate judge. So there are resources. There are ways for this to happen, to cover this division. So I just want you to be aware of that. If we're looking at fiscal impact, there would be, if this should pass.

CHAIR ROYBAL: Okay, and just to state for the record, I want to say I agree with the County Clerk wholeheartedly, because I think that a district judge would do better to cover our area or any counties' are for that matter, it would be better and more feasible to do it that way. So I would agree. Commissioner Hamilton, do you have a comment as well?

COMMISSIONER HAMILTON: Not on this. I actually had a question on two other bills, wondering if the County is already following them.

CHAIR ROYBAL: Okay, so Manager Miller, would we have time for you to see what kind of impact analysis for the bill that our County Clerk has brought her concerns up for?

MS. MILLER: Mr. Chair, I think the biggest challenge is, like I said, we have a 30-day session so I think we don't even have – what was the last day of the session, Hvtce?

COMMISSIONER HANSEN: February 21st.

MS. MILLER: So we have another Board meeting in between, I think, on the 11th. So we would have an opportunity to come back to you on the 11th with a recommendation.

CHAIR ROYBAL: Okay. We'll wait till the 11th, and I want to thank the County Clerk for bringing this to our attention. Commissioner Hamilton.

COMMISSIONER HAMILTON: Let me ask about one other, because the sensitivity about overwhelming staff. If you look at the front side of the next to the last page, House Bill 191, Fire Protection Grant Fund increases. So my question is, the fire fund – this could potentially impact the County. I have not looked into it so I'm speaking from a little bit of influence, but this could be valuable, but there could be some pitfalls. I just wonder if the County has looked at this. I would like to suggest that maybe we do.

MS. MILLER: Mr. Chair, Commissioner Hamilton, just looking at the title of it, this could potentially negatively impact Santa Fe County if they are taking from the Fire Protection fund which we currently get a distribution from and then moving it to the grant fund where you actually apply for grants, versus distributions directly to your fire district, and if it's going to – if they give priority to underserved areas, if they don't consider Santa Fe County an underserved area it could. I don't know. I'd have to look at it more but we can definitely do an analysis of it to see whether it's worded in such a way that it would take away from the distribution we currently receive.

COMMISSIONER HAMILTON: Right. Thank you. I think that would be good to do. And the other one that caught my eye is the very last one on the next page. This is Senate Bill 148, Water Trust Fund appropriation. When I first saw this go by I thought that was sort of a bill that's been around, sort of a standard thing, reauthorizing monies to the Water Trust Board, distributed, etc., etc. If that's a pretty pro forma bill I wouldn't spend any time on it. I'd rather be concerned with the fire bill, the fire protection bill if we're going to be negatively impacted.

MS. MILLER: Mr. Chair, Commissioner Hamilton, I can't tell. I tried

pulling it up. I can't tell if this is their regular allocation for the Water Trust Board or if this is a bill that's additional to allocations that go from severance tax to the Water Trust Board. And there isn't an analysis on the website. So we'll need to take a look at that one as well for you.

COMMISSIONER HAMILTON: Okay. Thank you. That's all I had. I wouldn't want that resource to all of a sudden disappear for Santa Fe communities.

MS. MILLER: Actually, I apologize. It says general fund reverting. So it may be in addition to – it might be a bill looking at appropriating general funds to the Water Trust Board. I don't know. I'll have to look.

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

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Any other comments from the Commissioners?

COMMISSIONER HANSEN: May I just say thank you to Tessa and Hvtce for working over at the legislature and to Katherine and to all of us. I'll be over there as much as I can and standing where I can when I can. So I'm grateful to you all for being there.

MS. MILLER: Mr. Chair, Greg just reminded me of something and I was doing some research on it, but it is under the legislative item, before we go to the next item. This is on House Bill 128, and it's a procurement code bill that was introduced and I'm trying to find out whether it's going to be ruled germane. But this is a bill that would amend the procurement code to remove local public bodies' authority to procure multiple indefinite quantity architectural and engineering services.

Currently, the way the law reads it allows for the state agencies and the local public bodies to do so and this bill just removes local public bodies. That would be a negative impact to Santa Fe County, because we do have on call services for architectural and engineering services, and we do an RFP but we award multiple contracts so that during the construction season in particular, if we have issues where we need an architect or an engineer, particularly on some of our road projects, to quickly get on board so that we can move forward a project during a construction season. We use those services. I can't say that we use millions of dollars worth but we definitely do solicitations. We do evaluations and we bring those to the Board to award those contracts and we do use them.

So I would respectfully request that the Board authorize us to stand in opposition of this bill if it is ruled germane.

COMMISSIONER HANSEN: I move that we stand in opposition.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: So we have a motion and a second.

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

COMMISSIONER HAMILTON: Thank you for bringing that up.

MS. MILLER: Thank Greg for reminding me. This bill actually did an analysis. It's not with my other sheets of paper, so thank you for that.

COMMISSIONER HANSEN: There are so many bills that we could stand against also, so I know we have limited staff, ones that affect the County are the ones we have to stand for.

CHAIR ROYBAL: Thank you, Commissioner Hansen.

7. C. Presentation and Request for Preliminary Direction Concerning Potential Youth Development Program Closure

MS. MILLER: Mr. Chair, I'll go ahead and start on this but I also am requesting that Director Sedillo join us. I think he's down at the other end of the hall. Mr. Chair, Commissioners, as I'm sure you're aware as it has been a topic of conversation at the New Mexico Counties. It's been reported on in the newspapers. I also believe that it's been brought up since we put it on our agenda, not because we put it on our agenda but brought up in other communities. That is the declining population of juveniles in youth development facilities.

At the Association of Counties meeting last summer in Clovis in Curry County, as a matter of fact there was a presentation and I believe that the New Mexico Counties even created a working group or task force to work with Children, Youth and Families and other entities, the courts, to look at the challenges facing counties that have juvenile detainees. We had provided information at that time. A lot of the requests were for information about what is our youth population? How many of those youth are Santa Fe County youth? How many of those youth are from other entities that we contact with those entities to house the youth? And also what our budget is? The number of staff?

So over the course of the last several months we have been providing that information to the state and to New Mexico Counties. Additionally, the Board of County Commissioners does an annual inspection of the adult and the juvenile facility and as you have noted, our population has declined significantly over the last several years. That is not particular to Santa Fe County; that is particular to the state and all other counties as well as across the nation.

But we have several challenges facing us relative to our development program, not just the declining population but that population of juveniles – the average stay is less than three weeks. Now, I'm talking about our Santa Fe County juveniles. It's about 18 days. The facility where we house our juveniles in detention is our old adult facility. It's one of the oldest facilities that we have and as a matter of fact the Clerk was involved in a task force back in 2015 and 2016 to look at alternatives to that facility, because the facility is one of the County's oldest facilities and has about \$10 million worth of capital improvements that need to be done.

Also, the facility is not designed to house youth. It's a former adult detention facility, so there's not a lot of programming space available. It's essentially a lot of jail cells and individual cells off of a pod.

We have largely fixed costs that don't vary materially based on the actual population of the facility and when you see our declining population our fixed costs don't change if we have five youth or 25 youth. They pretty much stay the same except that we might have some variable costs of needing to add staff, meals and medical services. And pharmacy and the like – incremental changes on variable costs.

Also, we have a great deal of staff turnover and currently we have several vacancies, which is the impetus for bringing this to do, or one of the impetus for bringing this to you at this time as we are at a point where we need to make a decision as whether

to staff back up and fill those vacancies or get direction to possibly give you considerations for alternatives for housing Santa Fe County youth.

There's also a lack of guaranteed revenue from other entities housing youth at YDP. So we do have contracts with other entities to bring juveniles to Santa Fe County. We have contracts with US Marshals, some of the pueblos, Guadalupe County, Taos County, Rio Arriba County, but they're very intermittent as to how many youth we actually detain on behalf of those other entities. And there is no guaranteed flat amount from them. In other words, a contract that says we will pay you for three juveniles regardless of whether you house them or not. So there's no guaranteed revenue.

The rates that we contract for range from \$150 per day for a US Marshals youth and up to about – I want to say our highest rate is \$225 for some of the other, new contracts that we have entered into.

And then also, as with any detention facility we have the liability and the insurance costs of operating such a facility. So why this is being brought up to the Board today is we are actually requesting that the Board of County Commissioners give some direction on what you would like us to see going forward, or what you would like us to do going forward. What I mean by that is, as I said, we are at a point where we do need to advertise and fill some positions. We had some recent vacancies that have brought us down to a point where we definitely need to advertise and fill those positions, or we need to look at whether it would be more appropriate to provide these services by contracting for our juveniles to be taken care of at another facility.

The most obvious facility that would be the closest and most reasonable facility is Bernalillo County and Bernalillo County is actually looking at building some new facility. They have a much larger population of the youth detainees. So they're actually somewhat – I don't want to say expanding, because I wouldn't necessarily call it that but they're doing some improvements and making some different facilities and have different types of programming for youth.

In your packet, just to give you a little bit of background, you can see the declining population over the last few years. We used to have a total number of youth that were housed at the YDP during fiscal year 17 was 357, and as I said, the average stay is about 18 days, and this year, to date, through January more or less, is 143. And of those residents that are being housed at the facility, you can see it's a much smaller percentage that are actually Santa Fe County youth. And what I mean by that are youth that CYFD states are within our jurisdiction to house and our responsibility to provide some type of detention, whether it be our own facility or at another facility.

The rest of the numbers on that graph, as I said, they are either another county, a tribal entity, or the US Marshals. On page 2 of the memo in your packet, there's a lot of reasons for the declining population, but locally, statewide and nationally, there is a trend to move away from incarcerating pre-adjudicated youth, which is a good thing. And in addition, the limited number of youth incarcerated in a pre-adjudicated status – as I said, it's not very long – the youth at our facility, the average stay has been 18.67 days during fiscal year 16 to fiscal year 20. So when you also look at those numbers, recognize they're there about 18 days.

That number, even that average stay can be pretty skewed if you have with such low number of detainees, that number can be skewed if you have one person who's there

for six months. It definitely skews the average stay.

So across the state there's about six different facilities that are open and in your packet we've provided what New Mexico Counties collected from all of the counties, relative to those facilities, and the last two pages in the memo show you where those facilities are and how many beds there are relative to juvenile facilities in New Mexico. It also shows you that the cost, the totals they collected from all 33 counties is about \$18.5 million a year, \$16.5 million of that is incurred by those six counties that have facilities and just to point out that over \$2.5 million of that is incurred by Santa Fe County. So in that \$18.5 million we actually this year, fiscal year 20, have \$2.8 million budgeted for juvenile care. And when you look at the average number of youth that are Santa Fe County youth that we have, you can see that we are actually subsidizing the federal government and all the other entities that are housing youth with us. Because it actually – if you take those numbers and extrapolate it out costs about \$8,000 a day to operate the juvenile facility and \$1,000 per juvenile bed-night, and we're receiving anywhere from \$150 to \$225. So that means Santa Fe County is actually subsidizing other counties and other entities in order to house those juveniles.

So the question has been, well, what about Santa Fe County being a regional facility? That was one of the recommendations out of the 2016 proposal and that was to tear down our existing facility and building a regional facility. As you can see, the numbers don't really support that. To do that would cost the County – back then the estimate was about \$10 million to do that. In today's dollars we would probably be pushing closer to \$14 or \$15 million to do that, and we still have a declining population. So we would be doing that for an average of five to ten Santa Fe County juveniles.

Also, on page 2, you can see our last several years of total expenses. We've gone from \$2.5 million to almost \$2.7 million last year, and budgeted \$2.8, almost \$2.9 million this year, and our revenues are estimated to be around \$300,000. We average about \$400,000, \$450,000 in revenues to offset those fixed costs.

So what we were looking to the Board today is to give us some direction on whether you would like us to explore closing the Santa Fe County facility and housing our juveniles in another facility, such as Bernalillo County. We're very cognizant, and staff is very concerned about the complications that come with that and the negative ramifications of such decisions. First of all, we have County staff. By union contract, if the Board were to give us direction we would need to go meet with the union and negotiate with the union, looking at a plan of what would happen relative to County staff and also relative to the facility itself.

My understanding is that the union would like to see us keep the facility open but we have not had any conversations specifically with the union about this because we didn't want to – it's the chicken or the egg. I think the most appropriate thing is to have a conversation with the Board of County Commissioners. If it is not something that the Board of County Commissioners is interested in us exploring then that would be the end of us looking at it and therefore no need to enter into conversations with the union about how we could possibly keep the facility open if we're going to keep it open anyway.

The other side of that also is we would be – so we're very conscientious about what would happen to any County employees. The juvenile facility has 29 approved full-time FTEs, but we have been sitting between 15 and 20 or between around 9 to 14

vacancies. So we've had between 15 and 20 County employees, filling those positions, but as I said, they're hard to fill and they're hard to keep filled. So we are in a continuous state of hiring and turnover there. So right now I believe we actually have on County payroll 15 County staff.

So obviously, if we had – and we supplement staff at the juvenile facility with administrative staff from adult, so they do have other support, employees who aren't 100 percent housed at the youth facility. Director Sedillo is one of those as a matter of fact. He spends a great deal of time at the juvenile facility. But we also – so we recognize that we would need to work with the union as to what would happen to staff.

Additionally we know that there would be transportation needs and we would not want to put that burden on the Sheriff, so we would look at providing our own transportation staff. That can either be done contractually or it could be done by creating a transportation team, which might likely be employees that currently work at the facility. Those are all things that we would explore and talk to the union about and work on providing that plan back to the County Commission.

And in addition, if the facility were closed, YDP would have rights with respect to other County positions. So they could potentially be absorbed at our dispatch center. We have probably ten vacancies there, and at the adult facility we have vacancies there. They would receive priority if they are qualified for those positions and they wanted those positions. So that's just one example of where we would work with any existing employees to try to help place them in other County positions.

Another issue we also know is of concern to the community and judges and anybody involved with the youth and those individuals that would be at the facility is family visitation. And we recognize that is something that's important and that would be one of the other reasons we would be looking to Bernalillo County. It's about a 50 minute drive from Santa Fe to where the Bernalillo County facility is located. So while, yes, it is further away from the northern or central part of the county, it's actually closer the further south you are in Santa Fe County. So it really does depend on where family is located in Santa Fe as to whether it is actually closer or further. As I said earlier, the average stay of Santa Fe County juveniles is relatively short, two to three weeks, and average visits from family are usually once or so a week for those juveniles that are in our facility.

And we can get specifics. We have logs we do see that we have about, in the last three months, we've had visitation from family members 12 times last month. And I mean 12 in total. That family members are visiting youth that are detained in the facility a total of maybe ten to 15 times, 15 visits a month in total for all the youth that are Santa Fe County youth in the facility.

So that gives you just a rough sense of how many visits are actually taking place in the facility. Because it's such a small population we really do not have a lot of visitation.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: So thank you for that. Were you finished? Go ahead.

MS. MILLER: So my only – in summary, we would be looking for some direction as to whether the Board would like us to pursue providing a potential closure

plan we would bring back to you for adoption, or whether that is not something that the Board of County Commissioners would like to entertain. It's also another critical point of why we're asking this at this time is we're giving direction to the departments to start preparing their budget submittals that are due next month for next fiscal year.

COMMISSIONER HAMILTON: Thank you. So there were a couple things. I have two questions. First, I feel like the numbers – it was a really good analysis. I really appreciate that. I think they largely speak for themselves. I think it only makes sense to pursue a closure plan. The two questions I have that I didn't feel like – that we would probably need to get information on that respect, what the timeframe for a closure would be, because right now, this is critical for us to consider because we're so understaffed there we have to move in one direction or another.

I wonder if it's going to take a month, two months, three months, just to get an agreement with whoever – like Bernalillo County and other aspects of the plan, negotiations with the union and what not. Are we operating at too critically low to keep it open for the three months it's going to take to do the plan. So what are the liabilities then? And I assume, but I have no personal knowledge, so I feel like I have to ask the question. Our alternate options – one of the things, we now were buying services at Bernalillo County, you're forfeiting a certain amount of control. Like we know how we manage our staff and how they treat detainees and what not. Would we be able to investigate that and ask questions about Bernalillo County, how do they run their juvenile facility, and would we be satisfied with that? Other than those two questions, I feel like the numbers are far more clear.

MS. MILLER: Mr. Chair, Commissioner Hamilton, I think there are a couple very big questions. I think Director Sedillo could speak to how Bernalillo is operated and any accreditations that they have and CYFD does inspections of how operations are done at other facilities, so they'd be able to speak to that, and relative to closing, because our numbers are small and particularly Santa Fe County numbers are small, we can phase the way we close the facility. In other words, we currently take other entities' juveniles to help offset the cost of our fixed costs, but what we would recommend is if we're going to move in the direction of potential closure is that we start working with those entities to take their juveniles elsewhere.

I caution though, I wouldn't want to say that if we're going to turn around and stay open because we'd like lose having additional revenue to help us offset our fixed costs. So that would be my only comment to that.

COMMISSIONER HAMILTON: Yes, but we need to get the answer to the question from Director Sedillo.

PABLO SEDILLO (Public Safety Director): Mr. Chair, Commissioner Hamilton, first of all, I want to thank the County Manager. She did an excellent job in the presentation on the numbers we did. To answer your question, every facility that has a CYFD kid in their facility, they have an inspection and an audit done by CYFD itself. And it's a very thorough audit. They have to meet certain standards on that. I know the juvenile administrator at Bernalillo pretty well. He runs a really good facility, a lot of good programs on that. So that would not be a worry to me whatsoever.

COMMISSIONER HAMILTON: And the timing, just to supplement Manager Miller's suggestion that one way to reduce the staffing pressure between now

and looking into the closure as we reduce population. Do you have any other thoughts to contribute to that?

