

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING

January 29, 2019

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

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 29, 2019

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:22 p.m. by Chair Anna Hamilton in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Maria Rotunda, the State Pledge by Christine Kelso and the Moment of Reflection by Eric Ortigoza of the Growth Management Department.

I. F. Celebrating Santa Fe County's People, Talents and Initiatives

None were presented.

G. Approval of Agenda

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, I just want to make note, on the first page, a couple of small amendments. Under item F, celebrating

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Santa Fe County's People's Talents and Initiatives, we will start that the next BCC meeting.

CHAIR HAMILTON: Yes. Thank you.

MS. MILLER: Then under Employee Recognitions, I. 3, Santa Fe County Employee of the Quarter, it actually should say for the fourth quarter of 2018 award, so we'll be actually presenting the awards today for the last quarter of 2018. Also, as you know, Stephanie Schardin Clarke went on to be the TRD's Secretary, so Erika Thomas will present items from the Department of Finance.

Then on – and that's the same throughout the agenda. On page 3, item III. D. 6 has been added, and that is III. D. 6, a, b, and c, those items were added to the agenda, necessary action items for the special all-mail ballot election for the schools. Then on page 5, under Matters from the County Manager, we added item A. 6, and that is a Discussion Scheduling the Annual Site Visit for the Inspection of the Adult and Juvenile Detention Facilities.

Then also under Matters from the Commission, item VI. A. 1, I just wanted to point out that that should have stated that Resolution is brought forward by Commissioner Moreno and Commissioner Hansen. And then finally on page 6, under Matters from the County Attorney, item VIII. A. 5, the real property acquisition discussion was also added to the agenda. Those are the only amendments to the agenda and those amendments were posted on January 25th at 9:59 am.

CHAIR HAMILTON: Excellent. Thank you very much, Manager Miller. In addition there's been a request with respect to the resolutions VI. A. 1 and 2, which you just mentioned the first of, to move those up in the agenda until after the Consent Agenda, because there are people in the audience who then need to move on to some other activities. If there are no objections we'll move that up as well. So what's the pleasure of the Board with regard to the agenda?

COMMISSIONER HANSEN: Madam Chair, I move to approve the agenda as amended.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER MORENO: Second.

The motion passed by unanimous [4-0] voice vote. Commissioner Roybal was not present for this vote.

I. H. Approval of Minutes

1. Request Approval of the December 11, 2018, Board of County Commission Meeting Minutes

CHAIR HAMILTON: I would like to request a small change in the way we've been handling these. I'd like to request with gratitude that anyone who reads and reviews the minutes and has any changes, if those could be submitted in writing or in email, whatever is convenient directly to the recorder. I think that would speed up our process.

COMMISSIONER HANSEN: I don't know if that can happen because I don't know if I'll have time because I read them over the weekend and it doesn't always

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– sometimes it's even –

CHAIR HAMILTON: If you mark up the pages you can pull the pages and carry them over to her, or have Sara carry them over to her. So with regard to the minutes, I'm happy to have anyone express that there are changes so that they can be approved or not approved. What's the pleasure of the Board?

COMMISSIONER GARCIA: Madam Chair, motion to approve.

COMMISSIONER HANSEN: I have changes.

CHAIR HAMILTON: Okay. Are they editorial or do any of them require discussion? I suspect they're mostly editorial.

COMMISSIONER HANSEN: That's mostly what I have.

CHAIR HAMILTON: So would you approve with editorial changes?

COMMISSIONER GARCIA: Yes. With anybody that has any changes to the minutes so they can please give them to the recorder and the recorder can actually change them with the minutes before she gets them turned over to the County Clerk. Thank you.

CHAIR HAMILTON: Do I have a second?

COMMISSIONER MORENO: Second.

The motion passed by unanimous [4-0] voice vote. Commissioner Roybal was not present for this action.

I. I. Employee Recognitions:

1. Introduction of New Santa Fe County Employees

MS. MILLER: Madam Chair, I just wanted to acknowledge and introduce our new Santa Fe County employees that were hired in the month of December. If any of them are here I would appreciate it if they would just stand up when I say their name, raise up your hand for the Commission to recognize you. But we do recognize new hires from the previous month, and in December we had in Human Resources, Savannah Martinez, a clerical assistant, and also Greg Shaffer, our new Human Resources Division Director – not new to the County but returned to the County.

Then Anna Medina, a cook at Community Services; Vera Trujillo, a satellite office specialist in Community Services, and now, just recently met Franchesca Archuleta in our Housing as our FSS/ROSS coordinator; Felicia Barraza, a detention officer in Corrections; Paul Candelaria, a life skills worker at our juvenile facility. And then at our dispatch center we have Kyla Baca, Kianna Chavez and Anne Licon-Kemper. And then a new custodian in Public Works, and that's Andrew Abholt and then Antonio Gomez, an equipment operator in Public Works. So I'd just like to welcome them to the County.

CHAIR HAMILTON: Do any Commissioners have any comments?

COMMISSIONER GARCIA: Madam Chair, I'd just like to welcome all the new employees. Santa Fe County is actually a great place to work. That's all I have to say. Welcome to the new employees.

CHAIR HAMILTON: Thank you. Definitely want to welcome all new employees. Look forward to meeting all of you.

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I. I. 2. Years of Service of Santa Fe County Employees

MS. MILLER: Madam Chair, the next item on the agenda is just recognition of years of service of those County employees who have been here five or more years and these are recognitions for those employees who hit a significant milestone of five, ten, fifteen or twenty years. Or even 25 years. We had several employees over the last month, over the course of January that hit that milestone and I just wanted to go through those employees and recognize them as well. As Commissioner Garcia said, Santa Fe County is a great place to work and you can tell by the longevity of many employees who stay here, not just five years but ten, fifteen, twenty or their whole career at Santa Fe County, and we really appreciate that dedication to service for the constituents.

In the Housing Department, we have William Baca or Billy Baca with five years. In Public Safety/Corrections, Manuel Valdez, and our own Deputy County Manager, Tony Flores hit his five-year return anniversary although I'll note he's been here probably more like 13, 14 years just as I have. And in Community Services, Channele Delgado with five years, Rico Lovato in Information Technology, our IT; he's been here five years as well.

In the County Clerk's Office, Manuel Olivas, in reporting and recording. Also in Housing, Roberta Martinez with a five-year milestone, and Estrella Martinez in the County Clerk's Office with five years and Ashley Woods in our dispatch center with five years.

On the ten-year milestone, we have, also in the County Manager's Office but working for the Commission, and this is a true testament to staying power when you stay through two Commissioners, and that's Julia Valdez who's been liaison for two Commissioners. And Walter Dasheno in Public Safety/Fire Department, with ten years.

And then on the 15-year anniversary, all of them actually today, on January 29th in our Public Safety. First in electronic monitoring, Tino Alva, and the other three in Corrections, Aaron Garcia, David Ita and Daisy Quintana. So I just would like to congratulate them on their anniversaries or milestones this month and thank them for all their service to Santa Fe County.

CHAIR HAMILTON: Thank you to everybody. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, It's just interesting, when you say years of service, I guess my name would actually be in there for 28 years of service. So that everybody that has years of service up here, be careful because time flies by. Before you know your hair will be white. So thank you for the years of service that you actually do for Santa Fe County. I've sat in your shoes back in there and I know what it is to work for the County and like I said, time does fly by.

I'd like to give a couple of shout-outs to individuals I've worked with personally. Tony – everybody knows Tony. Good job. Estrella, good job. Up and coming star because her name's Estrella, right? Julia Valdez, like Manager Miller said, dealing with two different Commissioners. That's probably very difficult. Good job. Her hair turned white actually. And Aaron Garcia who's not here. He's actually a good employee for the Public Safety Department. Thank you.

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CHAIR HAMILTON: Thank you.

I. H. 3. Santa Fe County Employee of the Quarter, 4th Quarter of 2018 Awards

MS. MILLER: Thank you, Madam Chair, Commissioners. And the third item in employee recognition is one that we do four times a year and that is the Santa Fe County Employee of the Quarter. This is to recognize employees who've made a significant contribution over the last quarter or during the previous three months. The significant contribution may include providing excellent service for constituents, developing and implementing new programs that benefit our organization, providing exemplary performance to Santa Fe County in just their daily job performance, demonstrating a willingness to work above and beyond the call of duty, or any other contribution that the nominator believes to be important to recognize.

The process for selecting Countywide Employee of the Quarter begins with a designated recognition team selecting one individual from their group as the nominated Employee of the Quarter for their group and then out of those nominees, one individual is then considered or selected for the Countywide Employee of the Quarter award.

So this past quarter we had three employees from different groups and those three employees, one, the first one, was from Public Safety, Clyde Hill. He's an emergency vehicle technician who's been with the County since January 21, 2006. Is Clyde here? Clyde, would you mind coming up front? So Clyde is being nominated for his dedication and willingness to go above and beyond his job to keep Santa Fe County employees and residents safe. In the recent snowstorm his dedication was evidenced by the following: snowplowing around 32 fire stations countywide, responding to after-hours calls to repair and prepare all three emergency vehicles for use in the inclement weather, and securing and transporting an air truck to refill breathing apparatus bottles for firefighters for use during their response to house fires. I thought I'd save you the SCBA and just say breathing apparatus. So Clyde is the Public Safety nominee and thank you, Clyde.

CHAIR HAMILTON: Clyde, you can just sit up front.

MS. MILLER: You don't get to leave yet. You can just sit in this front row. Then from Community Services, we have Nathan Manzanares, development review specialist, who's been with the County since August 25, 2014. Nathan. Where's Nathan? Nathan has proved himself to be a leader. He cares about his work and about serving the public. He is always available to assist other staff and gets involved in discussions and decisions. Nathan was tasked with picking up projects that had not been followed through on. He was able to get them back on track and moving forward. In doing so, Nathan had to explain to angry and impatient developers what the status of the project was and what was needed to proceed. He also apologized to them for the delays and setbacks that had occurred, even though they were not his fault. Nathan assured them that he would work with them to get their projects moving ahead and he has followed through on all that he promised. Thank you, Nathan.

And then our third nominee for Employee of the Quarter is from Support Services. It's Maricela Martinez. She clearly has a fan club. Maricela is a procurement specialist who's been with the County since June 9, 2003. She's very helpful and

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knowledgeable and the go-to member of the purchasing team for many people. Working with IT Maricela initiated and completed the purchasing contract database. This database not only has the capability to track contracts but also has the capability to collect performance data for reporting and tracking the current status of all procurements within the County. Maricela also spearheaded a revamping of the Purchasing Division's procedures and processes. That work will ultimately allow the County to transition to an e-procurement system which will improve efficiency and customer service. Thank you, Maricela.

With that, Commissioners – well, first of all, all of the nominees receive a certificate of appreciation and acknowledgement as the Employee of the Quarter for their group, and with that they receive two hours of administrative leave. You will receive letters that you can turn in with your time sheet when you choose to use those, and then for the individual who receives the overall Employee of the Quarter for the Countywide employee, they receive an additional certificate of appreciation and acknowledgement along with eight hours of administrative leave that they can use sometime during the next year, and they receive this award that they get to keep and put on their desk or in their office. So with that I would like –

COMMISSIONER GARCIA: Madam Chair, Ms. Miller, before you actually announce the winner, if I could possibly say something.

CHAIR HAMILTON: Good.

COMMISSIONER GARCIA: Just really quick. One of the things – this goes for all government employees and I learned this very early on, working with the zoning department, is actually we are here. We work for the general public out there. We're actually here to help out anybody that comes in this building from the general public. And I learned that way early on in my tenure as an employee and as Manager Miller says, customer appreciation, working for the customer, which is the taxpayer.

I've only worked with a couple individuals. I see them both work. I haven't worked with Mr. Hill personally, but I see Nathan and I also see Maricela. When you go and ask them a question you guys are there and very helpful. You actually want to help individuals out there. You think outside of the box. Nathan, I've actually seen you, which I did a long time ago, is whenever an elderly person comes in to get a building permit I have actually seen you walk downstairs, get the deed, get the plat, get the survey, walk for that person and get it done. And you actually – you're one of the rising stars in Land Use in my opinion, because you actually jumped in there when the code was brand new. You actually sat in there and you read the code and figured out how the code needed to work. So both of you, all three of you are eligible. Mr. Hill, like I say, I've never worked with you but congratulations and keep doing the good job that you guys do for the general public. Thank you.

CHAIR HAMILTON: Thank you. Manager Miller.

MS. MILLER: Okay, then. The drum roll please. So for the Employee of the Quarter for the 4th quarter of 2018, the committee selected Clyde Hill. So Madam Chair, if you would like to ask any of them to comment, and then we'll take a picture with the Commission.

CHAIR HAMILTON: That's exactly what I was going to do, give the opportunity to all three of you. Mr. Hill, perhaps if you wanted to go last saying

something. Yes, just rush right up, because we all love public speaking.

NATHAN MANZANARES (Growth Management): Madam Chair, I just wanted to thank everyone in my department, all my supervisors, my director and my coworkers. I feel like Land Use is one of the best departments to work in and I just want to acknowledge them.

CHAIR HAMILTON: Great sentiment. Thank you.

MARICELA MARTINEZ (Procurement): Madam Chair, Commissioners, Manager Miller and staff. What an honor it is to be here today. Thank you to everyone who nominated me for Employee of the Quarter. A special thank you to everyone in my finance family – Bill Taylor, Stephanie Schardin Clarke and Annette Baca for nominating me. The County is a great place to work. Everyone within the County is intelligent, hardworking, and great team players. I wouldn't be able to do my job without all my colleagues. Honestly, I can't take any of the credit. Since I started my career 15 years ago I've always had great mentors that have taught me everything. They generously shared a vast variety of historical, financial, and procurement knowledge regarding the work that I do, and I feel it's important to keep the County moving to build great resources. It has been a pleasure being a public servant here at Santa Fe County and I look forward to an additional ten years. Thank you.

CHAIR HAMILTON: Thank you very much.

CLYDE HILL (Fire Department): Madam Chair, Commissioners, thank you so much. I appreciate this. And I'd like to say thank you to my bosses, Dave and Steve and everybody in the Fire Department. Every day I get to work with some of the greatest people in the county and that we have in the County Fire Department and we all do it as a team and everybody helps out everybody else, and when one's in trouble the rest come running. Thank you.

CHAIR HAMILTON: Thank you. Please, Chief Sperling.

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, Commissioners. I know that having worked with Clyde for a number of years that he would not say much about his own performance, but I did want to let you know that this is a gentleman that works incredibly hard every single day. He does whatever he's asked to do. He'll give you the shirt off of his back and he gets the job done.

And by way of transparency on this occasion, during the snowstorm of New Year's Eve, December 31st, late in the evening, he drove from Santa Fe to Edgewood because one of our med units had broken down and through the long drive down there by himself he managed to get the unit back to Edgewood Station One. They were not able to repair it because they didn't have the right parts by he stayed, spent the night at the station, and then on New Year's Day he drove back to his office, got the correct part, drove back down to Edgewood, and fixed the ambulance so that the crew would have two ambulances for that day in order to serve the public. And that's just not unusual for the work that Mr. Hill does and all of our emergency technicians do on a daily basis. So I very much appreciate the work that he does and the recognition that he received and I thank you all very much for recognizing Mr. Hill.

CHAIR HAMILTON: Thank you so much, Chief, for saying those additional words. Would the Commissioners – anybody want to say something? I actually want to echo that. We've said it up here numerous times, for all three of you to be

nominated by your peers in a group that is clearly – no bias here whatsoever – of an incredibly high caliber and there's so many deserving people to choose from is an incredible recognition. But having in fact worked with Clyde Hill and just having opportunity to observe some of the heroics of working a full day job and then doing the same sorts of crazy responses but with much greater burden of effort that the volunteers and all the paid staff do is an incredible – it's quite heroic.

With that, we would like the opportunity to take photos with you guys.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I also just want to thank all of you guys for being here and being nominated, all the hard work. I came in kind of late because I had to have a discussion with our Housing Director, but I just want to – what I caught at the end and everything that Dave mentioned, our Fire Chief, that's amazing. Just the dedication that you had to stay that evening and make sure our constituents had the coverage they needed. It's really heartfelt and I really appreciate that. Thank you.

COMMISSIONER GARCIA: Also, Madam Chair, I'd just like to echo what the other Commissioners did. Thank you for the work that you do for Santa Fe County. Please don't stop. Appreciate the work that you three do. Thank you. As well as your team, as somebody else mentioned.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, thank you very much. Congratulations to all of you. You make Santa Fe proud and you make us look better than we are, so we are grateful for all of your hard work. So thank you very much.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: Thank you and congratulations for all you. You make us look good and when we can could on County employees to step up it's a good, strong organization, the County, and that's because of all of you. Congratulations.

CHAIR HAMILTON: Thank you all. So I think it is the photo op.

[Photographs were taken.]

MS. MILLER: Madam Chair, while we're on the subject of new employees and years of recognition I just wanted to note that our newly elected Sheriff, Adan Mendoza, just came in and I wanted to welcome him to the County. I think this is his first opportunity to step into a BCC meeting.

CHAIR HAMILTON: Thank you very much for joining us and welcome. Hope to see a lot of you. How's it going so far?

ADAN MENDOZA (Sheriff): It's going great so far.

CHAIR HAMILTON: Thank you.

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II. CONSENT AGENDA

A. Resolution

1. **Resolution No. 2019-9, a Resolution Approving a Budget Increase to Indigent Fund (220) in the Amount of \$75,373 to Budget Funds for the Safety Net Care Pool Payment (Finance Division/ Erika Thomas)**

B. Miscellaneous

1. **Request Approval of County Health Care Assistance Claims in the Amount of \$38,882.84**

CHAIR HAMILTON: Do any of the Commissioners have anything they want pulled for discussion from the Consent Agenda?

COMMISSIONER GARCIA: Madam Chair, I'd like to make a motion for approval of the Consent Agenda.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

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

V. MATTERS FROM COUNTY COMMISSIONERS

A. Resolutions

1. **Resolution No. 2019-10, a Resolution in Support of the Proposed Health Security Act in the 2019 Legislative Session.**

COMMISSIONER MORENO: On January 4th when the HPPC met I attended and I was compelled to bring this to the Commission today. I'm not going to talk much but these are two resolutions aiming to make sure that New Mexicans have the best quality care that the state and the County can provide. So I would like to introduce Patricia. Patricia, would you like to introduce our guests?

PATRICIA BOIES (Health Division): Thank you, Commissioner, and good afternoon, Chair and members of the Commission. As Commissioner Moreno was saying, our Health Policy and Planning Commission recommended bringing this before the BCC and Mary Feldblum, who is the executive director of New Mexico Health Security Act Campaign will be talking first about the legislation that she has been working on for many years, but especially for this 2019 legislative session.

MARY FELDBLUM: Thank you very much. Thank you, Madam Chair and members of the Commission. It's a pleasure to be here. I was here many years ago when this Commission endorsed the Health Security Act, and it's been a long process, let me tell you, but it's actually been wonderful because as time has progressed the bill has gotten better and better. The way I describe it, it is truly smothered in green and red chile. There's nothing like it.

The act would enable New Mexico to set up its own health plan. We have a small

population. It makes no sense to have this very complicated multi-payer system that we're confronted with where premiums keep going up and out of pocket costs keep going up. So self-insuring as many New Mexicans as we can into one health risk pool, a young/old, healthy/not so healthy, makes a lot of economic sense. The plan would allow freedom of choice of doctor and hospital, including across state lines. Just like any insurance plan it can contract with the M.D. Andersons, but we know that New Mexicans on the east side go into Texas, for instance.

And the services offered, and I'm talking services. I'm not talking co-pays, deductibles, premiums, can be no less than what the state employees have. The commission that would be responsible for this plan is a citizens board. Over the years people – nobody wanted a state agency running this and so the idea of farmers and ranchers in the northeast part of the state said this sounds like a co-op, and I think that's what the image is. It's a geographically representative citizens board, ten representing consumer and business interests, five representing health facility and provider interests. They all have to be recipients of this plan. When you think about Medicaid, the people who make laws about it, make rules about it, administer it, don't receive it. So they're part of this co-op.

It would be paid for by using existing healthcare dollars, and that's a lot of ifs given what we know is going on in Washington. But the existing healthcare dollars that pay for not all of Medicaid but Medicaid, if there are agreements with Medicare, state dollars that would go into this plan, and the remainders would be made up with premiums, sliding scale, based on your income, so a minimum below which people wouldn't pay. They'd hopefully get the subsidies that are still available with the Affordable Care Act, and then there's a cap at the high end, and employer contributions.

There are groups that would be excluded from this plan – the military, military retirees – it would not be possible for our state to deal with that soldier that's hurt in a foreign country. They have their own healthcare system. There are also – the tribes are sovereign nations and they could choose to voluntarily join and we're very proud to say that the All-Pueblo Council of Governors has recently endorsed this plan. In addition there are companies that self-insure that come under a federal law called ERISA. These are large companies that can choose to join and we think they will, because Intel and others, they're hurting with rising healthcare costs and the economies of scale of a large health risk pool, even in a state like ours of 1.8 million people will make a big difference.

There have been two studies conducted in New Mexico. They're old – one in 1994 and one in 2007. Both in fact concluded that if we set up an old fashioned health risk pool we would be saving hundreds of millions of dollars within five years. That is a lot of money for our state. They're old. What's good is that they were done prior to the Affordable Care Act so they didn't assume the Medicaid expansion, they didn't assume all those revenues that we get from the Affordable Care Act but the numbers are old and we don't even know what we're spending on healthcare. You can't project a program like this if you don't know what you're spending now.

And so the bill sets it out so that the first phase is a fiscal analysis. The Legislative Finance committee, consisting of both parties in both houses, would be charged with hiring the consultants that need to do a cost analysis to figure out what this plan costs and what the revenue side would look like, and is this fiscally feasible? If it's not: end of

story, or make adjustments to make it fiscally feasible. That project of that analysis would be completed by the fall of 2020. It would take time because a lot of data has to be collected that hasn't been collected.

And then, the legislature has a choice. If they don't do anything there's something called delayed repeal at the end of the bill. It's dead. Nothing will happen. It's finished. If they do, they can decide, do they need more numbers, because we'll have had a presidential election, there things that could have changed. Do they need more numbers or are they ready to go? And even if they decide it's ready to go and this commission is set up, it's going to take time to do this. It's going to take at least two to three years to do this right. This plan, we're going to have to figure out, and I mean public input from people in the state, many of whom have a great deal of knowledge about how to do something like this. How is this going to work for doctors? For hospitals? For clinics? For rural New Mexico? For patients? And this plan is not going to be perfect, so what are our rights? All of these pieces have to be put in place so that by the time we get our health security card, go to the physician of our choice, and they're paid in a timely fashion.

So it's a go-slow approach. It's a careful approach. We could be the first state to say, hey, we're going to try to control our healthcare system. The insurance industry can offer supplemental policies the way they can with traditional Medicare, and they could also offer to be third-party payers. They could process the claims if need be, but the caveat in this bill is that if that happens the claims must be processed in New Mexico. If we're creating our health plan we want jobs here. And so many of the jobs in the insurance industry are actually done outside of the state.

One other thing that we call icing on the cake. You all came here by car. You're paying for your healthcare through your car insurance. Also Workers' Comp. Workers' Comp – 54 percent of a Workers' Comp premium is health-related. And the Superintendent of Insurance is mandated to look at the health portions of these premiums and to lower them accordingly. So people look at me and say, why? Well, if I'm in a car accident and I break my leg, and the health security plan pays for it, then why am I paying double? Right? I'm paying my premium to get this leg fixed through the health security plan. Same thing with injury on the job. There are liability issues if I hurt somebody who isn't covered by this plan so it's not just clear that it's going to be lowered immediately, all the health components of it. But the Superintendent of Insurance is required to look at that and this is a real blessing for many businesses who pay for commercial automobile and Workers' Comp and also the County, because I suspect that you also pay.

So it's coordinating our healthcare dollars in a very efficient way in a state that's poor and can't afford to waste our precious dollars. So that's what the bill is about. It's been introduced in both houses. They're exactly the same. There are quite a few supporters on both sides and it would be just wonderful to have your endorsement. We have, over the years, we've had quite a variety of counties and cities that have endorsed this. You would expect Santa Fe would be interested, but would you expect Roswell? The City of Roswell several years ago actually endorsed this bill and more recently the County Council of Los Alamos for the first time – they never had endorsed it – endorsed this and there was a Republican who very wonderfully explained who said as a

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Republican why he felt this was really important for the State of New Mexico to do.

So with that, if you have questions I'm more than pleased to answer any of your questions and thank you so much for this opportunity and thank you, Commissioner Moreno.

CHAIR HAMILTON: Thank you very much, Mary. Commissioners? Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Commissioner Moreno, thank you for bringing this forward. A couple of questions I have is what do you feel is the temperature, the feel at the legislative session since this is a resolution in support of this, in regards to the new administration?

MS. FELDBLUM: The governor has actually openly declared she very much supports this, so that's very positive, and the leadership of both houses, Senator Wirth and Speaker Egolf have both declared their support for this and so we're working hard. We have been organizing for so many years. I feel like since 1890 sometimes. We have so many people around the state that have been – we've offered them workshops. We want people to know with their eyes open what this will do and what it can't do. And so we have enormous support and we're asking them to please contact their legislators. And as you know – I've lobbied for 30 years – it's like a rollercoaster. There are always the unpredictable pieces in it.

There is an appropriation in the bill for \$375,000 to pay for the fiscal analysis that's needed.

COMMISSIONER GARCIA: So Madam Chair, the fiscal analysis that happens, what happens – where does the recurring money come from? How does that work to keep this program going? Or is it's just based off of the study? The study will determine whether or not it's going to work or not?

MS. FELDBLUM: Madam Chair, yes, Commissioner. The only money, it's not recurring, is the \$375,000 to invest in this fiscal analysis and then the decision is going to have to be made, does the legislature want to proceed? If so then there's going to have to be start-up monies for this to pay for that and that would be recurring because the estimate is two to three years to set it up.

COMMISSIONER GARCIA: Madam Chair, I don't know if this refers to item 1. or the next resolution that's going to be brought forward. How does this affect the people that are incarcerated?

MS. FELDBLUM: This includes the individuals that are incarcerated. In fact I've had some discussions with sheriffs who are telling me how much the healthcare portion of paying for jails is enormous. And if can all of sudden get a healthy population it may not stop people from going to jail but at least, as one sheriff said, they're going to be healthier. The whole payment system of the jail system and how that works, there's time to talk about how to make that efficient. But everybody – it's going to be automatic for almost everybody in the state to have coverage.

COMMISSIONER GARCIA: Madam Chair, you talked about the co-op, attendees that attend the co-op, is there jail administrators, wardens and so on, as part of this organization that's actually going to look at this plan at all?

MS. FELDBLUM: Madam Chair, Commissioner, are you talking about the first fiscal analysis?

COMMISSIONER GARCIA: Yes.

MS. FELDBLUM: Yes. Senator Howie Morales – because I’m a social scientist, asked me to meet with New Mexico State economists and the Bureau of Economic Research to look at collecting data that’s needed and certainly people from the jails, from the prisons, would have to be looked at in terms of the costs of that population as a piece of it. And how it would work under a system like this, it’s going to take time to figure out, but it should be much more cost-effective.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you.

CHAIR HAMILTON: For the record, you’ve been working for Howie so long he’s now lieutenant governor, right? Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I’m really happy to help co-sponsor this. I think it is really an important part of our healthcare in New Mexico and especially bringing jobs home, locally, where they belong. So when I saw Commissioner Moreno was bringing this forward I wanted to support it because I think it’s a really important resolution to be brought forward, and I’m very happy to hear that our new governor is on board. That’s fantastic. So thank you.

COMMISSIONER ROYBAL: Commissioner Moreno, you brought this forward and then you can second it and under discussion I’ll make some comments.

COMMISSIONER MORENO: I move this resolution in support of the proposed Health Security Act in the 2019 legislative session.

COMMISSIONER HANSEN: And I am happy to second this.

CHAIR HAMILTON: So for some further discussion.

COMMISSIONER ROYBAL: Actually, just really a comment. As everybody has already indicated it’s really awesome to see this come forward. We’re really happy to be a part of it, just to sum it all up, thank you. I also want to thank Commissioner Moreno for bringing this forward.

CHAIR HAMILTON: Absolutely.

COMMISSIONER ROYBAL: Thank you.

CHAIR HAMILTON: I wanted to be able to say almost the same thing. This seems so bold. I bet it’s been an incredibly long time for you, but this just seems incredibly timely. Your efforts and your whole team are incredibly appreciated because this just seems like a very progressive step forward for us and I’m very grateful to you guys for doing this and to Commissioner Moreno and Commissioner Hansen for bringing this forward. So we have a motion and a second.

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

COMMISSIONER MORENO: Thank you again.

MS. FELDBLUM: Thank you so much. And I know that the leadership of both houses will be very happy to hear this.

CHAIR HAMILTON: Thank you.

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V. A. 1. **Resolution No. 2019-11, a Resolution in Support of the Proposed Medicaid Buy-In Program in the 2019 Legislative Session.**

MS. BOIES: Madam Chair, Commissioners, the second resolution concerns the Medicaid buy-in legislation in the 2019 session. At our Health Policy and Planning Commission Senator Ortiz y Pino came and spoke at great length about this buy-in legislation for Medicaid and Health Action New Mexico has been very instrumental in moving this forward, and at the HPPC and with us today is the Health Action New Mexico policy director, Colin Baillio, and he will speak on this proposed legislation.

COLIN BAILLIO: Madam Chair, members of the committee, my name is Colin Baillio, the director of policy and communications at Health Action New Mexico. And today I'm representing the New Mexico Together for Healthcare campaign. It's been a campaign that's been going on for about two years now to really find a healthcare solution that works for New Mexico. And what we've been doing for the past year, sorry, about two years now, is traveling across the state and listening to the stories that people have about healthcare and how their lives intersect with the healthcare system.

And we've heard many of the same things that I think Mary mentioned. Folks are having struggles with affording coverage. Many are still uninsured despite the great gains we've made under the Affordable Care Act. We went from having 75 percent of our state covered to now just about 90 percent of the folks in our state are covered. So while we've made a lot of progress there's still more work to be done and we need to focus on how we can make coverage truly affordable for our families so that they can get the care that they need when they need it without breaking the bank.

And so our campaign grew out of the stories that we heard. The families who shared those stories have really been the voices that have powered this campaign. They've gone to their own county commissions to ask for support of a plan that we've been studying for the last year, and that is called the Medicaid buy-in.

What the Medicaid buy-in would do is allow folks to use their own dollars or tax credits or employers' to contribute to a plan that looks like what we offer through our state Medicaid program. And the reason that we think that Medicaid is a good place to really look at coverage expansion in our state and help to close that coverage gap is that 40 percent of our families in New Mexico are enrolled in the program now. And so if we're able to expand it out to more folks to allow them to buy into the program and close that coverage gap we can get more people into this one program that's working reasonably well, and improve upon that program to improve how providers are paid and ensure that they are reimbursed for the services that they provide.

So during the 2018 legislative session we were able to pass a few memorials to do a study to look into how might we design a program like this? How much might it cost, what would the premiums be? Would there be deductibles? Answers to those nitty-gritty questions and then really see if we would be able to bring in some federal dollars to help support this program. And through that process we engaged the provider community, health insurers, community health workers, counties and their health planning staffs, many constituents in the healthcare system to really think through what the full

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implications of this would be.

I'm proud to announce that today our bill reflecting all of that work that went into building consensus around this plan has been introduced by Representative Debby Armstrong. It will be House Bill 416. And what the bill would do is create this new public option. It's a Medicaid buy-in for people who are uninsured right now and are really locked out of other types of coverage that they can get and so it's plugging the holes in the system right now so that we can get more people covered. And by closing the coverage gap we think we can make sure that people will have regular access to care so that they can manage their conditions and ensure that doctors are paid for those services that they provide.

The bill limits costs based on income so that coverage is affordable for folks and it gives the governor the authority to seek any sort of federal dollars that might be available, and if the program proves to be successful to expand the program so that more people are able to participate. So with that, we think that the roll-out of this plan would be that folks could get covered during 2020 so we'll have some immediate results and we'll be able to start getting our families covered soon. And as the option is studied more and we see the effectiveness of it, it would give the governor the option to pursue additional routes to expand that program, and I think that lends itself well to the incredible work that Mary and the folks at the Health Security campaign have been doing, to really help get more people covered over the next few years and then pursue an option that's more coordinated that does actually get everybody into one system.

So a lot of people have asked are these plans in any way in conflict? And we don't think they are; we think that they complement one another very well. And with that, I do just want to thank the Health Policy and Planning Commission that the County has. There are some incredible folks on that Planning Commission and I think the County is just so lucky to have such an incredible resource. Thank you so much to Commissioner Moreno for sponsoring this and we hope that we can answer any questions you might have and secure your endorsement for legislation during the 2019 session.

CHAIR HAMILTON: Thank you so much, Colin. Commissioners, any questions?

COMMISSIONER GARCIA: Madam Chair, thank you for the presentation. In regards to the memorials that were passed, when were those memorials passed?

MR. BAILLIO: Madam Chair, Commissioner Garcia, those were passed during the 2018 legislative session, so about a year ago.

COMMISSIONER GARCIA: And so are those memorials, are the studies for those memorials, have they already been completed?

MR. BAILLIO: Madam Chair, Commissioner Garcia, correct. They have been completed.

COMMISSIONER GARCIA: Thank you for your presentation.

CHAIR HAMILTON: Any further discussion or questions? So what is the pleasure of the Board?

COMMISSIONER MORENO: Madam Chair.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: I move that we approve a resolution in

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support of the Medicaid buy-in program in the legislative session.

COMMISSIONER ROYBAL: I'll second, or go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. And I want to again thank Commissioner Moreno for bringing this forward and to thank you for the work on this. This is again something that's of incredible value to the people. So we have a motion and a second.

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

CHAIR HAMILTON: I hope it helps quite a bit. Thank you very much.
MR. BAILLIO: Thank you very much.

III. ACTION ITEMS

A. Items from Consent Agenda Requiring Extended Discussion/Consideration

No items were isolated for discussion.

B. Appointments/Re-Appointments

1. Request Approval of Recommendation of County Resident to the City of Santa Fe's Library Board

TONY FLORES (Deputy County Manager): Thank you, Madam Chair. Good afternoon, Commissioners. The first item on the agenda under appointments and reappointments is staff requesting the approval of a recommendation of a county resident to the City of Santa Fe Library Board. In the memo I've outline the board was established many years ago and it consists of seven members, five of whom shall be residents of the city and two shall be residents of the county. County residents shall be appointed by the Mayor on the advice of the County Commission and with the approval of the majority of the council. That's why this caption reads approval of recommendation of county resident, not approval of the appointment.

We've been in contact with the City since early December. They did receive a letter of interest of one individual for the board but after field verification that individual lived outside the incorporated boundaries of the city, therefore eligible for our appointment, not the City appointment. Staff is recommending that Mr. Richard C. Ryan be recommended to the City for appointment to the board. One caveat: the two members – right now we have a second county member, Ms. Rebecca Allahyari. Her term expires in July of this year and she's not eligible for reappointment so we'll be looking for a second county individual for recommendation to the City probably sometime in May and June so that they can get it in time for the end of her term. So with that I'll stand for questions.

CHAIR HAMILTON: Commissioners, any questions? Commissioner Hansen.