DIRECTOR SEDILLO: Mr. Chair and Commissioner Hamilton, I think that's a very good point because if you look at our count today, we have a total count of eight people, eight kids in there. Two of them are US Marshals. We've had them for almost a year or two. The other six of them, four of them come from Santa Fe County and then the other two are from different entities. So you've got to look at that as a whole, as the big picture of the amount of kids that we have at that facility. And any time you have to do this it has to be in phases. I've done this one time in my career and it has to be in phases and you have to always work with your HR Department with that as well.

CHAIR ROYBAL: Thank you, Director Sedillo. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Thank you, Katherine and Pablo. I appreciate the information. I agree with Commissioner Hamilton. I think the numbers strongly support the idea of closure. And I think about Bernalillo and one of the things that sounds good to me was that they have a program that they're developing and they're working on different ways to provide for juveniles that have been sent there. I think that that is something that is really important is that we think about these juveniles and how they can be helped. I think that some place like Bernalillo that has a larger population and is willing to invest more money and time to help these juveniles so that they can be once again contributing members of society. And that is what we want.

Since I have been to our juvenile facility it is an aging facility. It is an old, adult jail. It is not designed for juveniles. It is not designed for youth. I would like to see them get better care and I think at a place like Bernalillo where they are working to develop a program and thinking possibly outside the box that they might be coming up with some of those ideas and providing education, because they have a larger population. So that is something that does appeal to me. I like the idea of using the people who are working at the juvenile facility at the moment to do a transport pool. I think that that would be a good way because I don't think that we should burden the Sheriff and his department with that.

I wonder, can we move some of the employees that are at the juvenile detention facility to the adult detention facility?

DIRECTOR SEDILLO: Mr. Chair and Commissioner Hansen, let me begin by saying, yes, we could, in that every employee is our first and foremost priority. We need to ensure that each employee has an opportunity for employment within Santa Fe County in any department, including Public Safety of course. So yes, that would be our first priority is our staff.

COMMISSIONER HANSEN: Also there's a possibility, as Manager Miller mentioned, that they could move to RECC. There are opportunities for us to provide positions for them and I think that that's something that will go a long ways with the union that we're definitely not putting them out on the streets. We're taking care of our employees and I think that's really important.

One of the thoughts is that we're spending \$1,000 a night on a juvenile. They could stay at a really nice hotel. They could be in a treatment center. They could be in a place where they might be even getting help with that amount of money. That's a really high expense. So I definitely believe that we should look into closing and explore what

our options are with Bernalillo and Bernalillo would probably be interested in our contracts also with federal youth and possibly some of the pueblos or even closer to Bernalillo that we also have federal contracts with.

So I think that all in all, it is a positive thing for us to look towards closure and thinking of how we can do that in the most beneficial way, not just for our employees but to the children that are there because I think the children that are there might benefit from being in Bernalillo with a larger population where they could have more educational opportunities and a new approach that takes investment. So that's what I would like to share.

DIRECTOR SEDILLO: Mr. Chair, if I may, just some key points that the County Manager made. In 2010 CYFD detained over 4,000 juveniles around the facilities in the state of New Mexico. And when I first started there were 13 facilities; now there are six. The count now, in 2019 has dropped from 4,000 to 1,500. So that's a dramatic drop in detained individuals. Back then there were 288 beds. Right now there's 126 beds in the state of New Mexico that are being used by detainees. Right now. So you can see the decline of individuals that are being detained.

And I think the pendulum has changed a little bit. Instead of incarceration they want to look at alternatives for these kids: substance abuse beds, mental health beds, people with mental disabilities, physical disabilities. They're looking at individuals that don't have homes, to look at foster care for them. So there's a lot of intervention that is trying to be used for these individuals.

I sit on a committee with the Association of Counties. It's the Criminal Justice Reform Committee, and this has been a topic that we've discussed, and you can see, from 13 to six facilities now – they did talk about regional facilities as County Manager Miller has talked about and it makes sense because of the amount of beds that are being used currently right now. And I think at this point we're here to listen to the direction you'd like to give us.

CHAIR ROYBAL: Thank you, Director Sedillo. Commissioner Garcia.

COMMISSIONER GARCIA: The decisions that we have to make sitting up here, right? That's why we're elected, to make the hard decisions is why we're elected officials. I have several different questions. There was a lot of talk this last week at the Association of Counties in regard to juvenile facilities closing down statewide, not just in Santa Fe but also statewide. That was a major topic that was on the Association of Counties legislative hearings that they had this last week.

One of the items, it's House Memorial 14, which is juvenile detention study. Requests that the New Mexico Counties study and make recommendations on matters related to juvenile detention in an effort to improve treatment for detainees, lower costs and address the needs of juvenile detainees. So this is actually once again – a House Memorial, for the audience out there is a study as into what are we doing with these juvenile detainees in the entire state.

And I appreciate Mr. Sedillo actually talking about that we actually want to get these detainees – juveniles – some help. And one of the questions I have is what can a youth be incarcerated for? Is actually for DUI? Is it actually for doing something with a handgun that they probably shouldn't be doing? What can a juvenile be detained for?

DIRECTOR SEDILLO: Mr. Chair, Commissioner Garcia, there is a risk

factor involved in this and this risk factor, when law enforcement arrests and individual, a kid, they look at – they have a risk factor that they have to meet with CYFD. If they don't meet that risk factor they have to find some type of placement or take them back to their home. If they meet that criteria in the risk factor then they can be detained. Only CYFD can detain those individuals and of course that has to be done with the risk factor, if they meet that criteria then they can detail them.

Right now we have anything as far as first degree murder to simple misdemeanor detainees. And they don't stay very long. They go to court, go to hearing, go to court, and the judge determines what they're going to do with them.

COMMISSIONER GARCIA: As we all know, we actually toured the juvenile facility. It is very heartbreaking to see a young individual in there in this entire pod by themselves, because there's three or five or eight people in there. It just is open space. And hearing the talks with Bernalillo County this last week at the New Mexico Counties, they do have a new facility and I believe they have an excellent facility according to somebody that works there or somebody that's employed there, from what I gathered from that.

And one of the things also, whenever you put a juvenile or any individual in a larger population, in my opinion it could help them or it could hurt them, where there's more individuals incarcerated. I think it can go either way.

One of the things if you could touch a little bit more, why has the population declined for juveniles. Have the laws changed as into are juveniles not getting arrested as often as they used to in the past?

DIRECTOR SEDILLO: Chair Roybal and Commissioner Garcia, that's a million dollar question. As you can see, as I indicated it was from 4,000 in 2010 to 1,500 in 2019. Now, there are various variables as to why that's happening. Some is the risk factor that they have to meet, as I indicated, to be detained. However, CYFD can also override those risk factors to either let them go or detain them for a short period of time. I can't give you the magic answer to that. It is happening nationally as well as the state of New Mexico.

And to your point, one of your points, if I may, Commissioner, the juvenile detention facility now known as YDP has a fragmented floor plan and that is because, as you all know, it used to be an adult detention facility for different types of classifications for adults. And you made a very good point. It's very hard to see one kind in a 24-man pod. And it doesn't make any sense at all. I think when the task force, Madam Clerk, when we did that in 2016, that was one of the topics that we looked at. I sat on that task force as well. We had this fragmented floor plan that is not conducive to the supervision that should be happening inside a juvenile facility.

COMMISSIONER GARCIA: Also, for those of us that have been here for a while working with the County, we also know that probably 15, 20 years ago, we actually did receive an accreditation for one of the best youth facilities probably I think it might have even been nationwide, in that same exact facility. So now, so I'm kind of juggling as into we did win a great, huge award – I think you were there, before you left the state. So we did win an award within that facility, and now we want to close it. So I'm just trying to juggle that in my mind. Manager Miller.

MS. MILLER: Mr. Chair, Commissioner Garcia, I think you're referring

to the time when we had the ARC and we had a federal contract for federal juveniles, and it was quite a program. But the federal government no longer really detains very many youth in New Mexico, and we stopped that program because we no longer had that contract with the federal government. That was prior to coming back to the County, but just to give you an idea of how few federal juveniles are on that same sheet where we talked about the County juvenile daily population, the average federal juvenile daily population is 16. So we used to have – I want to say 30 to 40 juveniles under that federal program and that's been – that is what Santa Fe County was really known for running an excellent program when we had the contract with the federal government.

COMMISSIONER GARCIA: Thank you for the clarification. Also, Mr. Chair, some of the things I'm a little concerned about is just regarding talking with the union and/or have we talked with our district judges and/or CYFD as into – just to get their opinion as into, what do you think about this? Or is our direction, our plan is we're going to give – if we give direction to close it, does that mean it's automatically going to get closed, because the larger picture of the closure, definitely the first priority is the juveniles inside the facility, the employees at the facility, and the larger picture is what are we going to do with the property. So those are just some of the questions. I know they're kind of spread out but those are some of the questions I have written down.

MS. MILLER: Mr. Chair, I can tell you that if you also look on that information in your packet where the information from the New Mexico Counties, you can see that Barbara Vigil, who is the senior justice at the New Mexico Supreme Court, Ben Bauer, Chief Public Defender, the deputy director of field services from New Mexico Youth and Families, Nick Costales. Then also Craig Sparks, director of youth services from Bernalillo County, Traci Neff, juvenile services administrator from San Juan County, Director Sedillo and also Amber Hamilton who is manager from Roosevelt County, they've all been working, not on Santa Fe County, but on this issue for the state.

So there's been lots of discussion not on what will happen in Santa Fe County. That discussion is happening right now with this Board of County Commissioners because that's the appropriate place to start this discussion, but the discussion in general about what's happening with the juvenile population across the state and the state's response to that. You've probably read some of the articles in the paper about state legislators and justices and public defender and all of them, talking about this is something that needs to be state – I don't want to say state problem because obviously the juveniles are local, but it's a state issue. The state really needs to step in and say it's the state and CYFD that determines whether somebody is detained, and they also need to be part of the solution as to where they're detained. And having a reasonable network of regional facilities to detain those juveniles.

So that brought up the question of does it make sense for Santa Fe County to be a regional facility? Not if Bernalillo County is really the big dog, 50 miles down the street. As you can see by our own population numbers, we're really not a regional facility. We house just a couple of youths from the surrounding counties, not enough to warrant a regional facility.

And so specifically talking to them about the impact of Santa Fe County closing, no. Generally talking about Santa Fe County not being one of the regional facilities, yes. It's kind of an obvious conclusion that if the state went to a model of four or five regional

facilities, Bernalillo would be the central facility. It would not be Santa Fe County. It just doesn't make sense.

COMMISSIONER GARCIA: Thank you, Mr. Chair.

MS. MILLER: Greg, do you want to answer that?

MR. SHAFFER: If I could I just wanted to answer your question really directly, Mr. Chair, Commissioner Garcia. All that we're asking for tonight – it's a pulse check. Is there enough of an appetite to consider that you want us to go forward and do all of the legwork in terms of negotiating agreements with other potential counties to house Santa Fe County juveniles, to come up with a formal closure plan, to give the notice required under our agreements with the union, and do all of that necessary due diligence, to bring back for actual action a formal plan for the Board to adopt. So nothing that transpires here tonight locks the Board or an individual Commissioner into any particular position or into a particular decision.

But if the majority of the Board says, no, we don't have an appetite for that now, then we won't do any of that and we won't put that effort in place because we'd be spinning our wheels and potentially creating apprehension in our workforce, what have you, for no good reason. I hope that answers your question directly.

COMMISSIONER GARCIA: Mr. Chair, Mr. Attorney, Greg, yes. That actually answers my question. Thank you. Just a couple more things and thank you for the time, Mr. Chair, Commissioners. In regards to, I'd like to see what the task force actually came up with. What was that about? What did they talk about? Not tonight. And then also we talked about this earlier on our agenda, supplementing some budgetary issues to the district court, and that's ankle bracelets. Why can't these juveniles have some sort of ankle bracelets? I understand the ones that are detained for murder. I can definitely understand that, but those are just opportunities or things that we can actually – it seems like we can work with the judges. So with, that's all I have. Thank you, Mr. Chair, Commissioners.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Madam Clerk.

CLERK SALAZAR: Yes. I'd like to take this opportunity to share some of my thoughts because I participated in the task force, but also qualify some of my experience to let you know. As a teenager I was a youth activist in my community in East Los Angeles. And we did a lot of prevention work. I grew up around gang members. It was a very high crime area. And so my friend and I started programs for young girls to divert them from sniffing glue and all that. We were very successful.

The Army Reserve recognized us. LA County recognized us and brought us on board to be part of their Youth Corps to work with kids. And we were so successful that we even got permission to visit some of the kids in the youth facility back then where even your sister couldn't visit you. But we were very effective. So I have an interest in this and also, over 20 years ago, I was the division director for BHSD, Division of Substance Abuse.

So what I want to share with you is that one, I think it's reasonable to close YDP based on the facts as written here. I think it is reasonable. I think the fact that Santa Fe County is not required to maintain or provide YDP, I think that's another factor. Three, I want you to know I was against building a YDP next to the adult facility because of my experience of working with older gang members. Where I come from there were gangs

that were 50 years old and 80 years old, and we also worked with youth and old gang members and I understand the dynamics. That youth facility was close to the adult. My concern is that people were seeing youth discharged, would they be recruiting some of these young kids for their own issues. So that's – I was against that.

Four, Santa Fe County should create, if it does close down the facility, I think Santa Fe County should create a re-integration program for Santa Fe County youth who reside in Santa Fe County. So I think if children or youth are detained or held in Bernalillo County there should be some type of program for re-integration into our community. And fifth, one of the things that was also of concern was that the County should tread lightly about selling the property immediately, because I believe that the County would not be able to purchase a piece of property like that again. It's something the County owns. It came from the state to the County and you should really consider what uses that could have. And we did discuss in the task force that maybe it would be some type of a campus for youth services. So those are the things I want to share.

But there is a report that we put together and I think that would be great for you to get a copy of that.

COMMISSIONER GARCIA: Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. Commissioner Moreno.

COMMISSIONER MORENO: I like that. I like that. Times are changing and children are – they have different things going in their lives that we didn't have to mess with. A spanking would be enough. I have an acquaintance who has a son who's 14, killed a person in Albuquerque last year. And the devastation of that type of an event, it breaks families apart and I'm leaning toward phasing it out. But I do think there are other ways to bring youth into places where they can be safe but with a lot of hand-holding and programs that mean something to them. That's my take on it.

CHAIR ROYBAL: Okay. Thank you, Commissioner Moreno. Okay, I had a few questions and comments. As far as the services that we provide to the US Marshals, I heard that a few times, are those kids sometimes still Santa Fe County residents or not? When you guys say US Marshals.

DIRECTOR SEDILLO: Mr. Chair, they are not Santa Fe County kids. They belong to the United States Marshal Service, so they belong to them.

MS. MILLER: Do you mean do they live here?

CHAIR ROYBAL: I'm wondering, can they be Santa Fe County residents but be in US Marshal custody?

DIRECTOR SEDILLO: They are both not Santa Fe County residents.

CHAIR ROYBAL: Not these ones in particular, but there is a possibility of them being with the US Marshals that are Santa Fe County residents. Is that correct?

DIRECTOR SEDILLO: Yes.

CHAIR ROYBAL: Okay. That's what I was just wondering.

DIRECTOR SEDILLO: And just for clarification, they may live in Santa Fe County but commit a federal crime, and they belong to the United States Marshal Service and not to the entity of the State of New Mexico. So if that makes sense.

CHAIR ROYBAL: It does make sense. So does that also mean if we have a juvenile that was arrested in Rio Arriba County, they are actually Rio Arriba County's detainees, but we have them here in Santa Fe County. Do we count them as ours or Rio

Arriba County's?

DIRECTOR SEDILLO: Mr. Chair, we're under the First Judicial District and that encompasses Rio Arriba County, Los Alamos County and Santa Fe County. However, they are residents of that particular county.

CHAIR ROYBAL: Okay. So if they're arrested in Rio Arriba County but they're one of our residents we would count them as Santa Fe County?

DIRECTOR SEDILLO: They would be Rio Arriba.

CHAIR ROYBAL: Okay. I was just curious.

DIRECTOR SEDILLO: So, i.e., if they were arrested in Española, they're Rio Arriba County.

COMMISSIONER GARCIA: But also what if a Native American got arrested? Would they be US Marshal?

DIRECTOR SEDILLO: Commissioner Garcia, no.

CHAIR ROYBAL: Okay. I think to answer one of the questions – Manager Miller, did you have --

MS. MILLER: Mr. Chair, I was just going to ask for some clarification relative to the US Marshals. The US Marshals determine not necessarily where a youth was from as where they detain them. They have the choice as to where they detain them. The two youth that we currently have are not from Santa Fe County and we have had – and their families are not Santa Fe County. We have housed them for quite some time, but we have no say in which juveniles they choose to house with us and where they're from. So that is 100 percent a US Marshal's decision as to where they want to contractually house their juveniles.

CHAIR ROYBAL: Thank you for that clarification. And I think probably to answer Commissioner Garcia's question earlier about why is there less juveniles in the detention centers, I'm thinking it must be relative to the \$1.2 million that we passed earlier for the electronic monitoring. They probably are wearing the electronic monitoring at home.

I do have a couple of suggestions and possible avenues, and we touched earlier on this, as far as revisiting and looking at it, because I don't think any of the Commissioners that are on the Board now, except maybe for maybe me was here during the 2015 task force committee that put together some suggestions for the Board. I know that Mr. Sedillo, Director Sedillo was a part of that, but I think it wouldn't hurt to revisit and kind of share those proposals with the Board again.