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COMMISSIONER HANSEN: Thank you, Tony, for bringing this forward. I think the Library Board is really important. Yesterday at the Clean Energy Conference a young woman stated that in San Juan County, near them, they have no library at all. And so we are so fortunate – this was in the Four Corners area somewhere. But for somebody to mention that there was no access to a library is really frightening and so I'm really happy to bring this forward and I would like to move forward with the recommendation.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Further discussion?

COMMISSIONER GARCIA: I just have a question, Madam Chair, really quick. Mr. Flores, can you actually – do you know how this Library Board actually works with the – every two years the City puts out a general obligation bond question to the entire state. Do you know how they work with getting stuff on that bill?

MR. FLORES: So Madam Chair, Commissioner Garcia, all libraries, including the one we have at Vista Grande in Eldorado are eligible to put in their request on that two-year cycle for the state – library materials and – I can't remember the exact title. Schools, libraries and something else. Technologies, or something. They're able to put in those requests. I don't know specifically how the City's Library Board works in that process since it goes through the City but I can tell you Vista Grande, who is a County library, does put in a request on that biannual basis to be part of the GO bond. That's how they get most of their materials. The funding on that I think historically has been under \$35,000 for Vista Grande. I can't tell you what it is for the City of Santa Fe.

COMMISSIONER GARCIA: Just really quick, Madam Chair, what's considered a County library? Vista Grande? La Cienega?

MR. FLORES: Madam Chair, Commissioner Garcia, the County libraries that are solely under the jurisdiction of the County would be Vista Grade, the community library in La Cienega, the City of Española and the Town of Edgewood.

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

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

III. B. 2. Request Approval of Appointment and Reappointment to the Santa Fe City and County Advisory Council on Food Policy

ERIN ORTIGOZA (Senior Planner): Thank you. Good afternoon, Chair Hamilton, Commissioners. The Santa Fe Food Policy Council was established in 2008 and has a mission to create and maintain a regional food system that provides safe and nutritious food at reasonable prices to all residents, particularly those in need. Resolution 2008-5 identifies the council membership as 13 members, including two employees from the City of Santa Fe, two employees from the County, nine members from the private sector. Myself and Patricia Boies, the director of the Health Services Division are the two County staff appointed members and of the private sector members, four are to be appointed by the Board of County Commissioners.

Currently there are two open County positions on the Food Policy Council. Santa Fe County sent out a press release and email notifications regarding these vacancies. Four

individuals have applied. Tony McCarty, Tejinder Ciano, Tamara Zawistowski, and Antonio Quintana. At the December 27th meeting the Food Policy Council reviewed the applications and made the following recommendations for appointment to the council: reappointment of Tony McCarty.

Tony McCarty has served on the Food Policy Council in his current term since its inception in 2008. He is the executive director of Kitchen Angels, a non-profit that is dedicated to providing free nutritious meals to home-bound Santa Fe residents living with chronic or terminal illness. Through his work with direct service with people needing nutrition assistance he has advocated for policies and partnerships to increase the impact of resources intended to end hunger and help prepare for Santa Fe's future food needs.

Also recommended is the appointment of Tejinder Ciano. Tejinder is the executive director of Reunity Resources, which is a northern New Mexico social enterprise with a zero waste mission. Reunity Resources began working on the waste component of the food cycle and has now grown into a model for the full food cycle, from seed to plate and back to the soil. Reunity Resources offers services such as the bio-fuel collective, a compost program which diverts 1.4 million pounds of food waste annually from the local landfill, and the Santa Fe Community Farm, and also education and advocacy for closed loop recycling systems.

The item before you is to request appointment and reappointment to the Food Policy Council. Based on the council's recommendations staff recommends the approval of the two private sector appointments: Tony McCarty and Tejinder Ciano to the Food Policy Council in accordance with Resolution 2008-5. Thank you and I stand for any questions.

CHAIR HAMILTON: Thank you so much, Erin. Are there any questions from Commissioners?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I was very happy to see this. I love the Food Policy and I think it's really a great organization and I was especially happy to see Tejinder Ciano on this list. He is a constituent of mine. He is working the Community Farm in Agua Fria Village and he is working to transform that and maintain its mission of providing food to homeless and other underserved people. It is so great to have a local business in the Village that is really providing services to the community, and especially with his composting service. And then also Tony McCarty is such a great contributor to our community and has worked so hard for so many years on these projects and on providing food to people who are disabled and it's really important that we have this kind – we have these individuals who are so committed to our community. And so with that I would like to move to appoint Tony McCarty and Tejinder Ciano to the Food Policy Board.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. And I just want to echo some of those remarks. I think it's an incredible benefit to the county to have people with such backgrounds and high caliber experience to bring to what we're doing in the County. So if there's no further discussion –

COMMISSIONER GARCIA: Madam Chair, I just have a couple quick

questions. I echo what the previous Commissioner said. Is Mr. McCarty here?

MS. ORTIGOZA: Commissioner, no.

CHAIR HAMILTON: So there's a motion and a second.

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

III. B. 3. Request Approval of Appointment to the Transportation Advisory Committee (TAC), District 1

BRETT CLAVIO (Transportation Planner): Thank you, Commissioner Hamilton and Commissioners. The item that I have before you today is to request approval of a Commission District 1 appointment to the Transportation Advisory Committee. The committee meets four times annually at the moment and is comprised of 13 members. The vacancy that is proposed to be filled today would fill up all of the membership from District 1.

CHAIR HAMILTON: I actually have a question. That's a lot of members on this committee, and there are quite a few vacancies remaining, particularly in District 3, but some in Districts 1 and 2. Has that been a problem in terms of having a quorum for meetings?

MR. CLAVIO: At the moment it hasn't presented a problem. We're happy that Commissioner Garcia has joined the Board and can also make his appointments to the Transportation Advisory Committee. I think we had intended to wait for his election in order to make those appointments. But we do have a full body and they're all very well qualified and it's a wonderful group of people to work with.

CHAIR HAMILTON: Okay. Are there any other questions?

COMMISSIONER ROYBAL: No questions. I'd like to move approval.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: I have a motion and a second.

COMMISSIONER HANSEN: I just want to ask, it says that you have vacancies, so that hasn't been a problem but do you need more people on the committee?

MR. CLAVIO: At the moment we are really only going to be lacking with four vacancies out of 13, so we're going to be looking for three members from District 3, and then there'll be one member remaining to be filled from District 2. So we actually have a very large body at this time, but I suppose the more the merrier.

COMMISSIONER HANSEN: I will work on finding somebody from District 2 for this Transportation Advisory Committee.

COMMISSIONER GARCIA: Also, Madam Chair, as soon as I get on the committee, if the committee is too large I will actually look at that. I'd like to see if we can reduce the committee because if we have committees that are extremely large and so I'll look at that and I'll report back to the Board.

CHAIR HAMILTON: I would appreciate that. I think that makes sense.

MS. MILLER: Madam Chair, I just wanted to comment. We haven't had – so there's 13 members and while we've had seven and all of them show up, so we've been able to have a quorum, we have not had a full committee for over two years. So with 13 members we've just really struggled to get a full committee.

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CHAIR HAMILTON: I would be curious about what the reason for the unequal distribution is, if – I have no -

ROBERT MARTINEZ (Deputy Public Works Director): Madam Chair, the reason for the unequal distribution is to cover the larger geographic Commission districts. So there's one at-large member, Commission districts 3 and 1 both have three representatives and 2, 4, and 5 have two, and then there's one at large.

CHAIR HAMILTON: So do you have any further input as to the function of this committee that you could share with us at this point.

MR. MARTINEZ: Madam Chair, I'll let Brett elaborate a little bit more but in the past the committee has been used for road acceptance, review of roads that the public bring in for the County to consider accepting for County maintenance. They've assisted us with putting together our capital road projects. Now, there's other projects, multi-modal like sidewalks, multi-use paths that are also – that the committee is assisting with. That's why this committee is now called Transportation Advisory Committee as opposed to it being called the Road Advisory Committee many years ago. And many years ago we had 15 members and 15 alternates. It was a huge committee. We tried to reduce it even more to like I think it was eight members but at that time the Commission wanted at least 13, but yes, we're open to reducing the number of committee members.

CHAIR HAMILTON: That sounds great. No matter what, I think that having this committee is a really well functioning committee. It would clearly be of value so if that means slimming it down a bit and trying to find some qualified, active members that sounds like something worth working toward.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: When this came up last time I was on the Commission already and it was one thing that I did push back on not to reduce the members in my district and the reason why is I wanted a member from the furthest northern part of my district. I was thinking Arroyo Seco, Santa Cruz area, then Pojoaque, then Tesuque, since they're so far apart. So I wanted to make sure I got those pieces. That's kind of the way I divided them up so I'd have three members. So if we did look at reducing it I would probably still try to hold on to three positions if I could.

CHAIR HAMILTON: Right. If it's a question of efficiency, but there are functional reasons, that's good input. I just want to make sure we have good advice from this committee on an ongoing basis.

COMMISSIONER ROYBAL: Exactly. Thank you.

CHAIR HAMILTON: Thank you.

MR. CLAVIO: I would just like to add that at this moment I haven't seen any issues as far as the numbers of people and any type of disagreements or consensus issues. Everybody really has technical expertise and it's very much a technical advisory committee, so I appreciate all the people that are on that committee and because the county is so large and deals with areas as small as Rio Chiquito and as big as Santa Fe and as diverse as pueblo nations, it's good to have these folks.

CHAIR HAMILTON: That sounds good. Thank you so much. We have a motion and a second.

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

III. B. 4. Request Approval of Reappointment of Member to the Santa Fe County Water Policy Advisory Committee

MR. FLORES: Thank you, Madam Chair. The next item is the request of an appointment of a member to the Water Policy Advisory Committee. This is one of those well intentioned committees that seems also to be lacking membership. We do have the maintenance of a quorum provided that we get this reappointment approved by the Board. Basically, the current member that serves as the chair of the WPAC, her term has expired and staff is recommending that Ms. Mary Helen Follingstad be appointed or reappointed back as the District 1 board member to WPAC.

Before there's a motion, Mr. Kelley did provide a worksheet of all the vacancies that currently remain on WPAC. We have an acequia association vacancy, small water system or mutual domestic vacancy. We have the Estancia Basin vacancy and District 3 vacancy, so now with Commissioner Garcia on board we should get recommendations for that. And we have one vacancy from District 4 and then one vacancy from the central planning region.

This is a committee, however, that historically has had a problem with quorum, so the sooner we can get recommendations for those vacancies and bring the before the Board, I have more confidence in the board being able to conduct their business. So the item today is asking for the appointment or reappointment of Ms. Mary Helen Follingstad to the WPAC as the District 1 representative. And I stand for questions.

CHAIR HAMILTON: So actually, it was pointed out to me by the committee – we have somebody who's highly qualified in District 4 and wants to volunteer for the committee but they thought that the positions were not posted. And it's been on my list to come and find out if that is really an issue. Does it have to be formally posted? Or is it just anybody?

MR. FLORES: Madam Chair, we've attempted to post for these positions I think for the last 15 months. So if you have individuals please get them to me.

CHAIR HAMILTON: But we don't have to wait for that?

MR. FLORES: No.

CHAIR HAMILTON: Okay. So we do have a recommendation that will come forward right away for District 4, but Commissioner Garcia, I think you have a challenge. Commissioner Roybal.

COMMISSIONER ROYBAL: Actually, I was just going to make the motion to appoint Mary Helen Follingstad to District 1.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: She's currently on. This is a reappointment. Thank you very much. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: I also wanted to make a few comments about the current WPAC members. Denise Fort, who has been on the BDD Board has resigned so that makes J. C. Helms, who – we have not had a meeting since December, but in the December meeting Denise Fort resigned.

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CHAIR HAMILTON: That's an automatic appointment. So we just need to change that name.

COMMISSIONER HANSEN: I'm just pointing that out because I don't think Tony – so J. C. Helms will be the BDD Board member and then the BDD will be appointing another alternate, I assume.

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

COMMISSIONER ROYBAL: Were you seconding, Commissioner Garcia?

COMMISSIONER GARCIA: I'll definitely second. I worked with Ms. Follingstad many, many years ago. She's very qualified for the position.

CHAIR HAMILTON: Okay, so we have a motion by Commissioner Roybal and a second by Commissioner Garcia.

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

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I did want to ask Commissioner Hansen – I was at the meeting where Ms. Fort had resigned or stepped down from the BDD. Was there discussion about appointing an alternate? Or was she going to stay on as the alternate? Do you know?

COMMISSIONER HANSEN: I don't believe that she was going to stay on as alternate, and so I believe – it was at the end of the meeting so there was no discussion about appointing an alternate at that time.

III. C. Resolutions

1. Resolution No. 2019-12, a Resolution Adopting a Schedule of New Water Deliveries for the First Six Months of 2019 Pursuant to Resolution No. 2006-57

JOHN DUPUIS (Utilities Director): Good afternoon, Madam Chair, members of the Commission. I'm here today to request approval of a resolution adopting a schedule of new water deliveries for the first six months of 2019 pursuant to Resolution 2006-57. This request includes one project for 1.33 acre-feet as set out in Exhibit A, and with that I stand for any questions.

CHAIR HAMILTON: Any questions from Commissioners? Commissioner Garcia.

COMMISSIONER GARCIA: So Mr. Dupuis, once again, the County has adopted a policy that any time anybody comes to get a water right or a hook-up from the County system this is what they have to come forward for to get approval, right?

MR. DUPUIS: Commissioner, that's correct.

COMMISSIONER GARCIA: So this is actually – this is J.J.R. Greenhouse is coming forward and asking to connect to the County Utility?

MR. DUPUIS: That's correct.

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COMMISSIONER GARCIA: And where is J.J.R. Greenhouse at?

MR. DUPUIS: It's in Turquoise Trail Business Park.

COMMISSIONER GARCIA: And the greenhouse grows – do we know?

MR. DUPUIS: It is a marijuana product. It's medical marijuana.

COMMISSIONER GARCIA: And this has already gone through the zoning department for approval?

MR. DUPUIS: Commissioner, that's correct.

COMMISSIONER GARCIA: So is this actually already in operation, or is this expansion of their business, or is this actually to open their business and start moving forward?

MR. DUPUIS: This is an expansion of the business in anticipation of new legislation being approved, is what was communicated to us.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Any other questions or discussion? What's the pleasure of the Board?

COMMISSIONER MORENO: Move to approve.

CHAIR HAMILTON: Thank you. Do I have a second?

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: So I have a motion and a second for approval.

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

III. C. 2. Resolution No. 2019-13, a Resolution Approving a Budget Increase to Developer Fees Fund (231) in the Amount of \$870,000 for the Purchase of Land at Camino Jacobo Tract B-1, Lot 1 & 2

CHAIR HAMILTON: Welcome, Erika.

ERIKA THOMAS (Finance Department): Good afternoon, Madam Chair, County Commissioners. What you have before you is a request to budget \$870,000 from the developer fee funds for the acquisition of the land at Camino Jacobo, which includes the purchase and a phase 1 environmental study. The Santa Fe County Housing Authority identified 6.6 acres of undeveloped land on Camino Jacobo immediately south of the County's existing public housing site.

On January 30, 2018 the Board of County Commissioners authorized the County Manager to negotiate a purchase agreement with the owner of the subject land. On November 28th we ratified the signature to the terms of the purchase agreement and the settlement documents for the purchase of the land.

Our request today is to budget \$870,000 from the developer fees fund. And I stand for any questions.

CHAIR HAMILTON: Thank you very much, Erika. So, Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: I am very excited that this is moving forward. Providing housing for our population is a big issue and especially affordable housing. So I with wholehearted excitement move to approve a resolution approving a

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budget increase to developer fees fund in the amount of \$870,000 for the purchase of land at Camino Jacobo. Thank you.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Is there further discussion?

COMMISSIONER GARCIA: Yes. I have some questions. I don't know if Erika, you need some help. So this property is actually the property that is south of the existing Camino Jacobo, in between the storage unit place and Camino Jacobo.

MS. THOMAS: I'm going to turn it over to Joseph Montoya, the Housing Director, and Jordan Barela, who manages the fund for questions.

COMMISSIONER GARCIA: The reason I'm asking is because Exhibit A shows the plat and we can't read the plat.

JOSEPH MONTOYA (Housing Director): Madam Chair, Commissioner Garcia, yes, that's correct. It's in that land right in between. There's also a small strip of land that goes down to Rufina.

COMMISSIONER GARCIA: And that strip of land, how wide is it? Do you know? Is it enough for possibly alternative access?

MR. MONTOYA: Madam Chair, Commissioner Garcia, yes, it would be available for alternative access.

COMMISSIONER GARCIA: Thank you. So whenever we talk about requesting the \$870,000 from developer affordable housing fees, these are actually fees that developers in lieu of building the site paid to this fund. Correct?

MR. MONTOYA: I'll have another person answer.

CHAIR HAMILTON: County Manager Miller.

MS. MILLER: Madam Chair, Commissioner Garcia, this is actually money that has been in this fund for quite some time. It was from Las Campanas when Las Campanas did a fee-in-lieu of. We now have inclusionary zoning so we don't get fees-in-lieu of. They actually have to build the units, but prior to having the inclusionary zoning ordinance we did have fees that were provided by some of the developers but the main contribution to this fund was the Las Campanas.

COMMISSIONER GARCIA: Thank you, Madam Chair. Manager Miller. Does this deplete the fund or are there still funds in there.

MS. THOMAS: Madam Chair, Commissioner Garcia, I believe this specific money from Las Campanas, the balance was \$1.6 million. I'm rounding, before we deduct that amount from the \$1.6 million.

COMMISSIONER GARCIA: Thank you. I'd also just like to add, as Commissioner Hansen said, this is actually money well spent and I'm glad that we're moving forward with it. Thank you.

CHAIR HAMILTON: Further comments? I would certainly agree with the value of moving forward on this, and thank you for your efforts on this and thanks to the County Manager for acting on this. Commissioner Hansen.