And I kind of wanted to talk a little bit about the ARC, the secured housing. Could we use that to make a smaller facility. I am a little bit concerned that there is a higher crime rate in Albuquerque and there's always thefts of automobiles and a lot of gangs out in the area. I'm just kind of concerned with some of our Santa Fe County residents, our youth, that would go to this facility and possibly have an influence from those gangs in those areas. So that's a concern.

Also, could we look at ways of saving money at the detention center by relocating the food service? If we only have – because I think they provide meals at the youth detention center. Is that correct, Director Sedillo?

DIRECTOR SEDILLO: Mr. Chair, that's correct.

CHAIR ROYBAL: So if they only had to prepare another 15 meals at the

adult detention center, couldn't we save money by going in that direction? Possibly? I don't know what it costs for the food preparation at that facility. And then also, could we increase fees that we do charge to help offset some of the costs. I don't know what Bernalillo is charging. It sounds to me like we haven't really looked into that yet. And then do we have – I think we have from our last visit – do we have 24-hour nursing service at the youth detention center? Or did we cut that down to 12 hours to try and save on that aspect? Do we have a nurse on 24 hours?

DIRECTOR SEDILLO: Mr. Chair, we do have a nurse and I think that's an option that we could look at as well.

CHAIR ROYBAL: And do we still have a vacancy for the youth development administrator? I think it's been vacant for some time, right? A couple of years?

DIRECTOR SEDILLO: Yes.

CHAIR ROYBAL: And if you could maybe give us an idea of what that administrator usually does. Do they work on different programs for the detention facility, is that correct?

DIRECTOR SEDILLO: Mr. Chair, there's a variety of duties that they would be responsible for as the administrator of the juvenile facility.

CHAIR ROYBAL: Okay. Those are really all the comments and questions I had. I'm not totally convinced that closure of the facility is in the County's best interest or the service that we provide to our constituents. But we'll see what the rest of the Board has to say, and I know that we have already voted. We need to give direction tonight. So Commissioner Hamilton, do you have –

COMMISSIONER HAMILTON: Yes. I feel like, when I said the numbers speak for themselves, I think in the summary we were provided, there were several additional questions that the County Manager and Director Sedillo are going to continue looking into. I think it's really clear that we can cover many aspects of our concerns including transportation and options for our County employees and protection of youth that do fall into the system. And many aspects of detention having to do with programs and certification assurances and facilities that we would be transporting them to are good. I think from the presentation and the information Manager Miller and Director Sedillo provided they have thought at this high level of a lot of these questions. And the differences in the money and the numbers, when you consider the trends in youth numbers that need detention, it's just really clear that it costs way more than twice as much to keep this facility open that it would cost the County to provide the service in an alternate manner. And so I just think it makes nothing but a lot of good sense to provide direction to continue pursuing what the options are.

At any time that something seems completely unsatisfactory, that would come out when this is being pursued – Bernalillo County wasn't going to provide, there's no option for regional – anything that becomes a major roadblock, that would be included in the equation. But I just think that clearly, we need to pursue this, the idea of closing the facility.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. And just one more question. Do you have any idea what the worst case scenario – layoffs and how many employees we would have to lay off?

MS. MILLER: Mr. Chair, as I said, we have a total of 29 positions, but currently 15 of those are filled. If we created our own transportation team it would probably create six positions, just so we would be able to transport back and forth, so that's six of them. So then there's nine. Some of those could be absorbed at our adult facility and others could apply for other positions at the County.

DIRECTOR SEDILLO: Mr. Chair, County Manager Miller, I just got notification this morning that we're down to 12 now. From 15 to 12.

MS. MILLER: Mr. Chair, that's a problem, actually, and I'm going to have to recommend that the director fill those positions. I can't have the staff that low. My concern with that is, just so you know, I don't know – this is the problem with the facility. There's no juveniles in the facility to speak of and so it's very difficult to keep it staffed. And if we entertain this conversation, individuals are not going to want to take a position at a facility that may not stay open. So this is a huge challenge for us. We may have to send our juveniles to – if that's truly the case and we get down to that level of staffing – to send them elsewhere anyway. If I can't fill the positions.

CHAIR ROYBAL: Thank you, Manager Miller. Commissioner Hansen.

COMMISSIONER HANSEN: Do you want a motion?

CHAIR ROYBAL: I don't think we need a motion. It's just the majority of Board giving a recommendation.

COMMISSIONER GARCIA: I'm fine with it.

COMMISSIONER HANSEN: I'm good with us closing the facility, or direction into closing the facility also.

CHAIR ROYBAL: Okay. The rest of the Board?

COMMISSIONER HAMILTON: Absolutely.

CHAIR ROYBAL: So you have a majority.

COMMISSIONER HANSEN: Thank you, Manager Miller, for your hard work on this.

MS. MILLER: Mr. Chair, Commissioners, thank you. This is a difficult conversation to have. We recognize the impact it has on the employees, the impact it has on the youth in the facility as well as their families.

CHAIR ROYBAL: Thank you, Manager Miller.

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: Are there any announcements or comments from the Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. This Saturday is going to be the first Saturday of February and in District 4 we're going to have our second Coffee with the Commish of the year. So everybody who's interested in coming, any issues you'd like to discuss or questions to ask, Saturday from 9:00 to 11:00 at Hondo Station 2. Coffee with the Commish.

CHAIR ROYBAL: Great. Thank you for that update, Commissioner

Hamilton. Commissioner Garcia.

COMMISSIONER GARCIA: Just real quick, we'll be having – or the community of La Cienega will be having a breakfast at 9:00 on Saturday at the community center. And just for those of you who have not been there – I haven't been there in several, several months, but it's actually a really great breakfast. A lot of home-made food. Great people, great way to actually socialize with your constituents and anybody else that comes. So that's this Saturday.

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

COMMISSIONER HANSEN: Okay. So I was on a phone call with EELU and I wanted to share that PILT has been fully funded. Also in the last funding bill, and Secure Rural Schools has also been funded. So I felt like that was really good news. Also I had the great privilege with my fellow Commissioner Hamilton to speak at the Women's March and we had a really great time. Commissioner Hamilton, myself and County Clerk Salazar, we all spoke and that was a really fun event.

COMMISSIONER HAMILTON: Thanks for mentioning that.

COMMISSIONER HANSEN: I took EDGE classes on Monday, on Martin Luther King Day and I highly recommend it. It was a great day for a class. Also Commissioner Hamilton and I attended the opening of the legislature and that was definitely entertaining.

Then I'm trying to think what else happened. Anyhow, I think that's enough. But I also really want to say that I am really concerned about Earth Day and making sure that we have a resolution and an event and things happening and I have been asking for staff to work on this for the last five months and nothing has happened so I'm just going to start writing a resolution myself and seeing if I can get it passed, because I think it's a really important event and the planet is suffering and we are in a climate crisis and we need to be working towards protecting our environment and doing what we can in Santa Fe County to protect the environment.

CHAIR ROYBAL: I agree.

COMMISSIONER HANSEN: So some of the things I have planned for Earth Day that we will be planting trees and we will also – the River Commission is going to be doing a talk along the river corridor. I serve on the River Commission for the City. And we're working with – Sara has attended some of the citywide coordination for Earth Day, but I really want us to plant trees. I really want something to happen and I look forward to meeting with Claudia and Gary, hopefully very soon, and working on that. Because time is of the essence. So that is all I have to say for the moment.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Today I just wanted to announce that we did have a press conference today for the kickoff for the 2020 Census. Mayor Weber was there and he had a great speech. I did just want to reiterate on the record, since now it's official and the Census 2020 Committee has kicked off, the press release today was with our partners, Somos un Pueblo Unido, which is One Pueblo United, and the City of Santa Fe. So I appreciate to be a part of this press conference today.

And just to give some insight into our constituents, New Mexico is one of the hardest to count states in the nation, and having the complete count for the 2020 Census

is vital to our communities. The data collected from this process affects funding for many different programs including healthcare, community services, infrastructure, transportation and many other fundamental needs. I just want to reiterate and stress that if we can work together as a community to get the best count for the 2020 Census it will be really imperative for the state. So thank you. I just wanted to announce that.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Any other comments or questions from the Board?

8. MATTERS FROM OTHER ELECTED OFFICIALS

CHAIR ROYBAL: Madam Clerk, did you have anything for us.

CLERK SALAZAR: Yes, I do. Chair Roybal, anything you can share with the County Clerk's Office regarding the Census 2020 we appreciate that too because that census does affect our boundaries and population. So just let me know if there's anything you need from me. Don't hesitate to inform us.

What I'd like to state for the public is we will be having a primary election and election day is June 2, 2020 and the general election is November 3, 2020. If you have any questions regarding voter registration for any of these two elections, please contact the County Clerk's Office. If my staff can't help you you can also ask for me and I will communicate with any constituent who has an interest in requiring more information. Also do check the County Clerk's webpage on the County's website for additional information. We have a lot of information on elections, and all the other responsibilities that we conduct for Santa Fe County. So if you check our webpage and there's something that concerns you or you want more information in a certain area, please call us. Let me know. We're here to meet the needs of our community. Thank you so much.

CHAIR ROYBAL: Thank you, Madam Clerk Salazar. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Clerk and Mr. Chair for bringing up the census. Can you just try to keep the schools involved also, because I know in my district, the school district, there are some individuals that are afraid to be counted. Somos Unidos, they're very good at working in my district. Thank you.

CHAIR ROYBAL: Yes, sir. Thank you. We do actually have somebody from the school board on our census board. So I think that it will be important to identify community leaders that people know and trust and that we can actually go out to the communities and they can go out there and help with conveying the message from the census. Thank you, Commissioner Garcia. Thank you, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for the update.

12. INFORMATION ITEMS/MONTHLY REPORTS

- A. **Community Services Department Monthly Report**
- B. **Finance and Purchasing Monthly Report**
- C. **Growth Management Department Monthly Report**
- D. **Human Resources Monthly Report**
- E. **Public Safety Monthly Report [Exhibit 4]**
- F. **Quarterly Report on Restricted Housing at County Correctional**

Facilities Pursuant to Laws 2019, Chapter 194 (HB 364)

MS. MILLER: If you had any questions on the reports, that way we could get that done and everybody else could –

CHAIR ROYBAL: I don't have any questions on the reports. Anybody else? So we're good to let staff go.

MS. MILLER: Thank you.

COMMISSIONER HANSEN: Thank you for the reports. I appreciate them at the end of every month.

11. PUBLIC HEARINGS

A. Ordinance No. 2020-2, an Ordinance Amending Santa Fe County Ordinance No. 2014-10 ("Solid Waste and Recycling Management Ordinance") as Amended by Ordinance 2018-7, to Specify that 2019 Solid Waste Permits Do Not Expire

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Commissioners, as you'll recall at our last meeting we had a public hearing on a proposed amendment to the Solid Waste Ordinance and that would have addressed concerns that the 2019 permits were sold with an expiration date and people were not fully cognizant of that and they bought permits they couldn't use during the 2019 calendar year.

We discussed having credit towards a 2020 purchase and ultimately were directed to bring back an ordinance that would remove expiration of permits so that they could be fully exhausted once purchased. Given the noticing that was done for the ordinance amendment we brought you an amendment that allows the 2019 purchases to move forward without expiration but we can't address at tonight's hearing purchases that happened in 2020 because of how this was noticed. And so a subsequent amendment would be brought forward for future purchases. The amendment before you today would allow people to continue to use their 2019 permits until they're fully exhausted. And I would stand for questions or see if Mr. Giron has additional comments.

CHAIR ROYBAL: Can you repeat that last part again, that the 2020 –

MS. BROWN: Sure. This will happen in two steps because of how we noticed our ordinance. What we're bringing forward to you today would amend the 2019 purchases so that they do not expire and people can continue to use those after this ordinance goes into effect. However, this ordinance does not address purchases made in 2020, and we would bring forward a subsequent amendment possibly requesting title and general summary at your next meeting to address future purchases.

CHAIR ROYBAL: Okay. Perfect. Manager Miller, did you have a comment?

MS. MILLER: Yes, Mr. Chair. If you recall, we were attempting to just change 2019 and give credit for permits that were purchased in 2019, so that's how the ordinance amendment was written. That's how it was noticed. But in our discussion at the last meeting it was recommended we just not have them expire so that we don't go through this every single year. So unfortunately, I did caution that it would likely not fall under the ordinance as it was drafted, the amendment that we had, or the noticing, and so

as Legal looked at it, that was the case and they believed we could at least deal with 2019 based upon the way it was noticed, but we would have to revisit the ordinance under a different, separate notice for the other change that was requested.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm not saying I'm representing this correctly, but I thought there was also discussion when we talked about just make them not ever expire. What happened things prior to 2019? Where do those fall now?

MS. MILLER: Mr. Chair, Commissioner Hamilton, as you recall, the staff has been accepting all of them because the way the change was done when they started expiring. We said only the 2019s would expire. So we'd be removing the 2019 expiring. All those that have been issued – I believe they said since 2014 have been accepted except the 2019. They would continue to be good, and then we just need to address permits going forward.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Is there anybody from the public that would like to address the Board? Okay, once again, is there anybody here from the public that would like to address the Board? Seeing none, I'm going to close public comment. I'd like to make a motion to approve an ordinance amending Santa Fe County Ordinance No. 2014-10, "Solid Waste and Recycling Management Ordinance", as amended by Ordinance 2018-7, to specify that 2019 solid waste permits do not expire.

COMMISSIONER HAMILTON: Second.

COMMISSIONER GARCIA: Mr. Chair, just for discussion. I'd like to thank Manager Miller and her staff for an actual kind of difficult thing, once again that we deal with year after year. Thank you for working with the County Commission. Are we going to actually put this on our webpage? Solid waste permit fees, really big?

COMMISSIONER HANSEN: Do not expire.

COMMISSIONER GARCIA: That's one of the top five or seven functions. Constituents really think so. But thank you.

COMMISSIONER HAMILTON: I think that's a great idea. We might even have to consider using reverse 911 and blasting this out to people.

CHAIR ROYBAL: We have a motion and a second. Can I get a roll call please?

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

The motion to approve Ordinance No. 2020-2 passed by unanimous roll call vote.

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. County-Maintained Roads within Exterior Boundaries of Pueblos**
- 2. Charges of Discrimination Filed with the Federal EEOC and New Mexico Department of Workforce Solutions, Human Rights Bureau**

MR. SHAFFER: Thank you, Mr. Chair, Commissioners. The authority for the executive or closed session is threatened of pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 1-15-1 (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. And the particular matters to be discussed are County-maintained roads with the exterior boundaries of pueblos, and charges of discrimination filed with the Federal EEOC and New Mexico Department of Workforce Solutions, Human Rights Bureau.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay we have a motion and a second. Can I get a roll call to go into executive session.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) 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

[The Commission met in executive session from 8:27 to 8:56.]

Commissioner Hansen moved to come out of executive session where the only items discussed were those identified on the agenda and no action was taken. The motion was seconded by Commissioner Hamilton and approved 5-0.

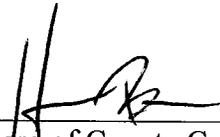
CONCLUDING BUSINESS

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

Upon motion by Commissioner Hamilton and second by Commissioner Garcia, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 8:57 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

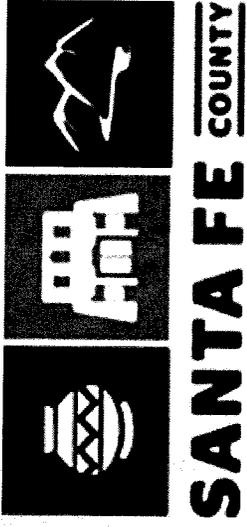
BCC MINUTES
 PAGES: 125

I Hereby Certify That This Instrument Was Filed for
 Record On The 26TH Day Of February, 2020 at 01:42:09 PM
 And Was Duly Recorded as Instrument # 1910222
 Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
 Deputy  County Clerk, Santa Fe, NM
 Geraldine Salazar

SFC CLERK RECORDED 02/26/2020



Update on the Aamodt Settlement Agreement and Pojoaque Basin Regional Water System

John Dupuis, Santa Fe County Utilities Director
Public Works Department

SEC CLERK RECORDED 02/26/2020

EXHIBIT

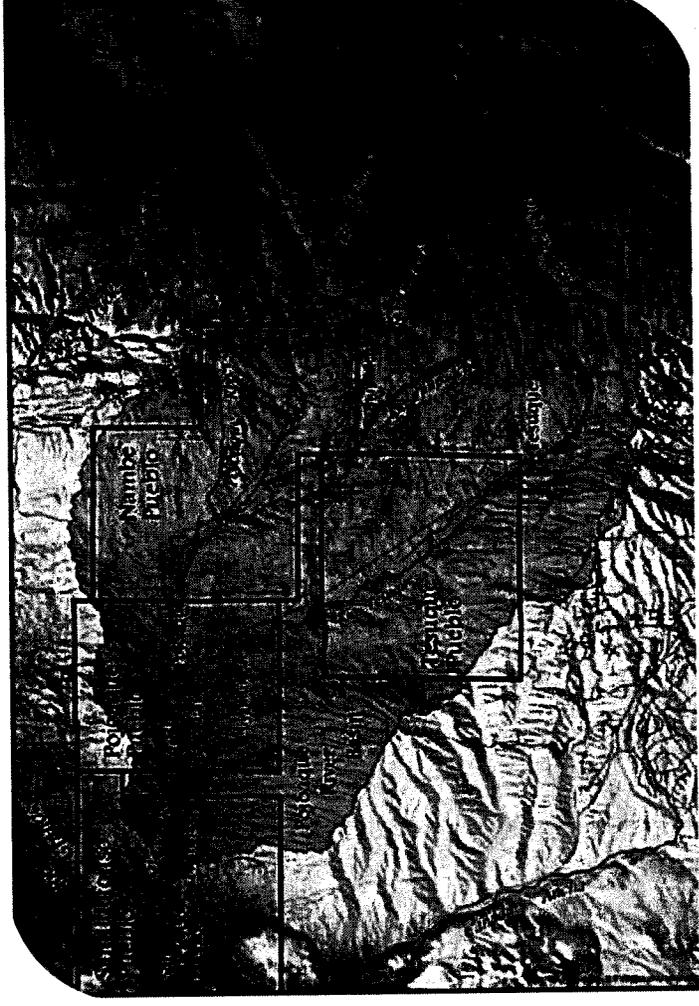
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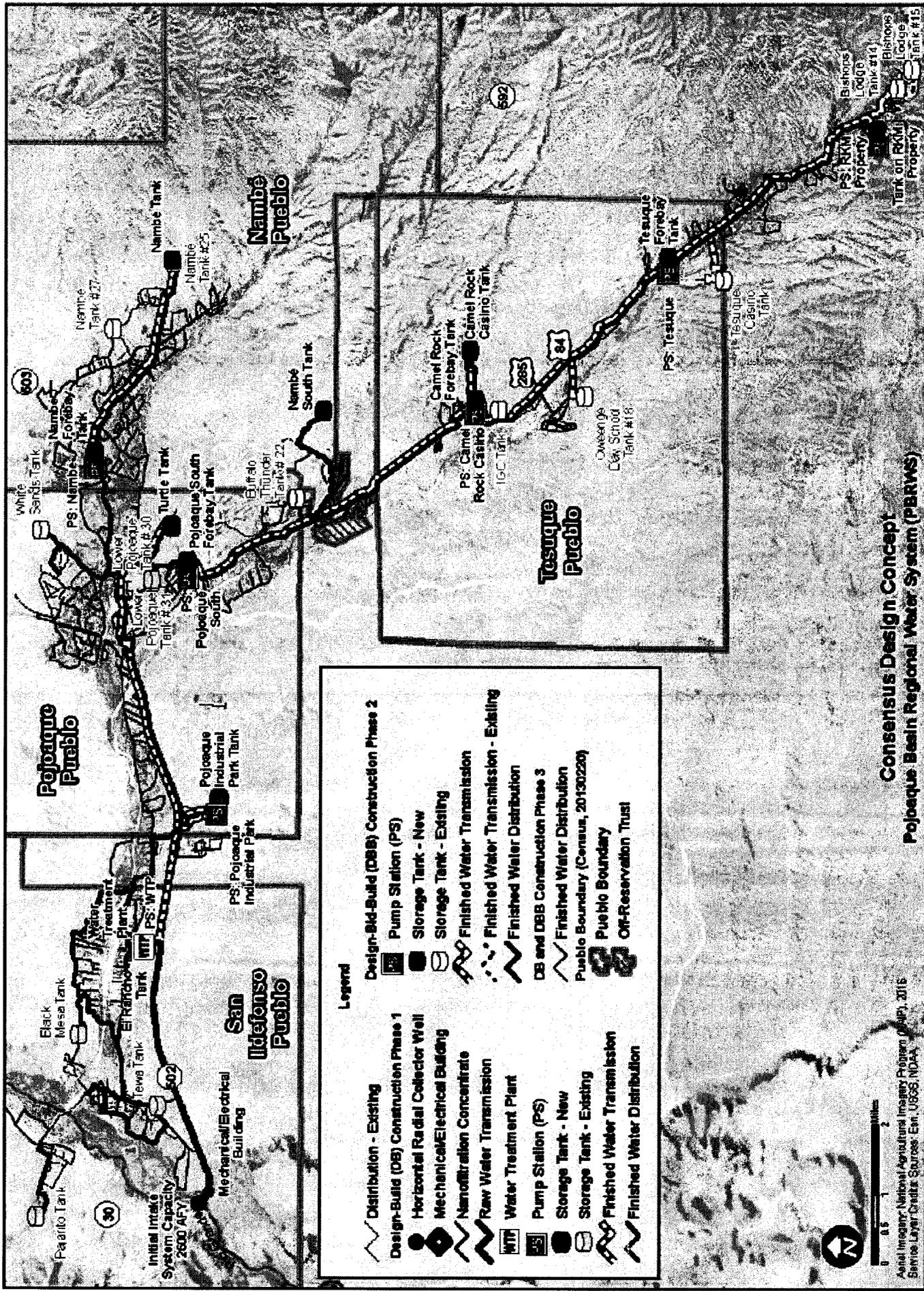
tabbles

[1]

Overview

- Aamodt Background Refresher
- Milestones to Date
- Major Next Steps





Legend

Distribution - Existing	Design-Bid-Build (DBB) Construction Phase 2
Design-Build (DBB) Construction Phase 1	Pump Station (PS)
Horizontal Radial Collector Well	Storage Tank - New
Mechanical/Electrical Building	Storage Tank - Existing
Nanofiltration Concentrate	Finished Water Transmission
Raw Water Transmission	Finished Water Transmission - Existing
Water Treatment Plant	Finished Water Distribution
Pump Station (PS)	DB and DBB Construction Phase 3
Storage Tank - New	Finished Water Distribution
Storage Tank - Existing	Pueblo Boundary (Census, 2010/2020)
Finished Water Transmission	Pueblo Boundary
Finished Water Distribution	Off-Reservation Trust



Annual Inventory: National Agricultural Inventory Program (NAIP), 2016
 Service Layer Credits: Source: Esri, USGS, NOAA

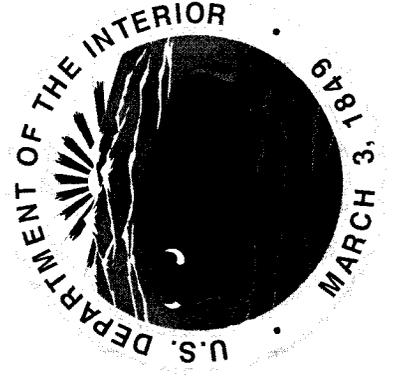
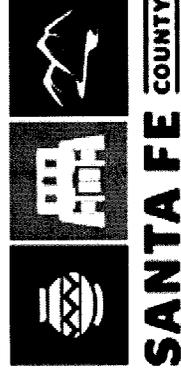
**Consensus Design Concept
 Pojoaque Basin Regional Water System (PBRWS)**

RECLAMATION

SEC CLERK RECORDED 02/26/2020

U. S. Department of the Interior
 BUREAU OF RECLAMATION

PBRWS Parties



Current Construction Funding

Original and 611(g) Funding (\$millions in 2018)

Party	Original Obligation	611(g) Funding	Total Project Funding
Federal	\$139.8	\$137.0	\$276.8
State*	\$62.8	\$37.2*	100.0*
County	\$10.4	\$4.0**	\$14.4***
Total	\$213.0	\$178.2	\$391.2***

(*Additional \$ not subject to indexing and total \$ subject to \$100M cap)

(** \$4M to BOR for upsizing; County also agreed to be responsible for \$24M in deferred distribution on schedule determined by County)

(***County's \$24 million for deferred distribution is omitted as it is not part of initial construction)

Recent Milestones

- State Engineer well-metering order went into effect
- Parties formally signed the 611(g) Agreement
- The Environmental Impact Statement Record of Decision (ROD) was signed by the Department of Interior
- The Bureau of Reclamation (BOR) issued a Notice to Proceed on Limited Construction to CDM Smith
- The parties initiated negotiations to amend the Cost- Sharing and System Integration Agreement, as well as the State and County Funding Agreements

Next Steps

1. Cost-Sharing and Funding Agreements Must Be Amended to Conform to 611(g) Agreement

- Amended and Restated Cost-Sharing and System Integration Agreement
 - Sets forth parties' non-operating cost-sharing obligations, general terms for system integration, and other matters
- Amended and Restated Funding Agreements
 - Two separate agreements. One between the County and BOR; the other between the State and BOR.
 - Generally establishes schedule for and indexing principles applicable to party's contributions.

Next Steps

1. Cost-Sharing and Funding Agreements Must Be Amended to Conform to 611(g) Agreement, cont.

- Parties are behind schedule on amendments but hope to bring them to BCC for consideration in next few months
 - Major issue is State's contribution of \$4 million to Pojoaque Valley Water Utility Connection Fund for customer connection costs
 - Parties are pursuing legislative language to resolve matter
 - Both agreements need to be signed before Reclamation can break ground on construction

Next Steps

2. Limited Construction

- Expected groundbreaking in March of this year
- BOR will expend \$10 million in federal funds plus \$2.6 million in state funds towards beginning work at the water intake site.
- County will expend up to \$3 million, which will consist of one or more payments to BOR and the potential acquisition of real property interests (e.g., easements and the RKM site)

Next Steps

2. Operating Agreement

- The Operating Agreement is critical
 - Among other things, it will set forth allocation of operations, maintenance, repair, and replacement costs (OMR&R)
- CDM Smith recently provided corrected OMR&R costs for the project
 - The parties are still digesting the new numbers but they are high
 - Any and all options to constrain costs and assess the underlying assumptions in the estimate are being entertained

Next Steps

2. Operating Agreement, cont.

- Additional analysis of OMR&R will be available to BCC by an outside consultant in the near future

Questions

[12]

Legislative Report

Santa Fe County Board of Commissioners Meeting, January 28, 2020

LEGISLATURE DATES

01/21/2020 -- Opening day (noon)

02/5/2020 -- Deadline for introduction

02/20/2020 -- Session ends (noon)

03/11/2020 -- Legislation not acted upon by governor is pocket vetoed

05/20/2020 -- Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

LEGISLATION BY THE NUMBERS

All Bills

Bills Introduced 505

Bills Passed in 1st House 6

Bills Passed in 2nd House 1

House Bills

Bills Introduced 292

Bills Passed in 1st House 4

Bills Passed in 2nd House 1

Senate Bills

Bills Introduced 213

Bills Passed in 1st House 2

Bills Passed in 2nd House 0

GOVERNOR'S AGENDA ITEMS

Priorities are education, economy, public safety, health and the environment

Education

Early Childhood Trust Fund (HB83 SB3, Representative Gallegos & Senator Smith)

Providing a dedicated and self-sustaining revenue stream to fund early childhood programs into the future, delivering a permanent investment in our youngest children. Part of the governor's agenda to expand the education moonshot to begin from a child's earliest days, the Early Childhood Trust Fund (ECTF) will fulfill a promise to parents and the next generation of families of New Mexico, created with a \$320 million one-time initial appropriation. Centered on fiscal responsibility with financial safeguards built in, the ECTF will launch a positive and self-fulfilling cycle of investment and opportunity in our families and young children.

New Mexico Opportunity Scholarship (HB14, Representative Salazar)

Establishing tuition-free college for New Mexico residents, extending the education moonshot through greater access to higher education and careers. Estimated to benefit 55,000 New Mexico students, the New Mexico Opportunity Scholarship will cover tuition and fees at any of the state's 29 public institutions of higher education, providing up to four or two years of college for recent high school graduates and two years of college for returning adults. Funded with a \$35 million appropriation to the Higher Education Department, the Opportunity Scholarship will remove the barrier of tuition costs, restoring the original promise of the New Mexico Lottery Scholarship, enabling more New Mexicans to obtain college degrees and certificates, resulting in better employment opportunities, higher overall incomes and a stronger workforce for New Mexico's economy.

Economy

Recreational Cannabis (HB160, Representative J. Martinez)

Legalizing the use of recreational cannabis in New Mexico and establishing a regulatory framework for its use, including public safety considerations, public health safeguards, and the protection of the state's existing medical cannabis program. Supported by 75 percent of New Mexicans in a recent poll, the legalization of recreational cannabis is projected to create 11,000 New Mexico jobs and generate hundreds of millions of dollars in revenue.

PERA Solvency (SB72, Senator Munoz, Senator Smith, Senator Neville, Representative Lundstrom, Representative Roybal Caballero)

Delivering essential and equitable reform to the state pension system, setting the state on a course to eliminate the current \$6.6 billion unfunded liability and accommodating the concerns of current and future state of New Mexico retirees while establishing safeguards against the effects of future economic downturns. Requiring shared responsibility in order to ensure New Mexico's public pension system remains one of the best in the country, the fix for the Public Employees Retirement Association (PERA) ensures that the pension system is solvent within 25 years; strengthens recruitment and retention of public employees; ensures that cost-of-living adjustments are sustainable; has been endorsed by the

Legislative Report 1/28/2020

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PERA board; and makes important accommodations for the most senior and most vulnerable retirees; in all, ensuring a sustainable future for PERA.

Lift Cap on Economically Targeted Investments as Percentage of Severance Tax Permanent Fund
(SB136, Senator Campos)

Raising the cap on economically targeted investments (ETIs) from the Severance Tax Permanent Fund (STPF) in order to ensure sufficient headroom between the investment cap and the investment target, enabling the State Investment Council to implement its recent policy decision to increase the target ETIs out of the STPF from five percent to nine percent. Unanimously approved by the SIC, increasing the target percentage of the fund to be invested in ETIs allows for an additional \$200 million to be invested in New Mexico businesses, building on the significant investments in small business Gov. Lujan Grisham and the Legislature delivered in 2019.

Electric Generating Facility Economic District Act (HB8, Representative Lundstrom)

Establishing guidance on the next steps for the surrounding communities affected by the potential closing of the Escalante Power Plant, allowing McKinley County to establish a new special district use and a new authority for the purpose of converting the existing power plant site into a new industrial site. Specifically crafted to have expertise in the area of redevelopment, the new district authority board and staff will work to repurpose the area for the attraction of best-fit industrial companies.

Public Safety

Extreme-Risk Protection Order (SB5, Senator Cervantes, Representative Ely, Representative Garratt)
Giving law enforcement an additional tool to prevent gun violence by enabling the use of extreme-risk protection orders, allowing firearms and ammunition to be temporarily removed by court order from someone threatening themselves or others. Proactive, constitutional, and proven effective, extreme-risk protection orders will allow police and family to take direct action, while following due process, that enables law enforcement to protect New Mexico communities and those most at risk of harming themselves. In a state with the eighth-highest rate of gun deaths in the nation, with a suicide rate at least 50% higher than the national average when over 50% of suicides are caused by firearm, this common-sense measure, a version of which has already been enacted by 17 states and the District of Columbia, will enhance New Mexicans' public safety.

Increased Penalties for Use of a Firearm in a Non-Capital Felony, Possession of a Firearm by a Felon, Use of a Firearm in Drug Trafficking (HB35, Representative Rehm)

Part of a coordinated effort to target cartels, gangs and violent criminals.

Increased Penalties for Violations of New Mexico State Racketeering Laws (HB114, Representative Rehm)

Increasing penalties for drug trafficking and adding a "kingpin provision" to the New Mexico Racketeering Act specifically directed at targeting organized crime and drug trafficking.

Threats and Acts of Mass Violence (Representative Hochman-Vigil)

Creating penalties for those who make threats disrupting public educational or governmental institutions, including those who engage in cyberattacks against public institutions, and expanding the state's Anti-Terrorism Act to criminalize terroristic threats and conduct. The proposal originated at the bipartisan Domestic Terrorism Summit convened by the governor earlier this year.

Criminal Penalties for Operating a Vehicle Chop Shop (HB156, Representative Akhil)

Creating penalties for the destruction and resale of illegally-obtained vehicles and the operation of institutions conducting such practices, commonly referred to as "chop shops."

Sex Offender Registration Requirements (HB43, Representative McQueen)

Broadening state sex offender registration requirements to require those who are registered as a sex offender in another state to register as such in New Mexico, in addition to requiring sex offender registration for those convicted of human trafficking and sexual exploitation of children by prostitution.

Increased Distribution From Law Enforcement Protection Fund for Acute Crime Interventions (HB184, Representative Ruiloba)

Increasing the annual distribution limit to New Mexico law enforcement departments from the Law Enforcement Protection Fund from \$20,000 to \$45,000 per department and from \$600 to \$1,000 for each individual officer, enabling additional available funding for law enforcement training and equipment across the state. Furthermore, it enables a distribution to State Police of up to \$2 million annually for special deployment use after all local law enforcement distributions have been made.

Increased Penalties for Human Trafficking (HB237, Representative Louis)

Expanding the definition of human trafficking in New Mexico, increasing felony penalties, creating a minimum term of imprisonment of three years in circumstances in which the victim is under the age of sixteen, and precluding authorities from charging victims of human trafficking with prostitution.

Health:

Drug Importation (SB1, Senator Papen & Representative D. Armstrong)

Creating the Office of Wholesale Drug Importation at the Department of Health and authorizing it to develop, plan, apply for, and negotiate with the federal government for approval of a Canadian wholesale drug importation plan, ensuring drug safety and significantly reducing drug costs for New Mexicans, who currently pay roughly twice as much for brand name drugs than Canadians.

Residency Requirements for Medical Cannabis Program Enrollment (SB139, Senator Ortiz y Pino)

Amending the 2019 legislation regarding residency requirements for the New Mexico Medical Cannabis Program to clarify that only residents of the state of New Mexico shall participate in the state's medical cannabis program in order to protect the program and its patients.

Increasing Access and Affordability in the New Mexico Health Insurance Exchange (HB100, Representative D. Armstrong & Representative Cadena)

Strengthening New Mexico's own health insurance coverage and health care laws and systems by giving the board of the New Mexico Health Insurance Exchange needed flexibility to increase access and

affordability of health insurance plans for New Mexicans. Additionally, codifying into New Mexico state law key provisions of the Affordable Care Act to ensure that New Mexico continues to maintain a strong health insurance exchange.