COMMISSIONER HANSEN: Could I also ask that we have a press release written about this so that we can get some press on the fact that we are contributing and moving forward on affordable housing in Santa Fe County?

CHAIR HAMILTON: Frankly, I think that's a really good idea. There are

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a lot of good things that the County is really moving on that aren't well known. So thank you. Any further discussion? So we have a motion and a second.

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

III. D. Miscellaneous

- 1. County and City of Santa Fe's Public Safety Radio Communications System Solutions Project**
 - a. Request Approval of Memorandum of Agreement No. 2019-0179-RECC/BT between Santa Fe County and the City of Santa Fe Which Outlines the Responsibilities and Cost Sharing for the Project**

MR. FLORES: Thank you, Madam Chair. The County and the City's stakeholder group has been working on their P25 group and I'm not going to go through the whole thing. It's in the memo. But we've been working on a joint project that basically brings our emergency communications radios up to federal standards. We've issued RFPs, we've done analysis. We've gotten reports and specifications through this long process that's gone on a little over two years. Late last year, December of 2018, the stakeholder group met and tried to identify a path forward on implementing the P-25 Radio Core, which would be located at the RECC center, and the consoles and the dispatch area as part of phase 1 of this project.

During that time the City of Santa Fe was looking at putting their bond on for their sale to get their capital projects in place, or in line. When the stakeholder groups met together an opportunity was presented that the City and County could now fund not only phase 1 of the P25 project, which is the core and the consoles at RECC but also jointly look at a procurement that would allow the City to get a new prime site for their telecommunications/emergency communications systems.

The combination of those two projects into a singular procurement was viewed as an opportunity to leverage dollars on both sides and also an ease of trying to get a larger project for a smaller dollar amount. The item today is three-fold. The first item that I'll be looking for approval on is the approval of an MOA between the City and the County that outlines how the funding for this joint project would be funded. The City is responsible for 100 percent of their prime site. The City and the County will share equally the cost for the core and the consoles out at RECC, which is always the way it is intended to be and it is line with the JPA.

So that MOA is a first step to get us in the door to have the County act as not only the fiscal agent for this project but also the procurement processor of trying to get this. So that's the first item I'll be looking for an action item on.

The second dovetails with that, that is actually requesting authorization from the Board to utilize a New Mexico State price agreement for the project, for the combined project – the core, the consoles and prime site. Santa Fe County procurement code and processes allow us to utilize state price agreements or alternative procurement methods of the Board approves it, and if the dollar amount exceeds \$250,000. So the second item I'm

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looking for action on positively would be the use of a statewide price agreement for this project.

And then the last item is the catchall resolution that we've been using, and you'll see it later in the agenda, for these projects that have multiple facets – multiple agreements with vendors, multiple purchase orders, any remaining items that have to be negotiated. This resolution would then authorize or designate the County Manager to finalize it and execute all those necessary documents.

So what I'm looking for is three items, the first one, if we can, Madam Chair, if there are no questions.

CHAIR HAMILTON: Are there any questions from the Commissioners on the technical aspects of this?

COMMISSIONER GARCIA: Madam Chair, I have a question. So I understand – first of all, Sheriff Mendoza, I know Sheriff Mendoza has been actively working with the City Police Department and I don't know if you would like to get up and speak to this situation or to this request on the agenda. Welcome, Sheriff.

ADAN MENDOZA (County Sheriff): Good afternoon. Madam Chair, members of the Commission, I'd like to say that I support this P25 program and the MOA and the cooperation with the City of Santa Fe. As the Sheriff's Office, as you know, one aspect, and one important aspect of public safety and doing our job and responding to emergencies within Santa Fe County is communication. I think this first phase is going to be an important part of increasing our ability to communication, we'll better the equipment and I'm looking forward to working with Director Martinez on further phases with the project to ensure that our needs are met, that the community's needs are met in reference to communication, especially emergency communication.

As a sitting member of the RECC board I think we have an opportunity to tailor this project with the City and other stakeholders that utilize the RECC to ensure that we have what we need to provide the best public safety service for the County. Thank you.

COMMISSIONER GARCIA: Thank you, Sheriff.

CHAIR HAMILTON: Thank you, Sheriff.

COMMISSIONER GARCIA: Mr. Flores, so once again the City is going to pay for their share of stuff within the city limits and then we're going to share the stuff at RECC? In a nutshell, same cost, half?

MR. FLORES: Madam Chair, Commissioner Garcia, yes. The City is on the hook, per se, for 100 percent of the prime site under one procurement. That's all on them. The P25 core and the 13 consoles that will be located at our RECC center that's jointly operated will be split 50-50.

COMMISSIONER GARCIA: And Madam Chair, Mr. Flores, so this will actually upgrade the RECC to current day, or are we going to come back in the next year, two years, to actually ask for additional?

KEN MARTINEZ (RECC Director): Just to give you a little background on this project. The radio system that's been in use at the RECC in between the City and the County has been in place since 2002 and the current radio system is reaching end of life to where it's not going to be supported anymore. So what we've done with the project is we've broken it out into three or four different phases. And once those all are

completed we'll have an upgraded radio system and infrastructure with redundancy that will be able to take us into the next 20 years or so, hopefully.

But just to map out the plan, so the first phase is the core, which is the core radio system console, and then the dispatch consoles that will be going into the RECC. There will be 13 of them. So that will enable us to have new communications equipment within the center to be able to broadcast out to our responders or the City of Santa Fe, Santa Fe County, and the Town of Edgewood as well, because we represent all three agencies from that at the RECC.

The second phase will then be to build out the infrastructure. That will be radio towers, mobile and hand-helds that the officers and the firefighters will use in the field. And then the third phase and the end of the project will be redundancy so that we not only have one system but we have a redundant path in case we have failures that we can have something that we can switch over to.

So it's a big project and we've been working on this for many years now with this stakeholder group between the City and the County. And we're happy to see this finally coming to fruition. So the prime site that the City is responsible for, that's their tower and that's their equipment that allows us at the RECC to transmit to the City units. So that is a required piece that they need to upgrade on their own. And we just kind of brought that together so that we could get, like Mr. Flores mentioned earlier, we can use economies of scale to get better pricing, more equipment and have one big project.

COMMISSIONER GARCIA: Madam Chair, Mr. Martinez, thank you for the description. So every police unit, City, County will actually have the same radio. Every car, City, County, will actually be able to talk to each other through dispatch.

MR. MARTINEZ: Madam Chair, Commissioner Garcia, so that's a little bit complicated and the reason is because the County Fire Department and County Sheriff's Office and the City Fire Department and City Police Department use different frequencies on their radio system. So the benefit of this new system is that it allows the core to sustain and support both or all of the frequencies that we will use. As we move into the second and third phases of the project we're going to upgrade to digital systems where they'll be able to talk back and forth to each other. Until then, now that we upgrade the code, they'll be able to communicate through our patching system that we currently use. But eventually, in the second and third phases we're going to move from analog to digital systems which will be able to sustain both or all frequencies that they use. So to answer your question, yes, eventually.

COMMISSIONER GARCIA: Madam Chair, Mr. Martinez, so the County Fire Department, this helps them out as well. Correct?

MR. MARTINEZ: That's correct, Madam Chair, Commissioner Garcia. Every one of our stakeholders, every one of our client agencies for the RECC will benefit from this new system, and that again is the City Police, City Fire, County Fire, County Sheriff and the Town of Edgewood.

COMMISSIONER GARCIA: And in the future, will we be able to communicate a little bit more clearly with the State Police Department?

MR. MARTINEZ: Madam Chair, Commissioner Garcia, we're working on technologies now that will enable us to put the frequencies that the State Police use in their units on an interoperable channel with all of the 911 centers in the state of New

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Mexico. There are plans in the works now to have interoperability between all agencies. So eventually that will happen as well, yes.

COMMISSIONER GARCIA: Thank you. I have a question for Mr. Flores. In regards to the project management. Who is the project manager, City or County, on this project?

MR. FLORES: Madam Chair, Commissioner Garcia, the County will be the lead project manager for this entire project. The City has identified Chief Babcock from the Fire Department to lead their efforts for the prime site and the City is also responsible for doing the IVV testing, which is typical in large IT projects. They will take on that burden for the implementation. But Santa Fe County is the lead on the project.

COMMISSIONER GARCIA: Thank you. And with that, if there's no further questions I'd like to make a motion.

CHAIR HAMILTON: I know Commissioner Roybal had a question.

COMMISSIONER ROYBAL: I'll go ahead and – if Commissioner Garcia wants to make the motion and I'll make the second and under discussion. Well, actually, I'd like to hear from our – I appreciate the insight in listening to the advantages from our County Sheriff, Adan Mendoza, but I'd like to hear from our Fire Department, Chief Sperling.

CHIEF SPERLING: Thank you, Madam Chair, Commissioner Roybal. I'd like to echo what the Sheriff had said about the progress that we've made in a relatively short period of time. We've been talking about this for a considerable amount of time but it seems like within recent months the stars have aligned and we've been able to pull together a considerable effort here to move our radio communications system forward. And this is an exciting phase 1. Phase 2 will be just as exciting and will add capability for all of public safety within Santa Fe County.

With that being said I would like to thank Mr. Flores, the County Manager, as well as Chief Babcock from the City and the City Manager for helping us just, as I say, bring the stars together and make this a reality. I think over the next couple of years we're going to see some really positive change in our ability to communicate more effectively within Santa Fe County, both City and County.

COMMISSIONER ROYBAL: Thank you, Chief Sperling. I do want to most definitely thank all the insight. At one point, and not very long ago it seemed like I was a new Commissioner sitting on the pedestal up here and I remember this coming up since the beginning and Director Ken Martinez coming forward and staying diligently, pushing for this effort and I just want – I've heard the advantages for some time already and it's really great to see this come to be. Dave, you've been up quite a few times as well. I've talked with Sheriff Mendoza. You're a new Sheriff this year but I know that you've supported it since you were a deputy so it's really great to see this moving forward and if – we've already had discussion? Okay.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Just a point of order. I think we have to move each of these items separately. So I think we need to do 1. a, b, and c.

CHAIR HAMILTON: Yes. So is there any further discussion?

COMMISSIONER HANSEN: I think working together with the City is really important. It's been a long time coming so I am grateful for the coordination and cooperation.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: I love the metaphor of the stars and all that, but I know that it's been an effort to get to this point. I'm really happy that we're going to be leading the pack. Thank you.

MR. FLORES: Madam Chair, I humbly request that we move the work "diligently" from Commissioner Roybal's description of Mr. Martinez' efforts.

CHAIR HAMILTON: Humbly. I guess I can grant that.

COMMISSIONER GARCIA: Madam Chair, I'd like to make a motion for memorandum of agreement #2019-0179-RECC-BT between Santa Fe County and the City of Santa Fe.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second for the first piece.

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

III. D. 1. b. Request Approval to Utilize New Mexico State Price Agreement No. 70-000-16-0014AJ for the Project

COMMISSIONER GARCIA: I'd like to make a motion for item b. Approval to utilize the New Mexico State price agreement #79-000-16-0014AJ for the project.

COMMISSIONER ROYBAL: I'll second.

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

III. D. 1. c. Resolution 2019-14, a Resolution Authorizing the County Manager to Negotiate and Execute All Agreements and Relevant Documents to Effectuate the Public Safety Radio Communications System Solutions Project

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion authorizing the County Manager to negotiate and execute all agreements and relevant documents to effectuate the public safety radio communications system solutions project.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you. So I have a motion and a second.

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

CHAIR HAMILTON: Thank you very much. This is a big step forward. I appreciate all of your ongoing hard work for this. Thank you.

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III. D. 2. Request Approval of the Design Build Institute Agreement No. 2019-0016-PW/BT Between Santa Fe County and Integrated Water Services Inc. in the Amount of \$7,750,000.00, Exclusive of NMGRT for Design-Build Project Delivery Services of the Santa Fe County Water Reclamation Facility; Authorizing the County Manager to Negotiate the Final Design and Execute the Contract and the Purchase Order(s)

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair. We're here before the Board to ask approval of the Design Build Institute agreement # 2019-0016-PW/BT between Santa Fe County and Integrated Water Services in the amount of \$7,750,000, exclusive of GRT for the design-build project delivery services for the water reclamation facility.

This also asks for authorization for the County Manager to negotiate the final design and execute the contract and the purchase order. We issued the RFP, Madam Chair and Commissioners, early in 2018. We requested and the Board approved to build the design-build delivery method, which is a requirement of our regulations.

So we received three proposals and we found that Integrated Water Services and partnering with Souder Miller Engineering provides the best value for the County for the water reclamation project. Without getting into too much detail this is the Quill Plant located at the penitentiary of New Mexico and to bring this up to compliance with Environment Department and our operations. And with that, Madam Chair, I'll stand for any questions you may have.

CHAIR HAMILTON: Just before I ask any of the Commissioners, can you provide clarity? This is a complete rebuild? Is that not true? It's not a repair of the existing facility.

MR. FLORES: Madam Chair, this is a complete redo of the facility.

CHAIR HAMILTON: Right. That's what it said, but it just sounded – okay, so Commissioners, any question? Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve this request of the Design Build Institute agreement between Santa Fe County and Integrated Water Services in the amount of \$7,750,000 exclusive of New Mexico GRT for a design-build project. I just also want to comment. I think that wastewater and sewers are an incredibly important part of what we do at the County and to bring this plant up to standard for all of our citizens is really important and so thank you for bringing this forward. I'm excited to see this project move forward.

CHAIR HAMILTON: Thank you very much, Commissioner Hansen. Do I have a second?

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Thank you, Commissioner Moreno. I just want to add to that that this rebuild to a higher quality treatment will expand our reuse opportunities which is also very exciting. Any further discussion?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: Commissioner Garcia.

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COMMISSIONER GARCIA: \$7,000,000, \$8,000,000 project. I have a couple of questions on it. The whole rebuild of this is basically to redo the entire Quill Plant?

MR. TAYLOR: Madam Chair, Commissioner Garcia, correct. To upgrade and improve the facility.

COMMISSIONER GARCIA: So the entire Quill Plant is actually relining those ponds out there. This is actually for the sprinkler system that needs to be water, all, that entire thing out there.

MR. TAYLOR: That's correct.

COMMISSIONER GARCIA: And where does the \$7.75 million come from?

MR. TAYLOR: There is an amount coming from capital outlay, \$2.7 million, and the remaining funds are various GOB Series from 2013 through 2016.

COMMISSIONER GARCIA: I guess the concerns I have is this project was actually taken over by the State of New Mexico. We're actually operating the State of New Mexico prison system sewer system. And this plant, back in the days was actually taken over by the County with the intent to connect our Public Safety Building out there, movie studios out there and across the roadway there the State Land Office had three sections of land that they were actually going to develop as a housing project. So all this stuff was starting to happen off of State Road 14, take over the State of New Mexico's penitentiary wastewater treatment facility, so that some of the concerns I have is are we going to have development that's actually going to allow this plant to be at its capacity or are we building too large of a plant?

MR. TAYLOR: Madam Chair and Commissioner, that's my understanding, but I would defer to the department to comment on development and what they plan on utilizing it.

CHAIR HAMILTON: Mr. Dupuis.

MR. DUPUIS: Madam Chair, Commissioner Garcia, the master plan that is currently being completed includes provisioning for all of SDA-1 sewer area that is beyond the service area of other utilities, like Ranchlands or Oshara Phase 1's sewer treatment plan to be able to provide sewer service in a modular, expandable format such that we don't pay the upfront cost for all of it and that we can actually use any kind of developer contribution that may be required to support that expansion when needed.

COMMISSIONER GARCIA: So some of the other concerns that I have is this upgrade of this sewer system that the County is operating is pretty much for new development? So some of the concerns I have is taking existing developments in that area there – definitely in Mr. Moreno's district there on the south side of I-25, older subdivisions near the National Guard. How do we get those people off of septic tanks? Do we have a plan for that?

MR. DUPUIS: The master plan includes the demands from all anticipated areas within SDA-1. I do believe – I'm not certain about the areas that you're mentioning but I do believe they are outside of SDA-1 so that is not specifically taken into consideration, but it being a modular design it would be reasonable to conclude that an additional expansion could be facilitated.

COMMISSIONER GARCIA: So perfect example is Las Lagunitas

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Subdivision. Is there a plan to actually get them to this new \$7.7 million facility. As you know the Las Lagunitas Subdivision is off of I-25 and it's because they have a lot of swamp lands in there so a lot of their septic tanks are failing. So I'm just wondering what the larger picture is of the \$7.7 million.

CHAIR HAMILTON: If you don't mind, what area are you talking about?
I'm sorry.

COMMISSIONER GARCIA: Las Lagunitas is a subdivision at the La Cienega exit, 271 exit. It's a subdivision there that the septic tanks are failing. So I'm just – \$7.7 million, I would like to see how we can possibly get existing septic tank users to this plant, instead of everything in SDA-1 which is the growth proposed for Santa Fe County, so that's where I'm wondering how we're going to do this.

Another question I have is we're actually operating the State of New Mexico's sewer system for the Correction Department and have we talked to the State of New Mexico? The state legislature, the Corrections Department? to see if they can participate in this \$7.7 million project?

MR. DUPUIS: Madam Chair, Commissioner Garcia, we had not specifically requested for them to provide a financial contribution because the contract we originally negotiated with them requires that we provide all that expense and it's something that we could request but we have not.

COMMISSIONER GARCIA: So that contract with the State of New Mexico, is that a 25-year contract or a 99-year?

MR. DUPUIS: Madam Chair, Commissioner Garcia, it's a 25-year renewable contract.

COMMISSIONER GARCIA: So those are some of the concerns that I have. We're going to rebuild the state prison system. I understand all the connections that are needed that the County actually provides. So those are just some of the concerns I have.

Another concern is have is who's the project manager on this?