Tobacco Licensing and Tobacco and E-Cigarette Sales (HB195 SB131, Senator Lopez & Representative Thomson)

Creating a regulatory licensing system for the manufacturing, distribution and retail of tobacco products, to be administered by the Alcoholic Beverage Control Division at the Regulation and Licensing Department, and raising the legal age for purchases of e-cigarette and other tobacco products from 18 to 21, aligning New Mexico law with recently enacted federal law, in addition to creating criminal penalties for those who sell these products to purchasers under the age of 21.

Kiki Saavedra Senior Dignity Fund (HB225, Representative D. Armstrong)

Creating a \$25 million trust fund to address high-priority areas for seniors across New Mexico to include transportation, food insecurity, physical and behavioral health services, case management, and caregiver services. The funding will address increased access for seniors and adults with disabilities, including veterans, to receive specialty physical and behavioral health care most often only provided in urban areas; increased access to ADA vehicles for seniors and adults with disabilities not able to participate in senior center events, congregate meals and local appointments due to inadequate services; and care coordination through community health workers. Named for the late state Representative Henry "Kiki" Saavedra in honor of his many incredible years of service to New Mexicans, the fund will continue his legacy by specifically targeting expanded access to critical services for one of the state's most vulnerable populations.

Environment:

Solar Tax Credit (SB29, Senator Stewart)

Renewing a prior tax credit for residential, commercial and agricultural solar, proven successful, that previously expired in 2016. Creating an income tax credit of 10% of the purchase and installation costs, with a maximum aggregate of \$10 million, to make solar more accessible for New Mexico residences and businesses and enable New Mexicans to take full advantage of the state's plentiful solar energy.

Electric Vehicle Tax Credit (HB217 SB2, Senator Woods & Representative J. Trujillo)

Creating a \$2,500 tax credit for the purchase or lease of an electric vehicle and a \$300 tax credit for the installation of at-home charging infrastructure, enabling more New Mexicans to purchase electric vehicles and utilize the electric vehicle framework expanded across the state in last year's session. The tax credit is doubled for low-income purchasers, enabling a \$5,000 tax credit.

PRC Reform (Representative Small)

Making structural changes to the Public Regulation Commission (PRC) to improve the agency's functionality for the public, the regulated community, intervenors in dockets, and PRC commissioners and staff. This good-government initiative will result in an agency fully staffed with technical experts that produces timely docket processes and decisions, consistent regulatory outcomes grounded in the law, and fewer ethics complaints and allegations of misconduct, in addition to the possibility of greater investment in the electricity, pipeline, and water infrastructure needed to keep New Mexico's economy growing.

IRB Authority for Transmission Lines (SB6, Senator Neville & Senator Candelaria)

Establishing the authority for counties to issue Industrial Revenue Bonds (IRBs) with the purpose of funding transmission line projects, creating a funding mechanism to deploy more transmission lines across the state.

Community Energy Efficiency Block Grants (SB114, Senator Ortiz y Pino)

Creating an Energy Efficiency Block Grant Program, administered by the state Energy, Minerals and Natural Resources Department, to provide grants for energy efficiency improvements for low-income households. Established with a \$2.5 million appropriation in order to enable low-income households to reduce their utility bills, improve their comfort, and minimize their climate change footprint.

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<u>Bill Number</u>	<u>Bill Title</u>	<u>Analysis Sent to</u>	<u>Complete?</u>	<u>Notes</u>
HB8	ELECTRIC GENERATING FACILITY ECON DISTRICTS	Public Works, Finance, Growth Management, Sustainability	Yes	No Impact to Santa Fe County
HB 23	E-CIGARETTE AND E-LIQUID ACT	Sheriff		
HB 28	DIVISION OF LAND FOR OIL OR GAS OPERATIONS	Growth Management		
HB 47	LOCAL GOVT PLANNING FUND APPROPRIATION	Public Works	Yes	In File.
HB 60	DIFFERENTIAL RATES FOR INVESTMENTS	Sustainability, Finance	Partial	Received from Finance Only. In File.
HB 72	IMMIGRANT DETENTION FACILITIES ACT	Public Safety		
HB 76	EASTERN NM WATER UTILITY AUTHORITY MEMBERSHIP	N/A		Only Pertains to Roosevelt and Curry Counties
HB 85	UNLAWFUL POSSESSION OF FIREARM CONVERTERS			
HB 91	LIMIT PROPERTY TAX VALUATION INCREASES	Assessor, Treasurer and Finance	Partial	Received from Finance Only. In File.
HB 25	PREGNANT WORKER ACCOMMODATION	Human Resources	Yes	No impact, Santa Fe County already does this.
HB 29	SOCIAL SECURITY INCOME TAX EXEMPTION	Human Resources, Finance	Yes	No Impact to Santa Fe County
HB 99	RENEWABLE ENERGY INVESTMENT POLICY FUNDING	Public Works	Yes	In File.
HB 169	WATER RIGHTS FOR CANNABIS PRODUCTION	Public Works, Growth Management	Partial	Received from Public Works Only. In File.
SB 115	CANNABIS REGULATION ACT	Sheriff, Community Services		Community Services has not taken a stance
SB 143	COMMUNITY SOLAR ACT	Public Works		
SB 4	COMPLETE COUNT IN 2020 CENSUS	Community Services	Yes	In File.
SB 1	WHOLESALE PRESCRIPTION DRUG IMPORTATION ACT	Community Services	Yes	No Impact to Santa Fe County
SB 2	ELECTRIC VEHICLE INCOME TAX CREDIT	Public Works		
SB 18	RENEWABLE ENERGY PRODUCTION TAX	Public Works		
SB 29	SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT	Public Works		
SB 45	HOMELESS SHELTER AND SUPPORTIVE HOUSING IN SF	Community Services	Yes	In File.
SB 67	EQUINE THERAPY PROGRAM	Community Services	Yes	Not Germane to CSD.
SB 80	COMMUNITY SOLAR ACT	Public Works		
HM 4				League of Women Voters Day

SFC CLERK RECORDED 02/26/2020

HM 9			Investment Office, consulting with the State Land Office, to develop a strategic plan to begin state investment in renewable energy, storage and transmission before 2021, recommend adoption of the plan to the
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SFC CLERK RECORDED 02/26/2020

SENATE January 28, 2020

SB2	<p><i>Woods (R7)</i> INCOME TAX CREDITS FOR ELECTRIC VEHICLES (On Governor's call) (Similar but more expansive than 2019 HB185) Creates two new refundable personal income tax credits, one for purchasing or leasing a qualified electric vehicle and the other for installing an electric vehicle charging unit, effective for taxable years beginning on or after January 1, 2020. Effective January 1, 2021, imposes two new annual vehicle registration fees: \$50 for electric vehicles and \$20 for plug-in hybrid electric vehicles.</p>
SB19	<p><i>Candelaria (D26); Salazar, T. (D70)</i> NMFA WATER PROJECT FUND LOANS OR GRANTS (Endorsed by the New Mexico Finance Authority Oversight Committee) Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund to the following 34 entities for water projects on terms established by the Water Trust Board and the NMFA:</p>
SB22	<p><i>Padilla (D14)</i> EDUCATION PROGRAM FOR FIRST-TIME HOMEBUYERS (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$500,000 (GF) to the Department of Finance and Administration for use in FY2021 through FY2023 for a pre-purchase education program for first-time homebuyers.</p>
SB49	<p><i>Rodriguez (D24)</i> LOCAL GOVERNMENT FEDERALLY INSURED OBLIGATIONS CLARIFICATION Makes a technical correction to the types of federally insured obligations in which county and municipal treasurers may invest public money. Specifically, "certificate of deposit placement services" replaces the current "certificate of deposit registry service."</p>
SB60	<p><i>Munoz (D4)</i> APPOINT MEMBERS OF PUBLIC EMPLOYEES RETIREMENT BOARD (Related to 2019 HJM16) (For the Investments and Pensions Oversight Committee) Changes the membership of the PERA board from elected to appointed; transfers authority for custodianship of PERA funds from the State Treasurer to the Executive Director of the PERA; removes the State Treasurer and Secretary of State from board.</p>
SB63	<p><i>Munoz (D4)</i> LOCAL TENANCY TAX ON LODGING RENTALS (Similar to 2019 SB375) Cited as the Tenancy Tax Act, authorizes municipalities and counties to impose a tenancy tax, at a rate of up to five percent, on gross taxable rent from furnishing lodging. Would be in addition to any lodger's tax due. Effective July 1, 2020.</p>
SB65	<p><i>Woods (R7)</i> PER DIEM AND MILEAGE ACT CHANGES Increases the standard per diem rate for public officers and employees to \$131; additionally authorizes the judicial and legislative branches or public post-secondary educational institutions to adopt rules pursuant to the Per Diem and Mileage Act. Excludes reimbursement for alcohol and entertainment.</p>
SB72	<p><i>Munoz (D4)</i> PERA SOLVENCY (On Governor's call) (Endorsed by the Investments and Pensions Oversight Committee) (Similar to 2019 HB338) Proposes a package of measures to ensure solvency of PERA Fund, mainly by raising contribution rates, new COLA provisions, and by appropriating \$76 million (GF, nonreverting) to the Fund for additional payments to qualified recipients. Also allows retired members to return to work without suspension of pension cost-of-living adjustments, removes the cap on pension amounts as a percentage of final average salary and increases from \$20,000 to \$25,000 the annual salary threshold at which members must contribute at a rate higher than the minimum for their coverage plan.</p>

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SB80	<p><i>Soules (D37)</i> COMMUNITY SOLAR ACT (Related to 2019 HB210 and SB281) Cited as the Community Solar Act, the bill contemplates the independent development and operation of community solar generation facilities that are owned or operated by a Subscriber Organization and from which customers of an electric utility or rural electric cooperative may elect to subscribe for a portion of the capacity of the solar facility. Appropriates \$10 million (GF, nonreverting) to the Community Solar Energy Assistance Fund, to be administered by the Energy, Minerals and Natural Resources Department, for FY2021 and subsequent years to assist low-income customers who may want to participate in the solar energy program. Rural electric cooperatives have until April 1, 2021 to file an application with PRC to opt out of the program for a five-year period. While EMNRD has administrative authority over the fund, the PRC is given regulatory authority over the solar program.</p>
SB85	<p><i>Ortiz y Pino (D12)</i> LOCAL LIQUOR EXCISE TAX CHANGES Authorizes all counties to impose a local liquor excise tax. Extends the term of a local liquor excise tax to not more than four years (up from three). Changes the requirements for an election to approve an ordinance imposing such a tax and adjusts the dedication of revenue from the tax and the criteria for public comment on the revenue expenditure.</p>
SB86	<p><i>Ortiz y Pino (D12)</i> INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE MEMBERSHIP (Similar to 2019 SB495) Adds five new members to the Interagency Behavioral Health Purchasing Collaborative to represent behavioral health providers, municipalities, counties, and two public members who are behavioral health service recipients,</p>
SB94	<p><i>Sanchez, C. (D30)</i> RETIRED LAW ENFORCEMENT OFFICERS RETURN TO WORK AS PATROL OFFICERS Effective July 1, 2020, allows certain retired law enforcement officers to return to employment as law enforcement patrol officers. To qualify for employment as a patrol officer, the law enforcement retiree must meet the following criteria:</p>
SB108	<p><i>Padilla (D14)</i> DISTRIBUTED GENERATION DISCLOSURE ACT CHANGES Amends the Distributed Generation Disclosure Act to require a third-party owner to record a notice with the county clerk; specifies notice content; defines "third-party owner."</p>
SB114	<p><i>Ortiz y Pino (D12); Romero, A. (D46)</i> COMMUNITY ENERGY EFFICIENCY DEVELOPMENT BLOCK GRANT ACT (On Governor's call) Creates the Community Energy Efficiency Development Block Grant Act, Fund and program, administered by the Energy Conservation and Management Division of EMNRD to make grants to counties, municipalities and tribal governments. Grants are for local energy efficiency development projects that finance infrastructure for affordable housing. Provides specific authorization under the Constitution for State to make grants; requires rule-making and reporting. Requires local governments to enact enabling ordinances or resolutions and to involve service providers and community partners. Requires the Mortgage Finance Authority and the division to exchange information. Establishes project requirements and criteria. Appropriates \$6.0 million (GF, nonreverting) to the fund for FY 2021 and subsequent fiscal years.</p>
SB115	<p><i>Ortiz y Pino (D12); Martinez, J. (D11)</i> CANNABIS REGULATION ACT: LEGALIZATION OF COMMERCIAL CANNABIS (Please see, "NMLR Extended Analysis" section on right-hand side of Welcome Page for complete analysis.) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis activities. Creates the Cannabis Regulation Act to regulate the commercial production, possession manufacture, storage, testing, researching, labeling, transportation, couriering and sale of cannabis and cannabis products. A 9% excise tax is imposed on the retail sales of cannabis products in the state through creation of the Cannabis Tax Act; authorizes an additional 4% to be imposed by cities and counties in increments of 1/16--in addition to existing gross receipts taxes. DOH retains authority to establish an application and licensing fee for personal production licenses. (Other activities related to the medical cannabis program, to cannabis training and education or to the personal use of cannabis are major components of the bill, but do not fall within the scope of a "commercial cannabis activity.")</p>

SB117	<p><i>Sbendo (D22)</i> CLARIFYING PROPERTY TAX LIMITATION FOR LOW INCOME DISABLED PERSONS (For the Revenue Stabilization and Tax Policy Committee) Last year Sec. 7-36-21.3 NMSA 1978 was amended to streamline and update its provisions. In the process, disabled persons inadvertently were excluded from this valuation freeze provision. This bill restores disabled persons to eligibility.</p>
SB118	<p><i>Munoz (D4)</i> LOCAL AND REGIONAL ECONOMIC DEVELOPMENT SUPPORT FUND Amends the Local Economic Development Act to enable state participation in local or regional economic development projects that address a wide range of specified purposes. Requires participation agreements between the state and local or regional governments and qualifying entities. Creates the nonreverting Local and Regional Economic Development Support Fund, administered by the Economic Development Department.</p>
SB119	<p><i>Munoz (D4)</i> LODGERS' TAX EXEMPTIONS AND TAX PROCEEDS USE LIMITS (Identical to 2020 HB117; almost identical to 2020 HB105) Amends the Lodgers' Tax Act to limit the use of proceeds collected from the first 30 days of lodging for which an occupancy tax is imposed by a municipality or county for only advertising, publicizing and promoting tourist-related facilities and attractions and tourist-related events. Excess amounts may be used for any purpose authorized by Sec. 3-38-21, provided the use is stated in the ordinance imposing the tax. (2020:HB117; 2020:HB105)</p>
SB120	<p><i>Candelaria (D26)</i> CERTAIN LOCAL GOVERNMENT INVESTMENTS Expands the types of investments that treasurers of a Class A County or a municipality with a population of more than 65,000 are permitted to invest certain public funds in to include mutual funds or exchange-traded funds that substantially track or match the components of the indices of the pooled investment funds managed by the State Investment Officer.</p>
SB126	<p><i>Rodriguez (D24)</i> FUNDS FOR LAW ENFORCEMENT-ASSISTED DIVERSION Appropriates \$500,000 (GF) to the DFA's Local Government Division for use in FY2021 for operational support for law enforcement-assisted diversion in the City of Santa Fe, Santa Fe County, Rio Arriba County, Bernalillo County, and Dona Ana County.</p>
SB143	<p><i>Stefanics (D39); Roybal Caballero (D13)</i> COMMUNITY SOLAR ACT WITH PHASE-IN (Related to 2020 SB80; 2019 HB210 and SB281) Cited as the Community Solar Act, the bill contemplates independent development and operation of community solar generation facilities owned or operated by a Subscriber Organization, from which customers of an electric utility or rural electric cooperative may elect to subscribe for a portion of the facility's capacity. Provides for initial phase-in for investor-owned public utilities of no more than 10 percent of program capacity through December 31, 2023, after which Energy, Minerals and Natural Resources Department must prepare an evaluation and recommendations. (2020:SB80; 2020:SB281)</p>
SB144	<p><i>Campos, P. (D8)</i> AMBULANCE SERVICE ASSISTANCE FUND Establishes the Ambulance Service Assistance Fund to be administered by the Public Regulation Commission to make grants to local public ambulance service providers to assist in the purchase or refurbishment of ambulances or medical equipment or required training and certification of ambulance drivers and emergency medical service staff; appropriates \$9 million (GF, nonreverting) to the Fund for use in FY 2021 and subsequent years.</p>
SB145	<p><i>Rae (R23)</i> PUBLIC INSPECTION OF RISK MANAGEMENT CLAIM SETTLEMENTS Mandates public posting on the State's Sunshine Portal of any agreement to compromise, adjust, settle or pay a claim for damages or other relief against any governmental entity or public officer or employee as soon as the agreement is available for public inspection. Makes such records subject to public inspection at the earliest of: (1) the date a final judgment is issued, (2) the date final payment is issued pursuant to a judicial monetary award or (3) the date a settlement agreement is signed off by all parties.</p>

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SB152	<p><i>Ingle (R27)</i> AFFORDABLE HOUSING ACT OVERSIGHT DUTIES (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$250,000 (GF, nonreverting) to the Department of Finance and Administration for New Mexico Mortgage Finance Authority's use in FY 2021 and subsequent years to fund the oversight of the Affordable Housing Act.</p>
SB153	<p><i>Martinez, Richard (D5)</i> LOW-INCOME RESIDENTIAL ENERGY CONSERVATION PROGRAM (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$2 million (GF) to the Department of Finance and Administration for New Mexico Mortgage Finance Authority's use in FY 2021 and 2022 to provide for a residential energy conservation program to increase energy efficiency and reduce energy expenditures for homes occupied by low-income persons. No more than ten percent may be used for administrative expenses.</p>
SB158	<p><i>Gonzales (D6)</i> INCREASED RETIREE HEALTH CARE FUND CONTRIBUTIONS (Identical to 2020 HB45; similar to 2019 HB95) Increases rates of employee and employer contributions to the Retiree Health Care Fund; transfers \$12,384,296 from the General Fund (nonreverting) to the Retiree Health Care Fund. (2020:HB45)</p>
SJM3	<p><i>Padilla (D14)</i> NEW MEXICO HISTORY ROOMS STUDY Requests a study of the feasibility of establishing a New Mexico history room in a local library in each county in the state in order to archive and display materials about New Mexico's rich history.</p>
SM15	<p><i>Ortiz y Pino (D12)</i> JUVENILE DETENTION STUDY (Duplicate of 2020 HM14) Requests that New Mexico Counties study and make recommendations on matters related to juvenile detention in an effort to improve treatment of detainees, lower costs and address the needs of juvenile detainees. (2020:HM14)</p>