MR. DUPUIS: Madam Chair, Commissioner Garcia, the project manager on this would be me.

CHAIR HAMILTON: Commissioner Garcia, is your concern that this sounds like a lot of money for a modern sewage treatment plant?

COMMISSIONER GARCIA: It's not that it's a lot of money for an upgrade or a rebuild of this system. I'm just wondering what the larger picture is for the County, how we're going to get other people off of septic tanks and get to this plant instead of serving the new developers' development, basically.

MR. DUPUIS: Madam Chair, Commissioner Garcia, in response to that I would mention that we are anticipating in the near future doing the sewer plan for La Cienega and we can take a very similar approach with any other areas in the region that would be able to utilize the facility in the future for existing uses if that's the desire.

CHAIR HAMILTON: I would also think that the planning is an important thing if there are areas where we want to start moving towards more sewage treatment. That's a planning consideration that ought to perhaps be brought forward, including in our strategic planning, which we might be able to do. I see Mr. Kelley moving up here.

MR. DUPUIS: Madam Chair, another item mentioned by Mr. Kelley to

me is one that is very important to take into consideration which is the current facility is failing. It has been something we've postponed repairs in anticipation of this reconstruction, and we've been provided sufficient leeway from regulating agencies in anticipation of this occurring.

CHAIR HAMILTON: There's no doubt about that. I think you made that clear. We've been aware of that for a long time so it's a very good point. Commissioner Garcia, was that all you had at the moment?

COMMISSIONER GARCIA: I'm just a little concerned with the project management, not that you can't do it, just the workload I think Utilities has currently. I have no further questions.

CHAIR HAMILTON: Other Commissioners. Commissioner Moreno.

COMMISSIONER MORENO: Would you describe this project to be modular, that can be expanded and in my view I think that's a good benefit, because if we were to try to build it all at once it would be a disaster. Looking down the road beyond my lifetime probably that area is in need of these facilities and I think if we have a good plan that gives us a really good start and maybe a little bit more we could be in business with a good system. And on that basis I'm going to support it.

CHAIR HAMILTON: Further discussion? So I believe we have a motion and a second. So I'll call for a vote.

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

- III. D. 3. Requesting Approval of Amendment No. 2 to Agreement No. 2017-0154-CORR/IC with BI Incorporated, Extending the Term an Additional Year and Increasing the Compensation an Additional \$580,000.00 for Electronic Monitoring Services for a Total Contract Amount of \$1,520,000 exclusive of NMGRT and Granting Signature Authority to the County Manager to Sign the Purchase Order**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. We're here requesting approval of the second amendment to agreement 2017-0154-CORR/IC. The original contract is with BI Incorporated technologies for the electronic monitoring services. The contract originally allows for these amendments to extend the term and increase the compensation. The total contract sum to date is not to exceed \$1,520,000, exclusive of GRT for electronic monitoring. With that, Madam Chair, I'll stand for questions.

CHAIR HAMILTON: Are there questions from the Commissioners?

COMMISSIONER MORENO: I have a question.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: How do these work? How are these used by the courts and other people? Who are the people who are having these devices on their legs? How do they work and how expensive are they?

MR. TAYLOR: Madam Chair, Commissioner Moreno, the actual assignments or judgment comes from the courts. Rather than incarcerating individuals

they are assigned to be electronically monitored. With who is being monitored I would defer to the department and the operation and implementation of this contract.

COMMISSIONER GARCIA: Also, Commissioner Moreno, on that point, Madam Chair, if I may.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: What's interesting about that – correct me if I'm wrong, Mr. Sedillo – is whenever a judge has somebody, they let them out of jail or they let them – the judge requires the ankle monitoring. And so we the County taxpayers have to pay for that ankle monitoring.

PABLO SEDILLO (Public Safety Director): Yes.

CHAIR HAMILTON: Director Sedillo, I know you're going to speak to this and I just wanted to add the question about the increasing, if in fact it is, but it seems that this is an increasing burden or an increasing cost. Can you give us some insights into all of these questions?

MR. SEDILLO: Madam Chair, members of the Commission, would you allow me to respond?

CHAIR HAMILTON: Absolutely.

MR. SEDILLO: Commissioner Moreno. There are various different offenses that are designated by the courts, both district and magistrate, to individuals in lieu of incarceration, to be placed on devices to monitor them in the community so they could go to work, go to school, be productive. So those are various misdemeanors that are being placed on that, like I said, in lieu of incarceration.

The devices vary. We have three devices. We have a GPS system. We do have a sober-link system and then we also have a drug testing system that we have for these individuals, to respond to your question. And for the record, Pablo Sedillo, Public Safety Director for the County of Santa Fe.

COMMISSIONER MORENO: Thank you, Director Sedillo. Do you – the judiciary is the entity that applies the restriction. Is that correct?

MR. SEDILLO: Madam Chair, Commissioner Moreno, that is correct. The electronic monitoring program is run by Santa Fe County and the judges, both magistrate and district court designate those individuals or order them on that program with those devices.

COMMISSIONER MORENO: Well, I'm not going to try to pick a fight with the magistrate judges today, but have you encountered situations where it would be more useful to have a person without an EMS versus someone you really want to keep track of? Where's that line?

MR. SEDILLO: Commissioner Moreno, again, that is designated by the courts. We operate that program and if it's deemed necessary by the judicial system to place an individual, for instance on our GPS system so they would be able to locate this individual based on their offense, again that is entirely up to the courts. One caveat that I think is important to know for the Board is that again, this is a Santa Fe County run program that has specific criteria to enter into the program, and then we monitor that.

COMMISSIONER MORENO: I'll pass.

CHAIR HAMILTON: So Director Sedillo, do you feel like this is a pretty successful program? I don't mean to be putting you on the spot. You're smiling at me

like I am. I'll actually add my thoughts to it. It seems like on the surface a good thing to be able to have alternatives to incarcerating people.

MR. SEDILLO: Madam Chair, you're absolutely correct. I think our responsibility to the community is to public safety, number one. Secondly, I think it could be a viable program but I think there has to be discussions to kind of limit the amount of people that are placed in this program and on the devices. I have a very small department that handles a very big case load and I have been in discussions with the County Manager in regards to this. And I think there has to be more parameters put in place for us, the Santa Fe County, to ensure that this program is viable.

CHAIR HAMILTON: Well, I appreciate that, because I think that's what Commissioner Moreno was driving at and I think that's what I was trying to drive at, because the increasing costs, if they're acceptable, it's an interesting position because if you're keeping people out of an incarceration situation that's great. But it doesn't probably substantially reduce the cost to the jail. It's still there. You want to keep people out of it, but those costs are probably relatively steady and these costs are increasing. So we have to plan for that and/or also assure that the program is viable, that it's as successful as possible and it sounds like adding parameters might be an important thing.

COMMISSIONER GARCIA: Madam Chair, just a quick – thank you for answering the questions, gentlemen. So this is already an existing service. Maybe I should have waited for my questions at a later date because is like already like I said, an existing service we've already talked about. We already vetted it. So this is just an amendment to the contract. So with that I'd actually like to make a motion for approval, if there's no other comments.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: I have a motion and a second. Is there further discussion?

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

- III. D. 4. Requesting Approval of Amendment No. 1 to Agreement No. 2018-0047-B-CSD/MM with La Familia Medical Center, Extending the Term an Additional Year and Increasing the Compensation \$886,000 to Provide Health Care Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$1,672,000, inclusive of NMGR and Granting Signature Authority to the County Manager to Sign the Purchase Order**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. We're here before you to ask for approval of amendment #1 to agreement 20018-0047-B-CSD/MM with La Familia Medical Center for an extension of an additional year and increasing the compensation to provide healthcare services to low income residents. The total contract – the increase would be for \$886,000, is what we're asking for approval on the compensation, for a total contract sum of \$1,672,000 to provide healthcare services to

residents. We entered into the agreement in January of 2018. With that, Madam Chair, I will stand for questions.

CHAIR HAMILTON: Thank you. Are there questions from the Commissioners? Rachel or Patricia, do you have information you think would be useful to provide?

MS. BOIES: Thank you, Madam Chair, Commissioners. Just that this is part of our implementation of the Accountable Health Community across Santa Fe County and La Familia as our largest FQHC, federally qualified health center. It has been providing primary care, medical, prenatal and dental over the past year as well as navigation services, which means connecting people to the services they need for health and well being. So this simply continues that and they've been doing an excellent job and the numbers of people that they are serving has been right on par what we had hoped over this past year, so we think that a continuation and extension of their contract is warranted.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I think that this is definitely warranted. Especially with the expansion of the new facility, which we are having a ribbon cutting on February 2nd. I'll just bring that in, for the new facility at La Familia. But La Familia provides a tremendous amount of services to our indigent population and to other people. Anybody can go to La Familia. It is not just for people who do not have the money. So I think that's an important thing to mention also, that La Familia serves a tremendous amount of people and provides a wide service. I'm very proud to have it in my district. So thank you very much for bringing this forward. And with that I move to approve amendment #1 to agreement 201-0047-B-CSD/MM with La Familia Medical Center extending the term an additional year.

CHAIR HAMILTON: Do I have a second?

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: So I have a motion and a couple of seconds.

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

- III. D. 5. Request Approval of Amendment No. 4 to Agreement No. 2016-0150-DWI/BT Between Santa Fe County and Santa Fe Recovery Center Increasing Compensation an Additional \$150,000 to Provide Detoxification Services to the Residents of Santa Fe County for a Total Contract Sum of \$1,350,000, Inclusive of NMGRT and Granting Signature Authority to the County Manager to Sign the Purchase Order**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. We're here requesting approval of amendment #4 to agreement request approval of amendment #4 to agreement #2016-0150-DWI/BT between Santa Fe County and Santa Fe Recovery Center increasing compensation an additional \$150,000 to provide detoxification services to the residents of Santa Fe County for a total contract sum of \$1,350,000, inclusive of NMGRT. And I'll stand for any questions from the Commission.

COMMISSIONER GARCIA: Madam Chair.

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CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Another great organization that does well for the community. If there's no other questions I'd like to move for approval.

COMMISSIONER MORENO: I second the motion.

CHAIR HAMILTON: I have a motion and a second.

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

III. D. 6. Santa Fe Public School District Special All-Mail Ballot Election
[Exhibit 1: Staff Memorandum]

MR. FLORES: Thank you, Madam Chair. I alluded to this earlier when we were talking about the three-phase project that we were undertaking. Last week we were asked to participate and assist the Santa Fe Public Schools in their special all-mail ballot election that will be held in March. The packet outlines each of the items that we'll be asking for consideration but I'll summarize them.

We're requesting approval of a resolution that authorizes the County Manager to negotiate and execute all documents for the election. The second one, as was a similar case, request the utilization of a statewide price agreement for the purchase of election supplies or related services. And the last one would be approval of a budget resolution to actually bring money into a fund so that we could expend it and then seek reimbursement from the Santa Fe Public Schools.

This is all an effort to be able to make sure that the County, through the County Clerk who is charged with running elections in Santa Fe County assists Santa Fe Public Schools to be able to complete their election. And with that, I'll stand for questions.

CHAIR HAMILTON: So, Commissioners, any questions on these items.

COMMISSIONER GARCIA: Madam Chair, just really quick. This is going to be one of the Santa Fe Public School system's first mail-in ballot. I'd just like to have everybody in the audience listening to please get educated and please vote. Fill out your ballot. And with that I'd like to make a motion for approval.

III. D. 6. a. Resolution 2019-15, a Resolution Authorizing the County Manager to Negotiate and Execute All Agreements and Documents Necessary to Conduct the Santa Fe Public School District Special All-Mail Ballot Election On March 5, 2019

MR. FLORES: Madam Chair, for clarification. There are three different motions.

CHAIR HAMILTON: Yes. I was going to – I appreciate that, Mr. Flores. So first of all, we'll do it as three motions. Are there other questions and discussions?

COMMISSIONER HANSEN: No.

COMMISSIONER GARCIA: Madam Chair, I'd like to request approval for a resolution authorizing the County Manager to negotiate and execute all agreements and documents necessary to conduct the Santa Fe Public School Districts special all-mail

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ballot election on March 5, 2019.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

III. D. 6. b. Request Approval to Utilize New Mexico State Price Agreement No. 80-000-18-00064 for Election Supplies and Related Services

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I'd like to make a motion for item b, approval to utilize New Mexico state price agreement #80-000-18-00064 for election supplies and related services.

COMMISSIONER ROYBAL: Second.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: I have a motion and a couple of seconds.

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

III. D. 6. c. Resolution 2019-16, a Resolution to Budget the Services Related to the Special All-Mail Ballot Election (Fund 101)

COMMISSIONER GARCIA: Madam Chair, I'd like to make another motion for item c, a resolution to budget the services related to the special all-mail ballot election, fund 101.

COMMISSIONER MORENO: I second.

CHAIR HAMILTON: Thank you. So I have a motion and a second from Commissioner Moreno.

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

MR. FLORES: Madam Chair, I just want to, for the record, thank Ms. Thomas and Mr. Fresquez who really pulled everything together. I think it was Thursday afternoon or Friday morning to be able to bring this forward. So we thank you for your consideration.

CHAIR HAMILTON: Well said. Thank you very much for your efforts in this.

GERALDINE SALAZAR (County Clerk): Chair Hamilton, Commissioners, thank you for these approvals. We're on board. We're ready to go.

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III. E. Ordinances

1. **Ordinance 2019-1, an Ordinance Authorizing the Issuance and Sale of the Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, in an Aggregate Principal Amount not to Exceed \$30,000,000 for Purposes of Financing Costs of (1) Planning, Designing, Acquiring, Constructing, Renovating, Rehabilitating, Equipping and Furnishing a County Administration Complex and Related Facilities; (2) Planning, Designing, Surveying and Constructing Roads Pursuant to a Settlement Agreement with the Pueblo de San Ildefonso; (3) Planning Designing, Acquiring and Constructing Capital Improvements Necessary to Comply with the Americans with Disabilities Act Countywide; and (4) Paying Costs of Issuance of the Bonds; Delegating Authority to the County Manager to Execute and Deliver a Bond Purchase Agreement and Pricing Certificate which will Specify the Exact Principal Amounts, Maturities, Prices, Redemption Features, and Other Details of the Series 2019 Bonds; Authorizing the Distribution of a Preliminary Official Statement in Connection with the Sale of the Series 2019 Bonds; Providing that the Series 2019 Bonds Shall Be Special, Limited Obligations, and for the Payment of the Principal of and Interest on The Series 2019 Bonds From the Distributions to the County of the Revenues of the First One-Eighth Increment, the Third One-Eighth Increment, and the One-Sixteenth Increment of the County Gross Receipts Tax Enacted Pursuant to Section 7-20e-9 NMSA 1978, and the One-Eighth Increment of County Hold Harmless Gross Receipts Tax Enacted Pursuant to Section 7-20e-28 NMSA 1978, which are Distributed to the County By the New Mexico Taxation and Revenue Department Pursuant to Section 7-1-6.13 NMSA 1978; Providing for the Pledge of Such Revenues by the County; Ratifying Action Previously Taken in Connection with the Bonds; and Repealing all Ordinances in Conflict with this Ordinance** *[Exhibit 2: Revised Versions]*

MS. THOMAS: Good afternoon, Madam Chair and Commissioners. On January 8th the Board of County Commissioners approved the resolution publishing the intent to adopt bond parameters ordinance, which is before you today. The ordinance also authorizes the sale of gross receipts tax revenue bonds at a competitive sale and delegates to the County Manager to sign the sales certificate awarding the sale to the lowest bidder. The bond sale will occur on February 14th. Today with us is Peter Franklin, our bond counsel from Modrell Sperling and Eric Harrigan, our municipal advisor from RBC capital markets to answer any questions the Board may have. And we stand for any questions.

COMMISSIONER GARCIA: Madam Chair.
CHAIR HAMILTON: Commissioner Garcia.

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COMMISSIONER GARCIA: We actually digested this at the last meeting and I'd like to make a motion for approval if there's no discussion on it.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there further discussion? Any questions for these gentlemen or for the County Manager? I guess not.

BRUCE FREDERICK (County Attorney): Madam Chair, you might want to open up public hearing and see if there's any comments on the ordinance, and then close it.

CHAIR HAMILTON: Okay. Thank you. Is there anybody here from the public who would like to speak to this ordinance? Again, is there anybody who would like to make any comments on this bond sale ordinance? Seeing no one I'm going to close public comment and ask Madam Clerk for a roll call.

The motion to approve Ordinance 2019-1 passed by unanimous roll call vote as follows:

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

IV. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: Is there anybody here in the audience who has anything they'd like to address the Commission?

COMMISSIONER HANSEN: I know there's somebody here and I think they just stepped outside for a moment.

CHAIR HAMILTON: We have somebody here. Come forward, Heather.

HEATHER NORDQUIST: Madam Chair, Commissioners, I'm Heather Nordquist. I live in the northern part of the valley. I'm here on two things and I'm going to try to make it very succinct. The first is the ordinance about money out of politics, and I'd just like to tell you I support that and I hope that you support that. The people from Money out of Politics are here. Maybe they will be speaking as well.

But I wanted to make a couple of quick comments on the status of the Aamodt Regional Water System in the Nambe-Pojoaque-Tesuque Basin. We've received some information recently. In November the OSE released its report as to a new estimate from the Bureau of Reclamation. It about doubles the price of the system and so we're currently at \$421 million, and I have gleaned that that is 90 percent of phase 1, 60 percent of phase 2 and 30 percent of phase 3. Our understanding, although we can't get details, is that most of the County residents would be able to hook up somewhere in phase 3.

So I'm very concerned. We think that they're going to go try to get about \$160 million from the feds and there's been \$53 million that's just termed non-federal funding in order to build to that level.