HOUSE January 28, 2020

HB2	<p><i>Lundstrom (D9)</i> GENERAL APPROPRIATION ACT OF 2020 This represents a shell for a more comprehensive bill that will emerge later in the legislative session. Cited as the General Appropriation Act of 2020, authorizes funding to various state agencies from the General Fund, Internal Services and Transfers, Other State Funds and Federal Funds in FY 2021.</p>
HB3	<p><i>Ruiloba (D12)</i> DEPARTMENT OF TRANSPORTATION APPROPRIATION ACT OF 2020 This represents a shell for a comprehensive treatment of Department of Transportation issues. It will merge later in the legislative session into the HB2, General Appropriation Act of 2020. This bill authorizes funding from Internal Services and Transfers, Other State Funds and Federal Funds in FY 2021 as follows:</p>
HB6	<p><i>Matthews (D27)</i> PTSD IN LAW ENFORCEMENT OFFICERS AND EMS FIRST RESPONDERS (Related to 2019 HB 324) Adds a section to the Occupational Disease Disabling Law to specify that posttraumatic stress disorder is presumed to be proximately caused by employment as a law enforcement officer or emergency medical services first responder.</p>
HB7	<p><i>Ely (D23)</i> EXTREME RISK FIREARM PROTECTION ORDER ACT (On Governor's call) (Identical to 2020 SB5; almost identical to 2019 HB83) Creates the Extreme Risk Firearm Protection Order Act to provide a method to petition for a court order to prevent a dangerous person from possessing or buying a firearm or ammunition. Provides for three types of extreme risk protection orders: emergency, ex parte temporary, and one-year orders. Provides for termination and extension of one-year orders. Requires timely hearings. Creates immunity from liability for providing information or participating in proceedings. Requires safe storage of firearms in households where an order applies. Imposes misdemeanor penalties for violation of an order. Forbids issuance of a concealed handgun permit to a person subject to an extreme risk protection order.</p>
HB9	<p><i>Royal Caballero (D13)</i> COMMUNITY SOLAR ACT WITH PHASE-IN (Nearly identical to SB143; related to 2020 SB80; 2019 HB210 and SB281) Cited as the Community Solar Act, the bill contemplates independent development and operation of community solar generation facilities owned or operated by a Subscriber Organization, from which customers of an electric utility or rural electric cooperative may elect to subscribe for a portion of the facility's capacity. Provides for initial phase-in for investor-owned public utilities of no more than 10 percent of program capacity through December 31, 2023, after which Energy, Minerals and Natural Resources Department must prepare an evaluation and recommendations. (2020:SB80; 2020:HB210; 2020:SB281)</p>
HB16	<p><i>Chandler (D43)</i> PAID FAMILY AND MEDICAL LEAVE ACT (Virtually identical to 2019 HB213 and HB264) (For the Legislative Health and Human Services Committee) Proposes the Paid Family and Medical Leave Act to pay an employee a percentage of salary to allow the employee to bond with a new child or care for a family member; creates the Paid Family and Medical Leave Implementation Advisory Committee in the Workforce Solutions Department and the Paid Family and Medical Leave Trust Fund; appropriates \$1 million (GF nonreverting) to the trust fund for use in FY 2021 and subsequent years to implement the provisions of the act.</p>
HB25	<p><i>Chasey (D18)</i> PROHIBITS DISCRIMINATION BASED ON PREGNANCY (For the legislative Health and Human Services Committee) (Related to 2017 HB179, vetoed; 2019 HB196, House passed 60-0) Amends the Human Rights Act to add explicit protection for pregnancy, childbirth or related condition.</p>

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HB26	<p><i>Lundstrom (D9)</i> HIGHWAY PROJECT FUND Creates the Highway Project Fund as a vehicle for distributing funds to the State Road Fund; calls for distribution of excess funds from the federal Mineral Leasing Act; renames the Local Government Transportation Project Fund, the Transportation Project Fund; clarifies the planning and prioritization of transportation projects for counties, municipalities and tribes; appropriates \$200 million (GF nonreverting) as initial funding to the Highway Project Fund for use in FY 2020 and subsequent years.</p>
HB28	<p><i>Nibert (R59)</i> LAND SUBDIVISION CODE OIL AND GAS EXEMPTIONS Exempts all oil and gas operations from regulatory provisions of the New Mexico Subdivision Act, but does not define the term "oil and gas operations." Theoretically, this term could encompass every activity from exploration to drilling to operating service stations.</p>
HB31	<p><i>Rehm (R31)</i> RESERVE POLICE OFFICER ACT (Identical to 2019 HB107, passed by the House 61-3, died in SJC) Creates the Reserve Police Officer Act to authorize state and local governments to commission reserve police officers to assist police officers. Defines their powers, duties, qualifications, licensure and training. Amends related statutes to conform with the act. Effective date July 1, 2021.</p>
HB43	<p><i>McQueen (D50)</i> NON-RESIDENT SEX OFFENDER REGISTRATION REQUIREMENTS (On Governor's call) (Somewhat related to 2019 HB307, SB521; 2017 HB443) Relates to sex offender registration requirements in New Mexico by individuals who have been convicted of a sex offense in another jurisdiction, i.e. by another state, the feds, the military or a tribal government.</p>
HB45	<p><i>Salazar, T. (D70)</i> INCREASED RETIREE HEALTH CARE FUND CONTRIBUTIONS (Similar to 2019 HB95) (Endorsed by the Investments and Pensions Oversight Committee) Increases rates of employee and employer contributions to the Retiree Health Care Fund; transfers \$12,384,296 from the General Fund (nonreverting) to the Retiree Health Care Fund.</p>
HB47	<p><i>Salazar, T. (D70)</i> LOCAL GOVERNMENT PLANNING FUND APPROPRIATION (Endorsed by the New Mexico Finance Authority Oversight Committee) Appropriates \$2 million (Public Project Revolving Fund, nonreverting) to the Local Government Planning Fund for use in FY2021 and subsequent years.</p>
HB75	<p><i>Stansbury (D28)</i> STUDY OF HUNGER, MALNUTRITION, FOOD PRODUCTION AND DISTRIBUTION (Related to 2020 HM6) Appropriates \$200,000 (GF) to the Human Services Department, HSD, for use in FY2021 to convene a task force to conduct a study and an assessment of hunger, malnutrition and food production and distribution in New Mexico and to contract for services necessary to the work of the task force. (2020:HM6)</p>
HB91	<p><i>McQueen (D50)</i> PROPERTY TAX CHANGES FOR RESIDENTIAL PROPERTY NOT OWNER-OCCUPIED (Same as 2019 HB647) Increases from 3% to 10% the allowable year-to-year residential property valuation that may be imposed on residential property that is not owner-occupied as a principal place of residence.</p>
HB104	<p><i>Brown (R55)</i> COUNTY ROAD FUND DONATION INCOME TAX CREDIT (Similar to 2019 HB201) Creates an optional designation for personal income tax contributions to county road funds. Allows both personal and corporate income taxpayers to apply for a nonrefundable credit for donations to a county road fund equal to 50% of the donation not to exceed a maximum of \$1 million. The tax credit may be referred to as the "County Road Fund Donation Income Tax Credit."</p>
HB105	<p><i>Brown (R55)</i> LODGERS' TAX EXEMPTIONS AND TAX PROCEEDS USE LIMITS</p>

	Amends the Lodgers' Tax Act to limit the use of proceeds collected from the first 30 days of lodging for which an occupancy tax is imposed by a municipality or county for only advertising, publicizing and promoting tourist-related facilities and attractions and tourist-related events. Excess amounts may be used for any purpose authorized by Sec. 3-38-21, provided the use is stated in the ordinance imposing the tax.
HB108	<i>Garcia, Miguel (D14)</i> DISCLOSURE OF PERSONAL IDENTITY INFORMATION BY STATE AGENCIES (Similar to 2019 HB141) Amends the Governmental Conduct Act and the Motor Vehicle Code to forbid state agency employees from disclosing sensitive personal information acquired in their positions with the agency to anyone outside the agency except under specified circumstances. Specifies allowable categories of disclosure.
HB117	<i>Brown (R55)</i> LODGERS' TAX EXEMPTIONS AND TAX PROCEEDS USE LIMITS (Almost identical to 2020 HB105) Amends the Lodgers' Tax Act to limit the use of proceeds collected from the first 30 days of lodging for which an occupancy tax is imposed by a municipality or county for only advertising, publicizing and promoting tourist-related facilities and attractions and tourist-related events. Excess amounts may be used for any purpose authorized by Sec. 3-38-21, provided the use is stated in the ordinance imposing the tax. (2020:HB105)
HB120	<i>Cook (R56)</i> INVESTMENT AUTHORITY: HIGHER ED, IRRIGATION AND CONSERVATION DISTRICTS, PUBLIC BODIES (Related to 2020 SB49) Authorizes the State Treasurer and the treasurer of any public body, irrigation district, conservation district or educational institution of the state to invest in federally insured obligations. Includes brokered certificates of deposit, certificate of deposit account placement services and federally insured cash accounts. (2020:SB49)
HB128	<i>Gallegos, David (R61)</i> LOCAL GOVERNMENT AUTHORITY REMOVED FOR MULTIPLE SOURCE CONTRACTS (Related to 2019 HB369; similar to 2018 SB181) Amends the Procurement Code to only allow state agencies to enter into multiple source contracts for architectural and engineering services and indefinite quantity construction contracts.
HB129	<i>Gallegos, David (R61)</i> CONSTRUCTION PURCHASE ORDER DOLLAR LIMITS (Identical to 2019 HB369 as substituted) Amends the Procurement Code to increase the dollar limit pertaining to multiple source contracts for architectural and engineering services and indefinite quantity construction contracts by providing that any one purchase order resulting from an indefinite quantity construction price agreement contract may not exceed \$3 million.
HB133	<i>Townsend (R54)</i> EXPEDITED AIR QUALITY CONSTRUCTION PERMITS (Identical to 2017 HB507) Revises the Air Quality Control Act to remove the requirement to obtain an air quality construction permit from the Environment Department or a local board "prior" to construction or modification of an air contaminant "source." Modifies notice requirement by the local agency regulator. No longer would a detailed public notice be required 60 days prior to the date the permit "commences." Instead, the notice must be provided 60 days prior to the date the permit is "issued"— which would not necessarily be prior to commencing the construction or modification.
HB143	<i>Armstrong, G. (R49)</i> FUND COUNTY AND TRIBAL HEALTH COUNCILS (For the Legislative Health and Human Services Committee) Appropriates \$1 million (GF) to the Department of Health for FY2021 to fund community health plans and other functions performed by county and tribal health councils.
HB144	<i>Armstrong, G. (R49)</i> SENIOR FARMERS' MARKET NUTRITION PROGRAM (For the Legislative Health and Human Services Committee) Appropriates \$100,000 (GF) to the Department of

	Health for FY2021 to expand the senior farmers' market nutrition program to provide vouchers for purchasing state-grown fruit and vegetables to additional eligible low-income seniors. Limits administration and promotion funds to \$10,000 of the appropriation.
HB149	<i>Martinez, J. (D11)</i> EXTENDS AND REVISES THE INVESTMENT CREDIT Extends from July 1, 2020 through July 1, 2030, the provisions of the investment (tax) credit. Also raises the credit rate to that equaling (1) the sum of state and local compensating tax rates when the equipment's introduction is subject to compensating tax; (2) the sum of state and local gross receipts tax rates when the equipment's introduction is subject to gross receipts taxation; or (3) 5.125 percent when the equipment's introduction is subject to neither tax (e.g., when transaction covered by an industrial revenue bond or similar instrument).
HB160	<i>Martinez, J. (D11)</i> CANNABIS REGULATION ACT: LEGALIZATION OF COMMERCIAL CANNABIS (Please see, "NMLR Extended Analysis" section on right-hand side of Welcome Page for complete analysis.) (Related to SB115) Relates to the legalization, production, use, sale, taxation and licensure of commercial cannabis activities. Creates the Cannabis Regulation Act to regulate the commercial production, possession manufacture, storage, testing, researching, labeling, transportation, couriering and sale of cannabis and cannabis products. (Other activities related to the medical cannabis program, to cannabis training and education or to the personal use of cannabis are major components of the bill, but do not fall within the scope of a "commercial cannabis activity.") A 9% excise tax is imposed on the retail sales of cannabis products in the state through creation of the Cannabis Tax Act. DOH retains authority to establish an application and licensing fee for personal production licenses.
HB173	<i>McQueen (D50)</i> GASOLINE AND SPECIAL FUEL EXCISE SURTAXES Imposes a gasoline tax surtax and a special fuel excise surtax of up to 30 cents per gallon. Distributes the surtax revenues as follows: one-third to the State Road Fund, one-third to the Clean Infrastructure Fund and one-third to the Gasoline and Special Fuel Excise Surtax Low-income Rebate Fund.
HB174	<i>McQueen (D50)</i> GRT EXEMPTION FOR RESIDENTIAL CUSTODIAL MEMORY CARE FACILITY Provides gross receipts tax exemption for receipts of health care providers from custodial memory care services and receipts attributable to operation of residential facilities designed and used for providing custodial memory care. Also excludes from imposition of the governmental gross receipts tax residential facilities designed and used for providing custodial memory care for people living with advanced dementia.
HB176	<i>Romero, A. (D46)</i> PUBLIC LAND LEASES FOR LOCAL GOVERNMENT AND SCHOOL DISTRICTS Relates to the lease of public lands entered into by the Commissioner of Public Lands. Expands the authorized use of public lands by certain municipalities to include use for economic development purposes. Authorizes the commissioner to enter into leases with municipalities, counties and school districts for a maximum term of 40 years (up from the existing maximum term of 25 years).
HB179	<i>Romero, A. (D46)</i> NONPROFIT DEDUCTION FOR CONSTRUCTION MATERIALS WIDENED Expands the existing gross receipts deduction for sale of construction materials to 501(c)(3) organizations working on low-income families housing in two ways. First, refocuses the nonprofit's activity from providing "homeownership opportunities" to providing "housing opportunities." Second, adds moderate-income families to the target groups.
HB181	<i>McQueen (D50)</i> STATE PARTICIPATION IN LOCAL ECONOMIC DEVELOPMENT PROJECTS (Related to 2020 SB118) Adds a new section to the Local Economic Development Act to enable state participation in local or regional economic development projects that are primarily engaged in the retail sale of certain goods or commodities (i.e., drugs, hardware and groceries). Applies to communities with 10,000 or less population. (2020:SB118)

HB182	<p><i>McQueen (D50)</i> CREATES NONTRANSFERABLE LIQUOR DISPENSER'S LICENSE Beginning January 1, 2021, in any local option district, a person qualified under the provisions of the Liquor Control Act may apply for and be issued a nontransferable dispenser's license. This license is substantially similar to the existing dispenser's license except that it may not be located within ten miles of a municipality of more than 10,000, may not be transferred from one location to another or from one person to another and, if it is revoked, canceled or otherwise returned to RLD, it may be reissued to another qualified person. The annual fee for the license is \$10,000.</p>
HB184	<p><i>Ruiloba (D12)</i> FUNDS FOR SCHOOL RESOURCE OFFICERS AND GOVERNOR'S DEPLOYMENT (Related to 2019 HB330 and HB129, 2017 SB399) Requires specific training for certified law enforcement officers working as school resource officers; provides funding from the Law Enforcement Protection Fund for school district police departments with full-time school resource officers. Changes distributions from the fund to a flat \$45,000 annual amount for municipalities and counties; increases distributions to university, tribal and school district police departments; provides additional training funds for municipal, sheriff and school district departments that assign officers as school resource officers. Provides for a new distribution to the Department of Public Safety of up to \$2.0 million for overtime-related costs of Governor-ordered special deployments (after all other distributions have been made). Retains provision for reduced allocations for fund balance shortfalls.</p>
HB189	<p><i>Sanchez (D40)</i> GENERAL APPROPRIATION ACT OF 2020 (Related to HB2) This represents the Legislative Finance Committee's version of the state budget for FY2021, for which a comprehensive bill will emerge late in the session, usually as House Bill 2. It contains the LFC's recommendation for FY 2021 and recommends \$7.54 billion in recurring appropriations from the general fund, up \$464 million or 6.4% from FY2020. It assumes \$7.8 billion in recurring revenue, a slight decline from FY2019, including \$797 million in "new money" over planned spending for FY20, an 11% percent increase from prior year due to use of recurring revenue for nonrecurring investments in FY2020. (2020:HB2)</p>
HB191	<p><i>Armstrong, G. (R49); Gonzales (D6)</i> FIRE PROTECTION GRANT FUND INCREASES AND USES Increases transfers from the Fire Protection Fund to the Fire Protection Grant Fund and removes transfers from the FPF to the General Fund. Requires at least 20 percent of available Fire Protection Grant Fund monies be used for recruitment and retention programs for volunteer firefighters, giving priority to underserved areas. Monies to be distributed by the Fire Marshal are appropriated from the Fire Protection Fund to the Public Regulation Commission, rather than to the Superintendent of Insurance. Needs of county fire departments are to be included in assessments by the Fire Protection Grant Council.</p>
HB196	<p><i>Dow (R38)</i> PUBLIC CONTRACTS WAGE INCREASES Adds a section to the Minimum Wage Act to require that public contracts include worker wage increases and increased reimbursement to contractors and subcontractors in order to conform with state minimum wage increases.</p>
HB207	<p><i>Garcia, Harry (D69)</i> TRANSPORTATION PROJECT FUND Changes the Local Government Transportation Project Fund to the Transportation Project Fund and thereby allows Indian nation, tribe or pueblo projects to be funded by the project fund.</p>
HB215	<p><i>Strickler (R2)</i> DETENTION AND TRANSPORT FOR EMERGENCY MENTAL HEALTH EVALUATION AND TREATMENT (Similar to 2019 HB348) Amends the Mental Health and Developmental Disabilities Code to provide for the detention and transportation of persons for emergency mental health evaluation and treatment; details standards and procedures for investigation, application for and court issuance of emergency orders, entering structures to detain and transport a client; crisis intervention; and admitting clients to an evaluation facility; and makes conforming amendments to statutory provisions for commitment. Provides criminal penalties for misrepresentation of facts.</p>

SFC CLERK RECORDED 02/26/2020

HB216	<p><i>Dow (R38)</i> ABSENCE OF A PROBATE JUDGE Provides that, in the absence or incapacity of a probate judge, a probate judge from another county may act in the absent judge's stead, with approval by the board of county commissioners of the absent judge's county. The affected county is to reimburse the acting probate judge for per diem and mileage.</p>
HB220	<p><i>Ruiloba (D12)</i> LOCAL GOVERNMENT TRANSPORTATION PROJECT PLANNING AND FUNDING Changes distribution of net receipts accruing to the motor vehicle suspense fund and strengthens the identity and role of the metropolitan planning organization and regional transportation planning organization in creating the annual list of proposed transportation projects for local governments.</p>
HB225	<p><i>Armstrong, D. (D17)</i> KIKI SAAVEDRA SENIOR DIGNITY FUND Kiki Saavedra Senior Dignity Fund</p>
HB229	<p><i>Trujillo, L. (D48); Ivey-Soto (D15)</i> CHANGES TO ELECTION LAW Makes a number of changes to the Election Code relating to redistricting, requirements for voter registration, handling of ballots, the years of election of certain officials, post-election duties and procedures, referendum petitions and the staggering of judicial terms.</p>
HB248	<p><i>Herrera (D41)</i> WATER ASSOCIATION INFRASTRUCTURE ACT Creates the Water Association Infrastructure Board to govern applications submitted by water associations for financial assistance and to prioritize qualified projects. Creates the Water Association Trust Fund. Creates the Water Association Project Fund to be administered by the New Mexico Finance Authority to originate grants or loans for qualified projects. Authorizes the State Board of Finance to issue severance tax bonds to fund qualified water infrastructure projects.</p>
HB250	<p><i>Madrid (D53)</i> DISTRIBUTION OF MOTOR VEHICLE TAX TO STATE ROAD FUND AND DOT (Somewhat related to 2020 HB220, 2019 SB50 and SB609) Increases and accelerates the distribution of the Motor Vehicle Excise Tax to the State Road Fund for bridges and railroad crossings on the state highway system and to DOT to mitigate emergency road conditions related to activity in the oil field; eliminates the distribution to the Local Governments Road Fund. (2020:HB220)</p>
HM14	<p><i>Cadena (D33)</i> JUVENILE DETENTION STUDY (Duplicate of 2020 SM15) Requests that New Mexico Counties study and make recommendations on matters related to juvenile detention in an effort to improve treatment of detainees, lower costs and address the needs of juvenile detainees. (2020:SM15)</p>
SB148	<p><i>Cervantes (D31)</i> WATER TRUST FUND APPROPRIATION (Endorsed by the New Mexico Finance Authority Oversight Committee) Appropriates \$41 million (GF, nonreverting) to the Water Trust Fund for use in FY 2021 and subsequent years to carry out the purposes of the Fund.</p>

Henry Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T...
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *January 23, 2020*

TO: *Board of County Commissioners*

VIA: *Katherine Miller, County Manager*

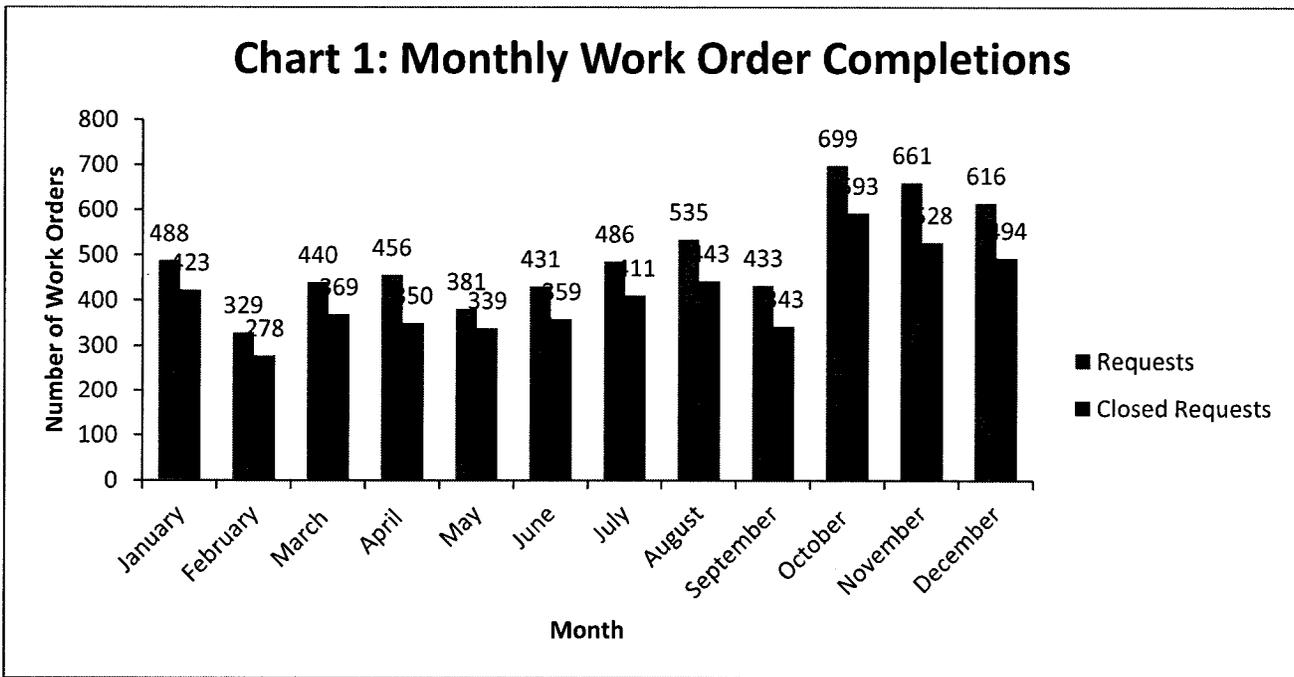
FROM: *Gary L. J. Girón, Public Works Department Director*

ITEM AND ISSUE: *BCC Meeting January 28, 2020 - Public Works Monthly Report for December 2019*

DISCUSSION:

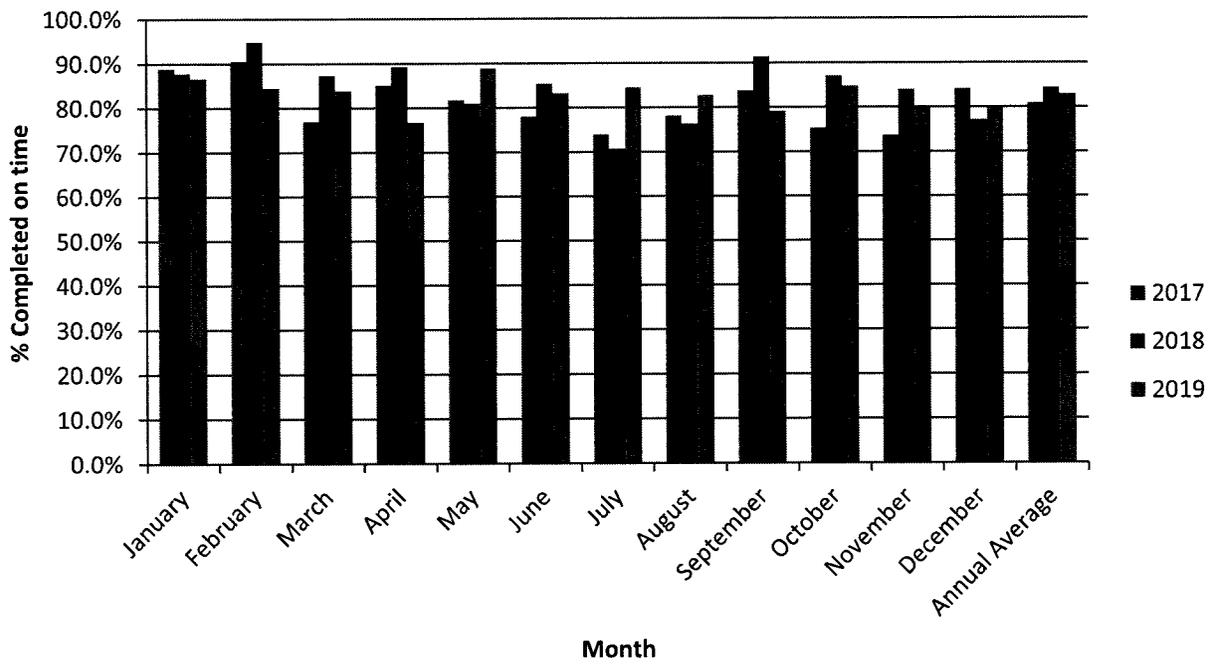
Operations and Maintenance:

Charts 1 and 2 below show our monthly work order volume.



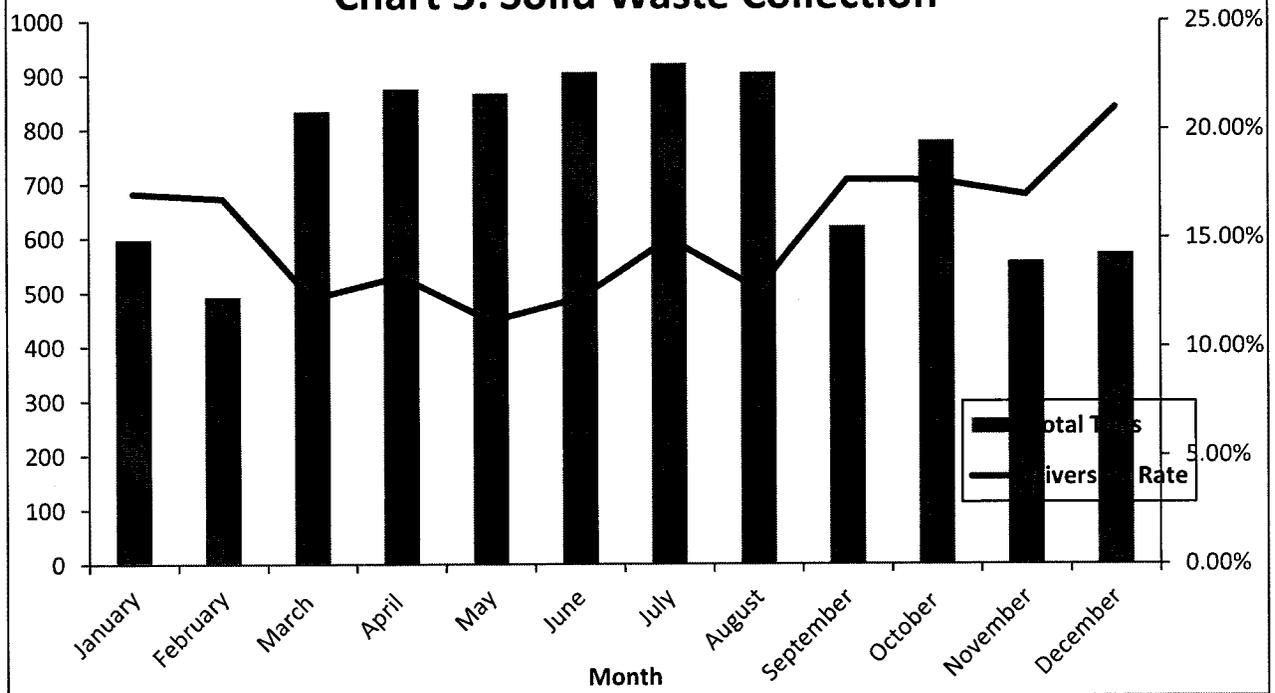
SFC CLERK RECORDED 02/26/2020

Chart 2: Year-to-year Work Order Completion Rates



Solid Waste: The County average diversion rate was 12.92% in 2018. For the month of December, the diversion rate was 21%. See chart 3 below.

Chart 3: Solid Waste Collection



Solid waste permits sales are shown below.

Permit Type	Number of Solid Waste Permits Sold	
	December 19	CY19
1-trip	2	493
3-trip	14	742
6-trip	14	676
6-trip/senior	12	595
6-trip/low income	0	13
6-trip/veteran	6	81
12-trip	38	525
12-trip/senior	47	550
12-trip/low income	0	26
12-trip/veteran	7	87
Bag tags	100	1363

Santa Fe Solid Waste Management Agency Joint Powers Board Update:

- Meeting held on December 19, 2019 at 5:03 PM
- The consent calendar was approved. On the consent agenda:
 - A. Request for Approval of Deductive Final Change Order No. 2 for Bid No. '19/19/B to Enviroworks, LLC, of Edgewood, NM, for the Cells 6B and 6A Wedge Liner System Construction Project at the Caja del Rio Landfill in the Amount of \$29,097.11.
 - B. Request for Approval of Amendment No. 1 to the Construction Agreement with Del Hur Industries of Port Angeles, WA, for the Basalt Rock Crushing and Sales Operation for the Caja del Rio Landfill to Include Compensation for Aggregate Materials for Landfill Applications (RFP No. '14/29/P).
 - C. Request for Approval to Purchase Crushed Fines Aggregate for the Cells 6B and 6A Wedge Liner System Construction Project under the Construction Agreement with Del Hur Industries of Port Angeles, WA, in the Amount of \$28,620 (RFP No. '14/29/P); and
 1. Approval of Budget Increase to 8130875.572970 (WIP - Cell 6B/6A Wedge Construction) from 813.100700 (Cell Development Reserve Fund) in the Amount of \$28,620.
 - D. Request for Approval of Amendment No. 3 to the Professional Services Agreement with SCS Engineers of Bedford, TX, for the Caja del Rio Landfill Gas Collection System for Tasks 1, 2, 3 and 5 – Engineering, Operation and Maintenance Services and Task 8 – Gas System CQA (RFP No. '18/09/P); and

1. Increase the Compensation by \$167,267 for a Total Not-To-Exceed Amount of \$413,249.
 2. Approval of Budget Increase to 8100851.510250 (Compliance Contracts) from 812.100700 (Landfill Gas Collection System Reserve Fund) in the Amount of \$102,830.
 3. Approval of Budget Increase to 8120860.572960 (WIP Design) from 812.100700 (Landfill Gas Collection System Reserve Fund) in the Amount of \$64,437.
- E. Request for Approval of Amendment No. 4 to the Services Agreement with Advanced Chemical Transport, Inc. d/b/a ACT Enviro of Albuquerque, NM, for Continuation of Household Hazardous Waste Collection Services at the Buckman Road Recycling and Transfer Station (RFP '17/16/P); and
1. Increase the Compensation by \$150,000 for a Total Not-To-Exceed Amount of \$450,000.
 2. Approval of Budget Increase to 8100852.510310 (Service Contracts) from 810.100700 (Operating Fund Cash Balance) in the Amount of \$30,000.
- F. Request for Approval to Repair Unit 1356 (Komatsu D155AX-7 Waste Handler Dozer) by Komatsu Southwest of Albuquerque, NM, under New Mexico Statewide Price Agreement No. 91-000-19-00063 in the Amount of \$78,102.80 by Replacing the Engine with a Remanufactured Engine and Installing New Exhaust Gas Recirculating (EGR) Cooler and Diesel Particulate Filter (DPF) System; and
1. Approval of Budget Increase to 8100851.520400 (Repair & Maintenance of Equipment and Machinery) from 810.100700 (Operating Fund Cash Balance) in the Amount of \$78,102.80.
- G. Request for Approval to Repair Unit 1470 (Wilkins Walking Floor Trailer) by MCT, Inc. of Albuquerque, NM, under RFB No. '18/18/B in the Amount of \$33,528.34; and
1. Approval of Budget Increase to 8100852.520400 (Repair & Maintenance of Equipment and Machinery) from 810.100700 (Operating Fund Cash Balance) in the Amount of \$33,528.34.
- H. Request for Approval to Repair Unit 1324 (Caterpillar 623G Caterpillar Wheel Tractor-Scraper) by Wagner Equipment Company of Albuquerque, NM, under RFB No. '18/17/B in the Amount of \$60,363.99 by Reconditioning the Transmission and Front Differential; and
1. Approval of Budget Increase to 8100851.520400 (Repair & Maintenance of Equipment and Machinery) from 810.100700 (Operating Fund Cash Balance) in the Amount of \$60,369.99.

- I. Request for Approval to Purchase One Exacq Vision Network Video Recorder with Pre-Loaded Software and Licenses from HEI, Inc. of Albuquerque, NM, under New Mexico Statewide Price Agreement No. 20-000-00-0075AH for the Buckman Road Recycling and Transfer Station in the Amount of \$15,027.81.