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More than the initial cost, which is of course a concern, I'd really like this Commission to consider the long-term maintenance costs of a system like that, a system that costs twice as much to build typically costs at least more than the original estimate might have indicated for maintenance and operation, and of course the County and the residents of the county will be stuck with that bill, whatever it is. So I have been actively working to reach out to my state representatives and federal representatives with my concerns and some questions.

I believe that this also puts them behind schedule and they were supposed to start building now in the fall of 2018 so I encourage you all to take a really hard look at these numbers. I do have a link that I can send you all and I will send by email which just goes through everything that I've found including a letter from our federal reps to Bureau of Reclamation and their response. And there is some alarm, I believe, at those levels as to the cost of the system and how these are going to be met. So thank you for your consideration.

CHAIR HAMILTON: Thank you very much, Ms. Nordquist. Is there anybody else from the public that would like to speak? Mr. Mee.

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, Agua Fria Village. Thank you, Madam Chair and Commissioners, and I just wanted to thank you for putting our \$10 million for the sewers on your capital outlay request to the state legislature. That's on number 3, and we greatly need it and we're organizing our citizens to come forward and email and call the legislators, so hopefully we can make some traction on that for you.

There's a number of things I could probably talk about today but one of the big issues that we've had in our community. I don't know if you saw my editorial Sunday. I'm really kind of urging that there be more City and County planning because we need the City to come and meet with us on water issues and all types of issues. I kind of put a tongue in cheek thing in that editorial about Henry Lynch Road because in Agua Fria Village we couldn't get the City or the County to kind of maintain that. And when we went to meet with them I think it was 1994 we found there was like nine jurisdictional changes in the roads in only a little bit over a mile. And I think we'll find those kinds of circumstances throughout the county, on West Alameda and on Meadows. It's been hard, I think, on the County to kind of keep up with all these areas that the City has annexed and then not supplied services to.

Another issue I'd like to just talk about briefly is there's a City of Santa Fe ordinance on short-term rentals, and I kind of think that the County needs to do something similar, something that regulates bed and breakfasts and overnight rentals. We're finding that people are converting their homes to allow these types of activities. And you'll 18 cars parked in front of a home, and you're like, what is happening here? And you can go to Facebook or some of these other social media sites and you'll see that home is for rent. And it's just kind of incredible. Some of them are even kind of like youth hostels. We have an instance where we have two mobile homes that have been pulled in. Actually they were grandfathered onto non-conforming lots.

But it's all legal; they have their permits and stuff. But they really aren't paying the impact to the community. You'll see the 18 cars parked there and that's a lot in a double-wide mobile home and it's a lot of impact on a small community. I'm sure that all

of the traditional communities are finding the same thing.

And I just wanted to say this is the first time I get to appear in front of Commissioner Rudy Garcia and I was listening to him on the radio and I'm really impressed. Thank you, Commission, for giving me this time.

CHAIR HAMILTON: Thank you very much, Mr. Mee. Is there anybody else here from the public who would like to speak to the Board? Seeing none, I'm going to close Matters from the Public.

If the County Manager would indulge me there's another resolution from Matters from the Commissioners that it's been requested that we move up. Is that –

MS. MILLER: Of course. That's no problem, Madam Chair.

VI. MATTERS FROM COUNTY COMMISSIONERS

A. Resolutions

3. **Resolution No. 2019-17, a Resolution Urging Congress to Clarify that the Rights Protected Under the United States Constitution are the Rights of Human Beings and Not the Rights of Artificial Entities, and that Governments May and Shall Regulate Campaign Contributions and Expenditures to Protect the People from Corruption and Undue or Disproportionate Influence in Elections and Government; Asking that Congress Propose a Constitutional Amendment to Provide Such Clarification**

COMMISSIONER HANSEN: This is a little out of order but I would like to bring forward the resolution urging Congress to clarify – Welcome, everybody. I want to go to VI. A. 3, a resolution urging Congress to clarify the rights protected under the United States Constitution are the rights of human beings and not the rights of artificial entities, and that the government may and shall regulate campaign contributions and expenditures to protect the people from corruption and undue disproportionate influence in elections and government, asking that Congress propose a constitutional amendment to provide such clarification.

If you'll see in your packet that this is not only supported, not only asking this Commission to support this but that also Senator Heinrich and Udall have both supported this and Senator Wirth has also supported this and there are a number of people who feel very strongly that Citizens United has really damaged our election system. And so with that, I have a number of people in the audience – would you like to stand up? – who are in support of this. I want to thank you for coming. So I move to support this resolution.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I don't know if it's out of line, if people who have come wanted to speak to this. Is that out of line?

COMMISSIONER HANSEN: John, would you like to say a few words? You have to come forward.

CHAIR HAMILTON: I'd like to keep this very short because this is a little – please come forward and state your name.

JOHN HOUSE: My name is John House. I'm president of New Mexican

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for Money out of Politics, and I'm also a citizen leader for American Promise and these organizations that are working for democratic reform. This resolution addresses specifically the need for a constitutional amendment to reform campaign finance. The reason we need a constitutional amendment is because the only persons that can tell the United States Supreme Court that they got it wrong are we the people through a constitutional amendment.

We have a long history of campaign finance regulation in this country starting in the 18th century and we had some very good legislation, federal and state, and so forth, but the Supreme Court over the last three or four decades whittled away at the right of government to regulate campaign finance. So we have a lot of support from New Mexican leaders and we would appreciate it very much. This would be a big statement here. This is grassroots stuff. We need to start with the grassroots to get it working all the way up to Washington. Since you're short of time I'll quit that.

CHAIR HAMILTON: Thank you. Very much appreciate it.

COMMISSIONER GARCIA: Madam Chair, may I ask a question?

CHAIR HAMILTON: I didn't get your name clear. Do you know, or does anybody know if the Congress passes a constitutional amendment does it actually have to go to the voters nationwide?

MR. HOUSE: It has to go to the legislature. It has to be ratified by two-thirds of the states.

COMMISSIONER GARCIA: This is actually to go in front of the state legislature? Or the federal Congress?

COMMISSIONER HANSEN: Federal.

CHAIR HAMILTON: This is a resolution in support of this kind of activity but this is a federal level action.

COMMISSIONER GARCIA: So a federal level constitutional amendment. Does it actually need to go out to the voters?

MR. HOUSE: Not to the voters. It goes to the state legislatures. It has to be ratified by the state legislatures. And by the way, I forgot to mention, I think you'll be interested. Last year the New Mexico Legislature passed a joint memorial, House Joint Memorial 10, which supported a particular amendment, phrasing of an amendment. So the legislature is already on board with this thing.

CHAIR HAMILTON: Thank you. And I really appreciate how serious this is but to keep it short and not redundant. I just appreciate the fact that you've come. And if you could state your name.

ISHWARI SOLLOHUB: My name is Ishwari Sollohub and I just want to reiterate what was just said even though I know I'm not supposed to reiterate. It's a federal amendment that will be passed eventually by the Congress of the US, and then it has to be ratified by two-thirds of the United States in their legislatures. So the work we're doing here with this sort of local resolution is a pre-ratification effort. It's to keep people here on the ground aware and enthused and supporting the effort so when the day comes we need to ratify, we're there. So I encourage and hope that you'll support this. Thank you.

CHAIR HAMILTON: Thank you.

BETH DETWILER: Madam Chair and Commissioners, my name is Beth

Detwiler. I'm from 11 Craftsman Road in Oshara Village, Santa Fe County. Our Supreme Court is not an assembly of supreme beings. It is made up of human beings and like you and I, and even NFL referees, court justices make mistakes. Regardless of political party or no party, the majority of Americans feel that the Supreme Court's decision on Citizens United was a gigantic miscall. When we as citizens or you as elected officials see a situation that threatens our fragile democracy and our nation, we have the right and the duty to stand up, speak up, to fix it. I'm asking you to vote for this resolution and to voice your support for this national bipartisan movement to pass the 28th amendment. Thank you.

COMMISSIONER HANSEN: Thank you, Beth. It's really great to see you. Beth is from Oshara Village and I just want to give a shout-out.

CHAIR HAMILTON: So thank you for that diversion. We have a resolution. We have a motion and a second.

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

VI. A. 4. Resolution No. 2019-18, a Resolution Authorizing Santa Fe County to Join the Coalition of Sustainable Communities New Mexico ("CSC") as a Founding Member

COMMISSIONER HANSEN: Next, I hope you will all stay because we're going on to the next resolution.

CHAIR HAMILTON: Yes, Commissioner Hansen. You want to do VI. A. 4 now?

COMMISSIONER HANSEN: Yes, because they're here. So this is a resolution authorizing Santa Fe County to join the Coalition of Sustainable Communities of New Mexico, CSC, as a founding member. I want to say that today our new governor, Michelle Lujan Grisham, wrote an executive order joining the Paris Accord and an executive order to reduce methane in New Mexico. That is a great day for New Mexico and I think we all need to applaud her boldness and willingness to make climate disruption and climate change a priority and that New Mexico can really lead the way.

And so with that, that is why I have brought forward this resolution. Beth Beloff if the executive director and she is here and she might want to say a few words, but the Coalition of Sustainable Communities New Mexico is a membership based, non-partisan, non-profit organization that is committed to increase member awareness on national key policy, regulations, issues and best practices. The CSC will facilitate the adoption and implementation of sustainable initiatives that will continue to create well being and economic opportunities for the community of New Mexico. The Board of County Commissioners of Santa Fe has expressed its intent to support greenhouse gas emissions reductions within the county and the community with numerous resolutions including the most recent numbers 2018-124 and 2017-68. By supporting and approving the attached resolution the Board will be asserting in no uncertain terms that it seeks to work with other community leaders to accelerate efforts to stimulate resilient equitable and prosperous New Mexico communities. I respectfully request that I would like to move

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this resolution forward.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Okay, so under discussion.

COMMISSIONER MORENO: I do have a question.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: I'm interested to know how many counties have signed on to a resolution like this.

COMMISSIONER HANSEN: So at the moment Albuquerque has signed on and the City of Albuquerque and the City of Las Cruces. We will be the founding County member signing on. The first. And I think that is extremely exciting that we are joining with the City of Albuquerque and Mayor Tim Keller and the City of Las Cruces who have both shown real leadership in sustainability.

CHAIR HAMILTON: Are there other questions?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for bringing this forward, Commissioner. One of the questions I have is the last page of our packet, it says full membership is comprised of one elected official from each community plus a senior staff designee. Senior staff designee – is that a County staff member?

COMMISSIONER HANSEN: Yes.

COMMISSIONER GARCIA: And that would be from our Planning Department?

COMMISSIONER HANSEN: That would be – the County Manager would designate, but hopefully but it would be from our Sustainability Department.

COMMISSIONER GARCIA: Okay. Just was asking the question. Thank you.

CHAIR HAMILTON: Are there questions from other – so there are a lot of aspects of this that are a wonderful idea but reading through I didn't get a good feel for how the group would be funded, so what we're committing the County to in terms of membership fees. And then ongoing projects. So every time there's an initiative that comes up, how does that – there were some words about a majority vote by founding members, by voting members. Some of these efforts could be relatively large and I'm just asking how the funding goes and how the cost to the – the costs for different efforts to each of the members might be quite different. So I was wondering how that's envisioned to be handled.

COMMISSIONER HANSEN: I'm going to ask Beth Beloff to come forward. But one of the things that it says in this resolution is that we will become a founding member and then once membership fees are established it will come back to the Board to agree to what the membership fee is.

CHAIR HAMILTON: Right.

COMMISSIONER HANSEN: So there's no commitment of money at the moment.

BETH BELOFF: Madam Chair, Commissioners, may I?

CHAIR HAMILTON: You're good.

MS. BELOFF: I'm Beth Beloff. The first year is to be funded out of

grants. We started with about \$40,000 of grant monies to start the coalition and it's been my intention for their not to be a fee so that there was no barrier to entry for local governments in year one, and in year one we would then, as a steering group, develop the fee structure. There are some models that I have in mind. There is the Colorado Communities for Climate Action that has a fee structure, but my thought was that we would produce results year one before we established a fee. Year two we will have a fee that is established by the member and I expect there will also be grant funding to supplement that in year two.

I just wanted to say in terms of the founding members, the City of Santa Fe, which really worked with me to help come up with these ideas, the resolution has passed out of Finance and last night Public Works Committees, unanimously, and it goes before City Council. I have full confidence the City of Santa Fe as well will join.

CHAIR HAMILTON: Commissioner Moreno, I know you have a question. I have a follow-up question after you.

COMMISSIONER GARCIA: I have a question as well.

COMMISSIONER MORENO: Can you provide us the website for the Colorado organization?

MS. BELOFF: Yes. Well, it is CC4CA and it's number four. It's Colorado Communities for Climate Action.org.

COMMISSIONER MORENO: Okay. Thank you.

MS. BELOFF: And I've been in contact with the former mayor of Durango who now is directing that organization. I think there are 22 cities in it. We're going to be structured a little bit differently because we're not going to be just cities. We'll be cities, counties and Native American pueblos, nations and tribes. So it will be all local governments will be welcome in this coalition.

COMMISSIONER MORENO: Thank you. I have a lot of peeps in Colorado.

MS. BELOFF: And you can also go to our website, which is CoalitionSCNM.org. We've begun posting some of the work that we're actually engage in. So you'll see the bill we have drafted, the community solar bill that the coalition has been advocating for and developing

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: In regards to House Bill 210, sponsored by Roybal Caballero and Senator Stefanics. Is that a newly introduced bill or is that last year's bill?

MS. BELOFF: No, this is newly introduced. The coalition drafted it using Bruce Throne, the utility attorney, and it's also now Senate Bill 281. The same co-sponsors in the Senate, there are seven other important sponsors.

COMMISSIONER GARCIA: And does that bill, or those bills have an appropriation tied to it?

MS. BELOFF: No. There is no appropriation assigned to that.

COMMISSIONER GARCIA: Thank you.

MS. BELOFF: Just to clarify. The reason for that, the bill is about stimulating the marketplace. So it's really based – it's community led and consumer driven and it's a market based solution to solar.

CHAIR HAMILTON: So my ongoing question about funding. If there was a fee structure, that's all from membership fees often go for operation of the coalition, right?

MS. BELOFF: Yes.

CHAIR HAMILTON: Actions though that then are promoted by the coalition, do you see those being where the coalition of the counties and the cities that are participating agree and to the extent they can afford to do things are going to put them into their own strategic plans and operating plans? And so each member is still going to fund its initiatives independently? Or is there a different vision here that I'm missing?

MS. BELOFF: It's my expectation that the fee structure will cover the operations of the coalition. There will be a full-time administrator at some point. I'm executive director pro bono and I will remain in that capacity but there will need to be a small staff to manage communications with the members, travel to establish more membership and promote the coalition and so on. If there are extraordinary expenses, because of, for instance, developing and advocating for a particular piece of legislation, then my expectation is that that would either be covered by outside funding, or there would in-kind donations of sorts from the member communities to help develop through their staff and through their legal departments, some of those actions. If there isn't funding to develop them then we won't.

CHAIR HAMILTON: So I understand there's a potential for a bigger voice with a bigger coalition of communities, but some of the funding for activities that the County would then do, it would compete directly with the County's or the City's Sustainability Department, potentially. I'm trying to get a feel for how this would integrate. I wonder, Claudia, no desire to put you on the spot but do you have some thoughts that you can share on this, on how this would work in an integrated fashion with the existing sustainability efforts the County is funding?

CLAUDIA BORCHERT (Sustainability Director): Madam Chair, members of the Commission, I just want to make sure I understand. So first of all, I think that this is still in its infancy, so what this coalition will do is partly still going to be determined. And I think there will be both activities that are for the legislature, for example, the Community Solar Bill, those kinds of things, where perhaps lobbying and the drafting of bills could proceed as Beth has explained. If there's an initiative, like perhaps the various members of this community want to go together on a solar garden project, for example. So in that case I would see that each of the individual entities would find funding to buy, to subscribe to a solar garden that then they could allocate within their communities in whatever way they want to.

So in that sense I think the coalition itself would not have the funding but would rather be the impetus for the joining together of the communities to subscribe to a project that then would be brought to the individual entities to find the funding to communally subscribe to a solar garden, for example. Does that make sense?

CHAIR HAMILTON: That does and it's very helpful. Commissioner Garcia.

COMMISSIONER GARCIA: Could you state your name for the record?

MS. BORCHERT: My name is Claudia Borchert. I'm in Public Works/Sustainability.

COMMISSIONER GARCIA: So how do you envision your department working with this lady here? In a detailed way. Kind of long about but in a detailed way.

MS. BORCHERT: Well, again, I'd like to just preface that by saying it's still evolving. The way that I think it works in Colorado, which is the model that we've looked at, is primarily what they're doing is they're bringing their voices together as a group to bring issues forward with the legislature. So not dissimilar to the bill that the Commission passed last December on items that reduce greenhouse gas emissions on legislation that can help reduce greenhouse gas emissions at the state level. It could be that this coalition then also passes a resolution that says these following actions at the state legislature will help reduce greenhouse gas emissions for our state. So that could be another way which the coalition works together and we could be a part of that voice, saying we believe this kind of legislation is good to promote sustainable actions in our state.

COMMISSIONER GARCIA: Thank you. And/or the County, your department, could actually take the lead in creating some of these initiatives along with them instead of waiting for the state legislature. Right?

MS. BORCHERT: Absolutely, yes, Madam Chair, member Garcia.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: So we have a motion and if I'm not mistaken we have a motion and a second.

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

COMMISSIONER HANSEN: Just one other item also. Governor Lujan Grisham came to the Clean Energy Conference yesterday and she also supported community solar and all solar initiatives and so it was really exciting today when the secretaries from Energy, Minerals and the Environment Department announced the executive order about the changes in climate change. So that was exciting. So thank you. And thank you for passing this resolution, and thank you, Beth, for your work.

CHAIR HAMILTON: Thank you.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. Legislative Update

a. Discussion of, Direction on and Possible Vote of Support for or Opposition to Bills Introduced or Proposed for Introduction in the First Session of the 54th Legislature of the State of New Mexico [Exhibit 3: Legislative Session Report]

MS. MILLER: We have several items under Updates from the County Manager. The first one is Legislative Updates and Deputy County Manager Tony Flores has a report, and then also, I just wanted to comment, if there are any pieces of the legislation that you would like us to look at, review, give you a summary, please make sure you let us know that. You can do that any day. You don't have to do it just today,

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but then we can add those to future agendas. Tony.

MR. FLORES: Thank you, Madam Chair. I left on the dais a copy of this BCC agenda, Legislative Session Report. Things are starting to pick up at the session in regards to actual hearings. We have yet to be told how they're actually going to handle capital outlay at this coming session. We had three different options. There was a caucus today at 1:00 between the leaderships of both chambers but we have not heard how capital outlay will be discussed.

I can tell you that all the capital outlay forms, based upon the current ICIP priorities were submitted to the delegation members early last week. So they've already received all of the authorization requests. Senator Rodriguez has received the two re-authorization requests for the Agua Fria utility corridor projects, so those are in play.

The first item I'll go through on the report – it's got a listing of all the bills that are being tracked. There is one piece of legislation, it's Senate Bill 106 that was placed on the rocket docket. Remember the rocket docket was intended for those pieces of legislation – Commissioner Garcia have a chuckle about that. We've been hearing about this rocket docket for five years – but pieces of legislation that had previously gone through both chambers and received a positive vote that were then vetoed by the then sitting governor.

One piece of legislation that's on the rocket docket is Senate Bill 106, sponsored by Senator Sapien and that basically changes the definition of a lodgers tax facility and it removes the provision that you have to have three or more rooms to be classified as a lodgers facility, therefore subject to lodgers tax. That bill did go through the House rather quickly. It's now – tomorrow morning at 8:30 before Tax & Rev at the House side, one committee hearing, it will go back to the floor. That is a positive piece of legislation for Santa Fe County. In your packet I provided a letter or recommendation from our Lodgers Tax Board supporting that piece of legislation. So unless I hear otherwise today we will be at committee hearing tomorrow morning testifying in support of Senate Bill 106.

The other bill related to lodgers tax is Senate Bill 7, which is Senator Wirth's piece of legislation. That has been held for further discussion. That piece of legislation would take up to 50 percent of the collected lodgers tax on, let's say AirBnB or VRBO and put it to affordable housing projects. There was some discussion when it hit Senate Corporation from of course the hotel industry about the provisions of that so he's held that bill – hasn't been tabled. It has been held and they're trying to work out the mechanics of it. I am not prepared today to take a positive or negative recommendation from the Board on whether we would support that piece of legislation.

Otherwise in the packet it lists all those bills that we've talked about, the ones that the County has already passed resolutions in support of, and with that, I'll stand for any questions on the very brief legislative update.

CHAIR HAMILTON: Any questions from Commissioners?
Commissioner Hansen.

COMMISSIONER HANSEN: So I want to thank you for having Hvtce Miller at the Community Solar Bill when it was going through the House. People reported back to me that Hvtce stood up and said that Santa Fe County supported this bill and so I am grateful that they were there. There are many kinds of community solar and different legislation that I think falls within the bill that we passed in December and I'm

grateful that the County is tracking those. So thank you, Mr. Flores.

MR. FLORES: Thank you, Madam Chair, Commissioner Hansen.

CHAIR HAMILTON: Other comments, questions? There are a few water bills that I'm going to look at and maybe bring to you but I haven't really reviewed them yet.

MR. FLORES: Madam Chair, just any bills you want that aren't on this list, remember, I am a team member down this year.

CHAIR HAMILTON: Yes.

COMMISSIONER MORENO: Which one?

MR. FLORES: It's the other half of salt and pepper.

V. A. 1. b. Discussion of and Direction on Various Capital Outlay Requests Submitted on Behalf of Non-Profit and Community Organizations

MR. FLORES: Second order of business under the legislative update. If you recall we put a caption on the January 8th BCC meeting for the Board to consider capital outlay requests from various non-profit or community organizations to see if in fact we would support that, thereby providing staff direction to submit those capital outlay forms. As a reminder, capital outlay forms are due by close of business, that's 5:00 pm legislative time on February 11th. We did not have another BCC meeting prior to the close of capital outlay forms being submitted.

We have a few more requests today that I'd like to go over and get the direction from the Board whether they would entertain staff submitting the capital outlay form that I'd like to go through one at a time and have direction, either positive or negative. To remind you, at the January 8th meeting the Board chose not to support or to be a fiscal agent for the First Presbyterian Church capital outlay appropriation and we did not get support to act as fiscal agent for the Santa Fe Recovery Center's large expansion projects. Those are what we took direction on at the 8th.

Today, the first item that I have for the Board to consider is that Santa Fe County has been approached to be fiscal agent for sewer infrastructure for the residences of Plaza del Cerro, which is in the Chimayo area. The Cornerstones Foundation has approached us to see if we would be fiscal agent and project sponsor of a \$750,000 capital outlay appropriation to put sewer infrastructure in the Plaza del Cerro area of Chimayo. It's a package sewer plant for three-quarters of a million dollars. This project does not reside on the County's current ICIP listing.

CHAIR HAMILTON: Are we going to have a discussion on each one of these?

MR. FLORES: I'll leave that up to the Chair but that's what I would prefer.

CHAIR HAMILTON: I would prefer that, so can I start out with a question? Does anybody else? They need a fiscal agent because it's – who's applying for the capital?

MR. FLORES: Cornerstones would be the applicant. They're doing the restoration work up there. They do the restoration of the historical structures or sites. So

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they would be applying for – they’ve asked us to be fiscal agent up in the northern part of Santa Fe County.

CHAIR HAMILTON: Is there a reason that they’re not asking a more proximal municipal entity, like Espanola, to do this?

MR. FLORES: Actually, Madam Chair, this sits within Santa Fe County. So it’s not one of those projects that sits on the Espanola-Santa Fe County line.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I want to hear this again. So what they’re asking for is sewer infrastructure for the church?

MR. FLORES: For that entire community, Madam Chair, Commissioner Hansen, right around the church. The Plaza del Cerro area. Yes.

COMMISSIONER HANSEN: So it’s that section. And how much are they asking for?

MR. FLORES: \$750,000.

COMMISSIONER HANSEN: Okay. Then we would be the fiscal agent and we would manage the project or they manage the project?

MR. FLORES: Madam Chair, as the fiscal agent we have to have ownership in that asset that would go on our capital outlay roles and it’s yet to be determined on who would be managing the actual installation and procurement of that project. However, since the money would be coming to Santa Fe County my assumption would be we would be project managers and fiscal agents as it flows through the County.

COMMISSIONER HANSEN: Then where would the wastewater go?

MR. FLORES: Madam Chair, it’s a sewer treatment plant so it’s packaged on site.

COMMISSIONER HANSEN: Oh, so it’s a whole package. So it’s a sewer plant – the whole thing.

MR. FLORES: Yes.

COMMISSIONER HANSEN: So this is in Santa Fe County, so this strikes me as something that should be on the ICIP. This is like another County project. So this is like after the fact adding a County project to the ICIP. I could be wrong. I don’t want to mischaracterize it. None of the things that we looked at at the previous meeting were unworthy. The issues came down to whether we could actually enter into an agreement like with the church, or whether it detracted from projects that had already been set as priorities within the county. So I’m wondering if this falls into that same category.

MR. FLORES: It does.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: So really quick, Tony. What is it called again? The Plaza del Cerro?

MR. FLORES: The Plaza del Cerro, which is the area around the plaza by the Chimayo church.

COMMISSIONER GARCIA: So Mr. Flores, Madam Chair, Paul, does the County own that Plaza del Cerro as an open space project that we purchased many, many years ago? That centralized area?

MR. FLORES: Madam Chair, Commissioner Garcia, we own the open

space behind it but we don't actually own where the church and the community is.

COMMISSIONER GARCIA: Are you sure we don't own that center plaza area.

PAUL OLAFSON (Planning): I'm sure we don't own the plaza area.

COMMISSIONER GARCIA: Okay. I thought we actually owned – because that is a County road that runs – the County road runs through that little plaza area.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Do you know how many people this would serve?

MR. FLORES: Madam Chair, Commissioner Roybal, 30 properties with 21 owners.

COMMISSIONER ROYBAL: Thirty property with 21 owners. And this is a pretty congested area in Chimayo. Is that correct?

MR. FLORES: Madam Chair, Commissioner Roybal, yes.

COMMISSIONER ROYBAL: Okay, this is in my district so I would support this type of project but I'd like to hear from my other Commissioners.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I support sewers 100 percent everywhere. This is not a new vision, but I also do feel that it's a little late to the game. It should be on the ICIP. Last year we had the sewers for Agua Fria Village on ICIP and we've had these things on the ICIP for a long time, and we keep asking for the money. Senator Wirth actually told me that sewers were not that sexy. They're more than happy to fund anything that's solar but for some reason – so I wonder, who is carrying this capital outlay request?

MR. FLORES: Madam Chair, Commissioner Hansen, if the Board gives me direction to fill out the form I need to talk to Representatives Romero and Herrera and Senators Martinez and Cisneros. So there's not a person or persons carrying this piece of capital outlay yet. It hasn't been introduced or given to them yet. So there's not a specific person. We would of course do as we do all the capital outlays – contact those delegation members where the project resides. So those would be those four.

COMMISSIONER HANSEN: So the people in Chimayo have not gone to the legislature and asked them to carry this?

MR. FLORES: Madam Chair, Commissioner Hansen, community members aren't typically permitted to fill out their own capital outlay form without a fiscal agent being a government entity.

CHAIR HAMILTON: I guess –

COMMISSIONER GARCIA: I have a question. So Mr. Flores, does DFA actually allow the ICIP plan to be amended for this type of reason throughout the year?

MR. FLORES: Madam Chair, Commissioner Garcia, we are able to amend the ICIP. My concern is that amending it this late in the game we won't actually get an ICIP number, so we'd have to submit a capital outlay form on that ICIP number.

COMMISSIONER GARCIA: So if the case was that the County Commission approved it you wouldn't get actually a number from the Department of Finance Administration? You'd actually get a letter saying, yes, your ICIP is amended to

allow this project.

MR. FLORES: Madam Chair, Commissioner Garcia, that would be the intent, but I can't guarantee that we'd actually get that approved. Or that number.

CHAIR HAMILTON: So as flawed as our ICIP process might be, and suggesting that we really make that something that we look at, especially if we do additional – we have a budget process coming up and we're going to spend some time looking at the capital process and I know this is ancillary. If we need to revise it, but it does strike me as arbitrary and capricious to have a process that includes several public hearings and then have add-ons to that that we just – that sounds like a good idea. That sounds like a good idea. And we just keep adding them.

So I am just not inclined to support these last minute things that take up – that compete with County-defined capital requests and staff bandwidth. Maybe it would be good if given that, if we heard the rest of the list and then went back and talked about them.

MR. FLORES: So the next request that we received right before the Board meeting today, we're asked to be a fiscal agent for a capital outlay request through Representative Jim Trujillo's office for \$75,000 for El Mirador, to plan, design and construct a greenhouse for the purpose of supporting serving individuals with developmental disabilities. This project went through the representative's office. Of course they're looking for a fiscal agent for \$75,000.

The next request we received from Esperanza Shelters, again through Representative Trujillo's office, for \$150,215 for the acquisition of various pieces of equipment that would be used in their facility, everything from beds, mattresses, couches, laundry room upgrades, kitchen upgrades, etc.

And then the last request that we received, which dovetails to Commissioner Garcia's question about the ICIP, the Madrid Water Consumers Association has met with some delegation members and staff about the possibility of acting as fiscal agent for their fire protection improvement project, which would include lines and a second tank in Madrid. There was a preliminary engineering report done that Santa Fe County took the lead on a couple of years ago, and although that's dated the costs are anticipated between \$350,000 and \$500,000.

So those are the four pieces of capital outlay requests that we received since the last BCC meeting and as late as 2:30 today.

CHAIR HAMILTON: They're all good projects. That last one in particular. That last one is also something that I think – the first one and the last one should be on the ICIP, even if we need to modify that ICIP process. That's probably critical but I think that has to go on the process. Commissioner Hansen.

COMMISSIONER HANSEN: I want to ask a few questions about the Esperanza request. So we own that property? We own part of the Esperanza property and they want – so this is on a County facility.

MR. FLORES: Madam Chair, Commissioner Hansen, yes. We, being Santa Fe County, have a contractual relationship with Esperanza and we actually own a few of the assets for Esperanza. That was Commissioner Garcia's project [inaudible]

COMMISSIONER GARCIA: Madam Chair, just on that.

CHAIR HAMILTON: Commissioner Hansen still has the floor.

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CHAIR HAMILTON: Can I finish?

COMMISSIONER HANSEN: Yes.

CHAIR HAMILTON: Let's say if we looked at this project, could we then move this – could we place this equipment on our fixed asset list?

MR. FLORES: Madam Chair, Commissioner Hansen, we had a similar situation with one of the applicants I just mentioned a few years ago with a similar type of fixed assets and we ran afoul with the DFA guidelines for actually doing that project. Although that project – there were facilities that were outside of Santa Fe County. It was a statewide project, which created another layer of problems for us. I'd have to check to see the rules of fixed asset placement in a facility that we own. I know we've done that in previous years for Women's Health. I believe we could probably accomplish it through this process.

COMMISSIONER HANSEN: So Representative Trujillo – he's requesting this, so to speak? And it's coming from Esperanza?

MR. FLORES: Via Representative Jim Trujillo to us.

COMMISSIONER HANSEN: Okay. And since this is in my district I feel like if we're helping homelessness, but once again, this is not something that's on our ICIP list.

MR. FLORES: Madam Chair, Commissioner Hansen, none of these four are on our ICIP list.

CHAIR HAMILTON: Okay.

COMMISSIONER GARCIA: Madam Chair, let's all keep in mind and Manager Miller, can correct me if I'm wrong. Through different administrations throughout the ICIP process, Department of Finance and Administration, Governor Richardson, Governor Martinez, some governors required it to be on the ICIP plan in order for them to sign off on the bill ever got to her or his desk. Some governors required it; some governors didn't. The last governor, Governor Martinez said if any of these projects come to my desk and they're not on that plan I'm not going to sign off on them. And so the plan can be amended from time to time.

And so we're in the middle of a new administration so I don't know if anybody out there knows what the new administration is going to require, whether it be on the plan or not on the plan. I certainly understand what Mr. Flores' concern is regarding if the County doesn't own the dirt, building, it's hard for us to actually control or to actually create some sort of an agreement out there as to how we actually monitor, oversee the procurement or the property management.

So the Esperanza property is actually the one on Rufina Road, which is actually owned by the County or is this the one on Agua Fria? Because the one on Rufina is actually the administrative component of Esperanza Shelter. So we do own the walls, etc., the dirt there. So if this is for the shelter itself then that's a little bit more difficult.

MR. FLORES: Madam Chair, Commissioner Garcia, it's for both. It's for the administration building and the residential center.

CHAIR HAMILTON: And just for the record, Commissioner Moreno was actually next in line so I'd appreciate the process. Commissioner Moreno.

COMMISSIONER MORENO: I don't want to get in a jam again where we have a building that we can't modify in the Easter Seals building, for example. I know

it's not on this – or maybe it is.

MR. FLORES: Madam Chair, Commissioner Moreno, the Easter Seals, El Mirador is on this for a new building. I was referencing an allocation through capital outlay a few years ago for technology equipment for various facilities, not just in Santa Fe County. So this request today is for a greenhouse, to plan, design and construct a greenhouse.

COMMISSIONER MORENO: Well, I'll cut my comments short. We come upon the legislative session and all the shiny objects that are floating in the air and we're not Santa Claus. And I really kind of feel resentful about that. Because they may be good intentioned, but right now, at this stage of this session I think it's too late to be entertaining new projects that just come up on the doorstep of the legislature.

COMMISSIONER HANSEN: So in partial – in addition to Commissioner Garcia, I don't think it's explicitly – it has impact on us what the governor requires, if they're required to be on the ICIP or not. The issue for us, and I have to agree with Commissioner Moreno and Commissioner Hansen, is whether we've talked about them and given fair consideration in a process where we set priorities on what we would want to be requesting state capital outlay support for. So these are – this just sort of short-circuits the process. No process is completely fair. Some people might think that there's nothing magic about the fact that we talked about it on the ICIP before, but on the other hand we are trying to have some sort of process that allows them to be considered together. And we can get some of these projects on the ICIP for future consideration. Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to recognize as has been stated we do have a process that we follow. There's not any of the projects that I do have on my ICIP list right now that I would push back and have this one take precedence over those projects at this point, but it is something I definitely want to work with the community with to get them on the ICIP list and possibly even look at expanding that infrastructure so that it serves more people in that community.

So although, like I said, I want to support this effort or their request, at the same time I know that there's a process and that we can't push anybody else back in the line, so I wouldn't change any of the priorities that I did – that we have established right now as everybody's waited for some time and have these requests in for a while already. So that's basically how I feel at this point is we need to make sure we are not pushing back a different project for other ones if it doesn't make sense.

COMMISSIONER HANSEN: Thank you. Is there further discussion?

COMMISSIONER GARCIA: I'd just like to say I'm okay amending the ICIP plan, especially if it's a County owned facility or if it's a quasi-judicial government entity such as the Madrid water co-op. They're asking the County for a little assistance in assisting which that capital outlay money can go to them. If the capital outlay money can go to Esperanza and the County does own that facility, I'm okay amending the ICIP plan for those types of projects.

COMMISSIONER HANSEN: Yes, so I would agree that all of these, we can do them on the next go-round, the amendment of ICIP.