1. Approval of Budget Increase to 8100852.570800 (Data Processing Equipment Non-Exempt) from 810.100700 (Operating Fund Cash Balance) in the Amount of \$15,027.81.

- Request for Approval of 2020 Meeting Calendar.
- I. Matters from the Executive Director – The Executive Director Randall Kippenbrock wanted to thank everyone for coming to this meeting on short notice. He stated that the agency will be late with their audit. Town Recycling has a good market for their cardboard and mix paper, they're using a company that turns the material into insulation. There is a company in Mexico that goes through the material to make sure it is clean of contamination. Commissioner Anna Hansen told The Executive Director that this was not part of the agreement and asked if it was going to cost the agency more money. The Director said he wasn't sure at this time. The Executive Director also added that Friedman Recycling needed the Agency to haul 100 tons of residuals back to the landfill, because when their contract expired this is what was owed from the agreement. The Director has a meeting with Friedman soon to discuss this matter and feels it will be resolved soon without the agency having to haul this material.
- Matters from staff, Agency, City, County: None
- Next Meeting date will be February 20, 2020
- Adjournment – 5:45 pm

Road Projects Report for December 2019

- **CR55A General Goodwin Rd Design Upgrade.** – County has received 100% design plans. Staff is coordinating drainage easement with property owner and a maintenance easement with NMDOT.
- **NE/SE Connector is in Phase D Design** – Consultant has provided 30% design plans. County is coordinating with consultant to value engineer project.
- **Racetrack Surface and Drainage Improvements** – Contractor has requested a contract extension due to utility delays. Construction is scheduled to start in spring of 2020 and be completed in the summer of 2020.
- **Torcido Loop Surface and Drainage Improvements** - Contractor reached Substantial Completion on 10-11-19
- **CR89 and 89C Drainage and Roadway Improvements** – Projects are on hold until the surveys have been completed as per the settlement agreement with Pojoaque Pueblo.
- **CR67F La Barbaria** – Construction began on October 15, 2018. Construction reached substantial completion July 30, 2019. Guardrail punch list item is all that is remaining for project closeout.
- **CR 54 Arroyo Hondo All Weather Crossing**- Engineering Consultant has completed the preliminary drainage report. Coordinating Temporary Work Permits and ROW easements with Pojoaque Pueblo and private property owners. Consultant has been directed to go to 100% design.

- **CR 72A All Weather Crossing** – Fabrication of the steel bridge has been completed and accepted. Contractor is in the process of constructing the abutments. Project should be complete by winter of 2019.
- **CR 84 and Arroyo Jacona Low Water Crossing** – Contractor has constructed the concrete low water crossing. Paving and project was completed in December 2019.
- **Camino San Jose** – The Design Engineer has submitted 30% design plans. The County has identified additional funding to complete construction of Phase A.
- **2019 Sunlit Hills Paving Projects** – Camino Pacifico, Paseo Del Pinon, Camino Tetzoco, Toltec Rd. County staff has completed the scope of work and is working on getting a pavement design before going out to IFB. Project staff is coordinating with local utilities. Small sections of water line need to be lowered before construction can began.
- **CR 88B Rio Vista Run Gabion Structure** – The project was bid and all quotes were over budget. The project was re-bid utilizing the on call county price agreement no contractor provided a bid. Staff is working on negotiating a cost with Contractor that provided lowest bid during first bid.
- **PER Lopez Lane** – Final Draft of the Preliminary Engineering Report has been submitted to County staff for Review.

Open Space Projects

- **Santa Fe River - Property Acquisition Section B:** 23 of the 31 properties have been acquired to date. The BCC granted authority to the County Attorney to proceed with condemnation action as necessary. Negotiations are ongoing with 7 of the 8 remaining properties.
- **BLM Parcels (Santa Fe River Trail):** The Federal Register Notice for the Santa Fe River RPPA application to BLM was published on 10/16/19. It is now open for comments from the public until December 16. Barring any adverse comments, BLM will move forward to drafting of the lease agreement with the County, including the subsequent permanent conveyance after the project is completed according to the Development Plan submitted as part of the application.
- **Santa Fe River – El Camino Real CLOMR: Pending** - Staff met with the City and Santa Fe Engineering(SFE). The City has undergone turnover and has not had a Floodplain Manager until recently that is authorized to sign a CLOMR application. SFE is modifying the coversheet with the new manager's name and will submit to the City for approval before being submitted to FEMA.
- **Arroyo Hondo Trail Design:** TAP and CMAQ grant applications have been submitted for a possible award in March.
- **Arroyo Hondo Trail Segment 4:** NMDOT signed the Cooperative Project Agreement on August 21, 2018. The Project Manager submitted a PPR on August 29, 2018 for a purchase order under the design contract for the construction phase engineering services for Segment 4.
- **Mt. Chal:** The Project Manager and INTERA met with the County Attorney on August 22, 2018 to review the Voluntary Remediation Work Plan and Agreement. The County Attorney is reviewing the documents. Once the County Attorney approves the VRP Work Plan and Agreement, the Project Manager will submit the documents to NMED for review and approval.
- **Thornton Ranch Open Space:** BLM held a planning workshop for the Burnt Corn Recreation Management Plan on September 19, 2018. The General Obligation Bond sale is

scheduled for November 2018. The \$2,600,000 for implementation of the Master Plan will be budgeted in November 2018. The Project Manager is working to prepare the scopes of work for the preliminary environmental studies and design contracts.

- **Santa Fe Rail Trail Segment 5:** NMDOT signed the Cooperative Project Agreement on August 21, 2018. The Project Manager sent a request for proposals to the engineering firms on the County's on-call contract for material testing and inspection services. Proposals have been received. The Project Manager is working with Purchasing to advertise the IFB by the end of October.
- **El Camino Real Retracement Trail FLAP project:** FHWA is working to complete the close out process on the grant by January 2019. The County entered into an MOU with BLM for the development of the paved and crusher fine portions of the trail with the understanding that the County would submit an application for a permanent ROW after the trail was constructed. The Project Manager is preparing the application.
- **Santa Fe Rail Trail Trailheads:** The plan is to construct the trailhead after Segment 5 of the Santa Fe Rail Trail is completed in the spring of 2019, so that the trailhead location can be used as the staging area for construction of Segment 5.
- **Pojoaque Valley Recreation Complex Phase III:** The Project is in the procurement process for an IFB for construction services.
- **Romero Park Phase II:** One proposed revision being contemplated for Phase II is a water line to serve the Park. The Project Manager submitted a PPR to Purchasing for an IFB for the solid waste abatement and site leveling on September 13, 2018. The Project Manager anticipates advertising the IFB by the end of October.

Sustainability Division:

- The County Fleet Management Policies and Procedures were adopted by the BCC in November, and staff is working to implement them including the development of a work plan, and a new vehicle acquisition form for the FY21 budget cycle.
- Sustainability conducted 6 interviews for the advertised Sustainability Specialist position and recommended the hiring of the top ranked candidate.
- Solid Waste received five roll-offs containers for tire recycling that have been acquired through a RAID grant agreement.
- Sustainability held another quarterly FixIt clinic on November 2, 2019, where 31 items were fixed, at a success rate of 58%.
- Yearout Energy completed field work in 14 County facilities for their energy audit. For the County, and for its energy consultants, Sustainability has gained online access to almost all utility (gas, electric, water) accounts, which allows easier access to utility usage data.
- Erik Aaboe submitted a grant funding application for the installation of Level 2 charging station outside the County's Human Resources building in the Casa Solana Center.
- Sustainability participated in two additional 1-hour webinars presented by PACE Nation on Property Assessed Clean Energy.
- Sustainability Task Force tested the 'Going Green in Action' recognition tickets by awarding cards to employees on top floor of Admin building who were exhibiting sustainable actions.
- Sustainability sent the December and January newsletter to 2,300+ subscribers

- In the course of the year, Sustainability fielded over 200 calls from the County community seeking answers to sustainability-related questions including recycling, composting, home energy efficiency, and domestic wells
- County staff met with PNM staff to discuss options on community solar legislation and attended a PNM workshop on the technical requirements of community solar on 11/22/2019.
- County received the Notice of Obligation from DFA clearing the way for Sustainability to work with Sol Luna Solar in the installation of the photovoltaic systems at the Agua Fria Fire Station, the Rancho Viejo fire station and the exhibition hall at the Fairgrounds.
- The Eldorado community center complex PV system is back on track after a 9-month delay while reviewed the technical capacity of the nearby distribution system.

Utilities Division

- **Aamodt Update –**
 - The Aamodt settlement parties are working to amend the 2013 Cost Sharing and Systems Integration Agreement (CSSIA) to reflect what was agreed to in the 611(g) Agreement.
 - The US Bureau of Reclamation and the County are also working to amend the 2018 Contributing Funds Agreement.
 - Negotiations continue around the Regional Water System Operating Agreement. There is no upcoming deadline for signing this agreement, but parties are beginning to seriously consider cost allocations for operations which is a necessary step in coming to agreement.
- **Canoncito Regional Water System Phase II Improvements Project –** We are at 90% in the Design Development Phase of this project. This project also requires a Water Service Agreement with the Eldorado Area Water and Sanitation District (EAWSD).
- **Canoncito Eldorado Waterline Project –** We are at 30% in the Design Development Phase of this project. The 60% Design Submittal for this project occurred November 25th, 2019. This project also requires a Water Service Agreement with the EAWSD.
- **Antonio Lane Sewer Construction Project –** The Engineering Design is 100% Complete. The City of Santa Fe will be responsible for maintenance of this line and will require a turnaround for their equipment. Current easements do not allow for construction of this turnaround, the Project Manager is working to resolve this issue.
- **Village of Agua Fria Wastewater Design Project –** We are at 90% in the Design Development Phase of this project and awaiting obtaining 25 Signed Sewer Easement Agreements. As described above for Antonio Lane, the City of Santa Fe has Operational and Maintenance Requirements that may eliminate some of the seven streets included in the scope of work for this project. The County is expecting additional New Mexico Environment Department Grant Funding for this project.
- **Water Reclamation Facility Design Build Project –** The Preconstruction Conference was held on October 7th. Integrated Water Services (IWS) will submit the 90% Design Submittal Package for this project on October 25th. The original scope of work did not address the existing electrical infrastructure which is at risk of failure and is not owned by Santa Fe County. We are addressing this risk through a Change Order with the Contractor.
- **Vista Aurora Sewer Construction Project –** The Original Contractor for this project, GandyDancer LLC, defaulted on this project and the Surety Company is obtaining another

Contractor to complete the remaining construction. The Surety is in negotiations with qualified Contractors to complete this project.

Select Building Projects

- **Arroyo Hondo Trail Segments 2 and 3:** On May 3, the County received the CMAQ award for construction of segment 2 and 3. Construction is planned for 2021 & 2022. The Project Manager requested the Cooperative Project Agreement for the Segment 3 Preliminary Engineering from NMDOT on August 29, 2019. NMDOT has not issued the Cooperative Project Agreement yet. The Project Manager has requested budget for the Preliminary Engineering local match and the soft costs for project certification.
- **Arroyo Hondo Trail Segment 4:** Notice to Proceed was issued June 10, 2019. Construction began June 24, 2019. The contract period is 180 working days. Construction is expected to be completed by March 2020. The Project Manager issued a suspension beginning December 9, 2019 due to weather conditions. Work on the project will resume on February 17, 2020.
- **Mt. Chal:** The County received the preliminary groundwater sampling results from INTERA on July 12, 2019. Notice to Proceed for Phase II of the groundwater sampling and analysis was issued October 11, 2019.
- **Thornton Ranch Open Space:** Notice to Proceed for the cultural resource investigations and an environmental assessment was issued July 31, 2019. Notice to Proceed for the design was issued October 11, 2019. The County is planning to open the property in 2021.
- **Santa Fe Rail Trail Segment 5:** Notice to Proceed was issued on July 8, 2019. The contract period is 80 working days. The Project Manager issued a suspension on December 16, 2019. Work on the project will resume in March 2020 when the weather conditions are suitable.
- **El Camino Real Retracement Trail FLAP project:** The project is complete and the County is waiting for the final reimbursement invoice from FHWA.
- **Santa Fe Rail Trail Trailheads:** The construction documents are 95% complete. The Project Manager plans bid the project for construction in January 2020.
- **Bennie J. Chavez Community Center Park:** The construction documents are 95% complete. Building and Development Services issued the development permit on December 3, 2019. The Project Manager plans to bid the project for construction in January 2020.
- **Pojoaque Valley Recreation Complex Phase III:** Notice to Proceed was issued July 8, 2019. Change Order No. 1 was approved on October 2, 2019. The contract period is 183 calendar days. The project was suspended on December 21, 2019 due to winter weather conditions. Work on the project will resume in March 2020.
- **Romero Park Phase II:** The construction documents are 95% complete. The Project Manager submitted the Site Development Plan on August 14, 2019. Building and Development Services has not approved the Site Development Plan yet. The Project Manager met with the Public Works Director and Building and Development Services staff to discuss the development plan. The Project Manager submitted well test data prepared for a development in close proximity to the park in fulfillment of the requirement for a hydrological report on December 20, 2019. The Project Manager plans to go out to bid for construction in January 2020.
- **Agua Fria Gateway Monument – West:** This project is on hold. The construction estimate is \$55,000. The project budget is short \$17,500.

- **Property Control Facility:** The contractor is completing construction of facility. County IT is working on getting phone service to new building. The furnishings are schedule for installation on February 14, 2020.
- **Hwy 14 –Senior Community Center:** The project was turned over to new a project manager who will proceed with a Design/Build method.
- **Turquoise Trail Fire Station in Cerrillos:** The project was turned over to new a project manager who will proceed with a Design/Build method.
- **Chimayo Fire Station – Main:** A Letter of Interest (LOI) was submitted to the Purchasing Division to procure an Engineer to design the bank stabilization required by the Land Use Division prior to construction of the new Apparatus Bay addition.
- **Eldorado Fire Station #1:** Documents were submitted to the Purchasing Division for the solicitation of a contractor using the Statewide Price Agreement after the Fire Department added \$75,000.00 to the project.
- **La Puebla Station #1:** A mandatory pre-bid meeting was held on January 8, 2020 with several contractors attending. Bids open on January 23, 2019.
- **Madrid Fire Station:** The Fire Department is moving over additional funding prior to moving forward with going out to bid with the project.
- **Abedon Lopez Community Center:** The contractor continues progress on project. While exposing the ceiling mold was discovered. The County Risk Management Division is making arrangements to clean up mold.
- **Turquoise Trail Fire Station in Cerrillos:** Project team met with Land Use Staff on December 12, 2018 to review final requirements.
- **Chimayo Fire Station – Main:** Architect will complete 90% drawings by end January 2019. A variance will be required for erosion setback and landscape requirements.
- **Eldorado Fire Station #1:** The design of the apparatus addition was presented to the Eldorado Homeowners Association on October 23, 2018. The 30% set of construction drawings have been reviewed by the Public Works Director.
- **La Puebla Station #1:** Architect is scheduled to complete 90% drawings by end of January 2019. Project team met with Land Use Staff on December 12, 2018 to review final requirements. A variance may be required for landscape requirements.
- **Bennie J. Chavez Center Septic System Upgrade:** The new grinder pump and leach field have been installed and the Notice to proceed has been issued to Montano and Associates to begin the installation of the new septic tank.
- **Edgewood Senior Center ADA Upgrades:** GM Emulsion submitted the lowest quote in the amount of \$165,121.34 inclusive of GRT. A pre-construction meeting will be scheduled as soon as the P. O. is received.
- **Madrid Fire Station:** The 100% construction documents have been complete. A request for an IFB will be sent to purchasing the week of January 8, 2018.
- **Turquoise Trail Fire Station No.2:** Quotes are being requested using the state price agreement.
- **Tesuque Fire Station Retaining Wall:** A meeting with the Fire Dept. was held on December 18, 2018 with funding being discussed. Funding has been secured and the project can proceed.
- **Eldorado Fire Station No.2: Eldorado Fire Station No.2:** : Project has been put on temporary hold pending a decision whether to proceed with the project because there is currently not a water source to the Fire Station

- **Edgewood Fire Station No.3:** Quotes are being requested using the state wide price agreement.
- **Abedon Lopez Community Center:** The project documents have been submitted to the SFC Land Use Dept. for review for the TAC requirements. A Case Manager has been assigned and is currently being reviewed before the project can proceed to the SFC Planning Commission for approval.
- **Leo Gurule Basketball Court Demolition:** Both the basketball court and tennis courts need to be demolished. We are hopeful to complete this project in February by a contractor.
- **La Cienega Community Center Parking Lot:** The engineering drawings are being completed by Diego Gomez (In-house), yet an LOI may be utilized in order to achieve the overall scope. Discussion with the adjacent property owner concerning the county obtaining proper easement for drainage is necessary before further work is conducted on the plans.
- **Adult Detention Center Roof:** Work is ongoing and the contractor is on schedule for completion of the project by March 2019.
- **Galisteo Fire Re-Stucco:** The Fire Department has increased the scope of work, over and beyond the original re-stucco job. Additional information needs to be added in order to fully meet the desires of the fire dept. Project staff would like to complete the re-stucco portion of the project in March or April 2019.
- **District Attorney Office Renovation:** A meeting was conducted with the DA and pertaining staff to review existing drawings and budget discussions. There have been some desired modifications as a result of the discussions. Further clarification is necessary. At this point, additional discussion between the county and the DA has been conducted and project staff is awaiting detail from the DA as to the outcome of discussions to be held during this upcoming legislative session this year.
- **Public Safety expansion:** Construction services are in procurement.

ACTION REQUESTED:

None; for information only.

SFC CLERK RECORDED 02/26/2020