COMMISSIONER GARCIA: Also, really quick, we can give a letter to the State Representative or State Senator saying we can amend our ICIP plan to include

your project. Just keep in mind, the County, however, the County may or may not be able to create an agreement, Representative or Senator, so if you want to give some money to this type of project, that's great, but just to let you know, you're not guaranteed to bring that project forward just because you've appropriated funding to it.

COMMISSIONER HANSEN: I recognize the dilemma that we are in. The fact that we want – we have an ICIP list that we have set out, and we have a legislature who supposedly has a tremendous amount of money. And so of course we're going to get more requests because people see that there's all this money this year and so therefore they're asking for more help. I'm sympathetic to Esperanza because it's helping homeless women, people who are struggling. At the same time I also really want the money for the Agua Fria sewers which has been on the docket for a long time and is more difficult to get. Esperanza might be a little more sexy. I don't know. It's hard to judge what the legislature wants to do.

Today in the paper the City was told to aim high for legislative funding requests. So what does that mean? Where are we at? Can we just throw everything on the book and think, oh, we're going to get everything funded? I don't know. Tony, you're our lobbyist.

MR. FLORES: Madam Chair, Commissioner Hansen, we put in \$10.3 million in capital outlay requests. That's what our total package of the priorities that this Board decided upon were submitted to the delegation. \$10.3 million, not including these four projects and not including the two previous projects the Board gave me direction on on the 8th of January. So Mr. Garcia is correct. The delegation members have their own prerogatives. They can put in a request. They could list it on it and then they would have to come back to us and determine whether we could be fiscal agent or not. That is the reality of the capital outlay. I think my boss had something to say.

MS. MILLER: Madam Chair, Commissioners, this is really difficult, because if we get another four or five and we're likely to do and they all did get funded, we don't have the capacity to actually do these projects on top of the fact that one of the requirements from DFA when they certify for it is we have to show control of the site; we have to own it. And we don't own these. There's some we do and if it's one that we actually do own and there's improvements to it, or if it's one that we want to own but I don't really know how we would own a greenhouse on El Mirador property.

So the problem with these – and then it's a wasted appropriation as Commissioner Moreno said. It's a bunch of appropriations tied up that can't be spent. And I think at some point it's incumbent upon us – I know nobody wants to be the bad guy and say no – but it's incumbent upon us to – and maybe you have them all come to the next BCC meeting and present to you and we analyze whether we could even actually be their fiscal agent for the project that they're asking for funding for. Whether it would violated anti-donation, so that we could just flat-out tell the legislator we can't be that fiscal agent because we don't see – they've come to us, they've presented, and of the ones that maybe we could be, you'd pick the top two or three to say – but at some point we need to actually put it back to the legislators: we can't accept these funds. And if it gets appropriated and it gets signed off by the governor, we're likely going to never be able to answer – just like we couldn't with the IT equipment. We will never be able to answer the questionnaire from DFA that we can accept it. So it will sit and sit and sit.

I don't know, but I think at some point – everybody wants to say, oh, yes. That's a

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good cause. That's a good cause. That is the problem. And that's the problem with the violation of the Anti-Donation Act. It says no matter how good the cause, you can't contribute money to – you can't donate to a non-profit entity or a non-governmental entity.

So somewhere I think it is our responsibility to communicate to the legislators in our delegation that we don't think, if we really don't think on particular ones there is a way for us to be a fiscal agent for them, that we don't think we can, so we don't want to mislead you that we would be able to accept this appropriation if it made it all the way through the process. So somewhere I think we need to do that, and then going forward after this session, I think maybe we should say, not just as part of our ICIP process, hey, if you're planning on going to the legislature next year and you want us to be your fiscal agent, you need to get approved in this process, and you need to get on, and we don't throw everything under the sun onto the ICIP, but only approve those that we can truly manage, and that we are within our wheelhouse of staff, and don't negate all the projects that you already have put as your priorities. Because the way this is going, this session, we'll have ten to 15 appropriations that a good percentage of them we can spend, and if we could, they would go in front of what you already voted on as your priorities.

So I think we – I do think rather than just saying yes to everything we need to actually find some process to try to communicate back to our legislators what we believe we can actually accommodate.

COMMISSIONER HANSEN: I actually think those are two great points, including the one [inaudible] adding the ICIP, whether we can actually [inaudible] Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, I think every project is beautiful, whether you have a sewer system that actually cleans up the environment, whether helping El Mirador, which is actually for the mentally challenged individuals, or Esperanza Shelter, which is great. So I think there'll be a project that we should just call for the question. Let's move on.

CHAIR HAMILTON: I'm not sure this is a vote. This is a direction to staff.

MR. FLORES: Correct. This is not an action item. I'm looking for direction on each of the four requests.

COMMISSIONER GARCIA: So Mr. Flores, Madam Chair, what kind of direction do you want. Do you want us to go down each one of them and say yes or no on the majority?

MR. FLORES: Yes. So the first one up was the Madrid Water Consumers Association's fire protection line.

COMMISSIONER HANSEN: To be honest, I think this is an all or nothing.

MR. FLORES: Okay. I defer to the Chair.

COMMISSIONER HANSEN: I mean I don't think any one of these fall out of the discussion that we have had. I don't think any one of them stands apart from things needing to be on the ICIP. We need to be assured that we can actually for other projects that we can actually act as fiscal agents. So I assume we can just go straight down the row here and get everybody's input. Commissioner Hansen.

COMMISSIONER HANSEN: So I believe that you did say that Esperanza was a County facility.

MR. FLORES: One of the facilities, Madam Chair, Commissioner Hansen, is ours. One of them is not. The administrative facility is County owned. The residential facility is not County owned. This equipment would go into both facilities.

CHAIR HAMILTON: And none of them are on the ICIP.

COMMISSIONER HANSEN: I'm struggling. I think that things need to be on the ICIP. I think we need to have that mechanism because that's how we have worked and it's a logical process. I'm also reading this newspaper report where the City is asking for \$16 million in funds. They're being told to aim high. So what we need to do is maybe we need to do a better job of educating the public out there of what they can come forward and when we do the ICIP list – I don't mean to be so long-winded but it's a struggle for me. I feel like, no, I don't want to support things that are not on the ICIP list, and yes, I want to help the community because my heart says we need these things. So that's kind of where I'm at.

CHAIR HAMILTON: I take that as being we need to improve – we want to expand and improve the ICIP outreach and the projects need to be on the ICIP. Commissioner Moreno.

COMMISSIONER MORENO: I can support that. I think it's too late for this session. There's no quick fix but I will insist on criteria, any documentation that can be supported that shows that it can be built without violating the Anti-Donation Clause and that would be my position.

CHAIR HAMILTON: We're going to go down the line. Commissioner Roybal.

COMMISSIONER ROYBAL: I think right now I do feel that we do have a process of identifying projects and putting them on our ICIP list and I think it's important that we have projects that we've identified as taking priority and it's very hard to add these additional projects here at the end. It's a very difficult decision because we want to be understanding to the needs of our constituents in the different areas. I know I had one request in my district and so it's difficult but at the same time I really feel that we need to follow the process and not bump anybody out of line. So I'd like to work with these individuals so we can get them on the ICIP list for next year.

CHAIR HAMILTON: Excellent. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Mr. Flores, there's your direction and I'm okay with it.

MR. FLORES: Thank you.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Thank you.

V. A. 2. Presentation Regarding the 2019 Community Development Block Grant (CDBG) Process and Request Direction for Initiation of Public Proposal Solicitation Process

MR. OLAFSON: Thank you, Madam Chair. The New Mexico Department of Finance and Administration has opened its process for 2019 CDBG, Community

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Development Block Grant funding. It is open through the Local Government Division and the Community Development Bureau. The funds are passed through the DFA from the federal government and they're intended to benefit persons of low and moderate income.

One type of grant is infrastructure grants. They are distributed statewide on a competitive basis. DFA estimates approximately \$10 million will be available for infrastructure grants this year in 2019. Infrastructure applications are limited to a maximum of \$500,000 per project if it does not have a certified cost estimate, or \$750,000 per project with a certified cost estimate. The County is able to apply for one infrastructure project.

There are also applications for planning grants but they have a limit of \$50,000. Additionally, the state has a set-aside fund totaling \$500,000 currently for economic development project. We are currently completing on CDBG project that was through a set-aside for affordable housing and that was the roofing project that was approved by the Board last year.

We've been approached by several entities throughout the community to investigate whether the County would be interested in supporting an application for an infrastructure grant, as well as for an economic development grant. So the County at this time could apply for a new infrastructure grant and an economic development grant simultaneously. And we have checked with DFA; they would be working with us. We've also checked with affordable housing. They feel that the roofing project completed. We've checked with DFA. They have confirmed that we can apply for both infrastructure and economic development. We've confirmed with the affordable housing group that their roofing project is wrapping up so there is an opportunity for both of these.

I stand before you today to ask if the Board would like to direct staff to proceed with the process. It's an open, public process per CDBG federal HUD rules and DFA rules to have an open and transparent process for the project selection. That will require a minimum of three public hearings before the Board. One to present projects, one to select one or more projects, and a third meeting then to confirm the selection. So if that's the direction of the Board we would come back to you on February 12th for the first of those three public hearings.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: I would like to, if there are no concerns, give staff that direction to move forward with your requested action and just keep in mind, if you have any potential projects out there, that project has to be on the ICIP plan in order to get points through DFA. Thank you.

COMMISSIONER MORENO: Second.

COMMISSIONER ROYBAL: I'm okay with that direction.

COMMISSIONER HANSEN: I'd like to have the presenters be sure and present and that we get a full complement of projects to be able to choose from. But I also want to make sure that we are able to get money for our roofs on Santa Fe County Housing Authority. So we can finish that project.

CHAIR HAMILTON: Commissioner Moreno, did you have something? I actually had a question. The schedule of public hearings and the schedule on the front page of the application process, I'm missing something. So you have CDBG hearings,

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February 26th, the application deadline is – so that application deadline – these are hearings for the County to select which one it's going to put forward and then the application deadline is in June?

MR. OLAFSON: Yes, that's correct.

CHAIR HAMILTON: Just wanted to make sure.

MR. OLAFSON: The February dates, those are the nearest dates we could put this up in front of you. So that's how it's lined up. After today, these are the next three meetings that we could bring something to you. That would allow, if there was a project selected, some time to actually develop the application and get it ready by June.

CHAIR HAMILTON: Right. Then we would open this project going with the potential for both applications.

MR. OLAFSON: Yes. And I should clarify too that the infrastructure project is due on June 21st. The economic development projects do not have the same timeframe. They have very similar requirements but they're not under a time constraint of getting it in the queue for the statewide competitive grant process.

CHAIR HAMILTON: They essentially have no deadline then.

MR. OLAFSON: Correct.

CHAIR HAMILTON: Okay. Good to know. Well, I would certainly – it sounds like the Board concurs that we should give you direction to open this process. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: What type of projects are available for the economic development since they have put this as an open category?

MR. OLAFSON: I can't tell you off the top of my head every type of project but I know they're targeted to have hiring of low to moderate income employees, so it's job generation and there's a ratio that I think one job for every \$50,000 in infrastructure has to be created. It's either \$50,000 or \$35,000. So if I had a \$500,000 grant I'd have to create ten jobs and they would have to be open and eligible for low to moderate income individuals to apply for those jobs and I think 51 percent of the hires would have to be in low to moderate income.

COMMISSIONER HANSEN: Okay. Thank you. I appreciate that.

CHAIR HAMILTON: Thank you. Any further inputs? Thank you.

V. A. 3. Presentation of Independent Auditor's Presentation of Audited Comprehensive Annual Financial Report for FY 2018

MS. THOMAS: Good evening. I just wanted to hand it over, actually, to Yvonne Herrera, our financial and reporting manager, and Steve Montoya, from REDW, our auditor.

CHAIR HAMILTON: Thank you very much.

YVONNE HERRERA (Financial and Reporting Manager): Good evening Madam Chair and Commissioners. Steve Montoya and I are here to present to you the 2018 audited comprehensive financial annual report. First, I would like to thank the Finance staff for all the hard work that they put in to help us make sure that we got the audit done. I'd also like to thank the County Manager's Office as well as the Board members for their support, and I begrudgingly want to thank the auditors for putting us

through the wringer this year. It was a tough year. They had a lot of questions. We had some problems. But we have a really good staff who was able to buckle down and to get things taken care of and to be able to get the audit done before the December 1st deadline. I'll go ahead and pass it on to Steve.

CHAIR HAMILTON: Thank you.

STEVE MONTTOYA: Thank you, Yvonne. Madam Chair, members of the committee, it's great to be here tonight, so good evening. Thank you, Erika, for introducing us. So the purpose of why I'm here today is to just provide a brief overview of the results of our audit of the Santa Fe County comprehensive annual financial report, as Yvonne said. We definitely had a lot of questions and went through a thorough audit with the County this year. But we were able to issue a clean, unmodified opinion.

So I'll just go through kind of the major steps. So we held an exit conference with the Audit Committee of the Board of County Commissioners and also with County Management. That was held on November 28, 2018. The CAFR was then submitted to the State Auditor on December 3rd, which was in compliance with the deadline established by the State Auditor, being that the 1st fell on the weekend. The State Auditor reviewed the CAFR and released the CAFR on December 24, 2018, so right before Christmas.

The County's single audit report was submitted and accepted by the Federal Audit Clearing House on January 14, 2019, and so all reports have been submitted.

As far as our audit, I just wanted to kind of give a brief overview of the different parts of our audit, similar to how I presented last year. There's three parts to our audit. The first part of our audit is the audit of the financial statements and so that's the first phase of the audit and what we're doing is we're auditing the numbers, making sure that the note disclosures and the financial statements are accurate and that they're materially correct. We also are looking at the supplementary information, the schedules, and making sure that all required components are in the CAFR.

So again, we issued an unmodified opinion on the financial statements, which as I said is a clean opinion, and that's the highest level of assurance that we can provide as part of our financial audit.

So part 2 of our audit is to test the internal controls of financial reporting, and again, when we're testing controls we're looking at the controls over financial reporting, so not necessarily controls over operations, although sometimes that overlaps, but really the objective is to look at the internal controls over the financial reporting. Also to look over internal controls over compliance with laws and regulations that could present a risk of material misstatement.

And so when we come out, as part of our planning phase we'll go ahead and perform tests of controls. We'll do observations, we'll do inquiries, obtain resolutions, go through the minutes and we'll look to see – really what we're looking for is are there any risks to the financial statements that we need to redesign our audit procedures or design our audit procedures to address those types of risks.

And so as part of our internal control assessments, if we find any deficiencies in internal controls we'll report – we have to make a determination on how those are reported. Really there's three levels. One, a control deficiency could be a material weakness, which is the highest level. Then there's a significant deficiency, which is in the

middle, then there's another comment, which is basically it's a control matter but it's not significant enough to warrant the attention of those charged with governance.

So as far as our report, we didn't have any material weaknesses in this year's audit, so we didn't identify any material weaknesses. We did, however, have two significant deficiencies. One was for accounts payable cut-off, so basically we found two invoices that hadn't – that should have been recorded to fiscal year 2018 but were recorded to fiscal year 2019. And so the other one that we had was for timely and accurate account reconciliations. And this is where we had reconciliations through our audit that required corrections after going over it with management. One of them was the cash reconciliations. There was item there where the schedule wasn't matching up to the GL and so we went over those with management and management looked at them, them and their team, and they corrected the schedules. They made any correcting journal entries that needed to be posted to get the financials accurate.

Ultimately, the issues were resolved. But since it was done through the audit process we have to report it.

So then the other part of our audit is the compliance audit and for a compliance audit there's two components. One is the federal compliance and then one's the State Auditor compliance. For the federal compliance, we had – this is our audit for the federal awards, which is also known as a single audit. We tested one major program this year, which was the Section 8 housing choice vouchers program, and that was basically \$2 million of expenditures in fiscal year 2018 out of the total federal expenditures was \$3.3 million. And so we tested the \$2 million in expenditures that were federal awards.

The results of that is we had one instance of non-compliance, which was for reporting compliance and that was basically that the unaudited financial statements weren't submitted over to HUD by I believe August 31st. And with that we had two internal control deficiencies. One was for reporting, that there was a control deficiency that the report didn't get submitted to HUD, and then the other control deficiency was for payroll controls, where we found one out of 25 items that the payroll time sheet had been incorrectly entered into the system.

So again, that one instance was corrected and the payroll was corrected but since it was found during the audit we reported it.

And so as far as the prior year's single audit findings, so we do also a follow-up on the prior year findings, and both of those findings were resolved, so management was able to correct those findings and we didn't have those findings in fiscal year 2018.

And so for the State Audit compliance, for the state auditor rule compliance, we had five OSA findings this year, and I know Stephanie had provided a memorandum to you kind of listing out all of those a week ago and we can go into details if you would like to go into any of those. But basically, the five OSA findings was one was for cash receipts that there was a deposit that wasn't made within the 24 hours before the close of the next business day. We had one for service center contracts. An OSA notification of fixed asset disposition, and then collateralization and then also for expenditures in excess of budget.

As far as the status of prior year findings, both of those were resolved for the state audit rule, findings that we reported in FY 2017, so that was for travel and approval of contracts. That was not an issue in FY 18.

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So that's a brief summary of our audit results. Again, we had reported this in real detail with the Audit Committee, but I open this up to any questions that you may have about the audit results.

CHAIR HAMILTON: Thank you very much. So Commissioners, are there any questions you have about the audit results? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I kind of consider this the state of the County. How are we? We're good. It looks like in many ways. We didn't have that many findings. Things that were misplaced or out of order we fixed and corrected, so that's all good. When I was reading the summary, the introduction, I just had one question, because it states in here – I'm on the Reporting Entities and Service and I'm on the third paragraph and I'm on the third line from the bottom. And it says, "A Regional Planning Authority created by the City of Santa Fe and the Santa Fe County." There's a whole, the County provides the following services. This starts actually the fourth line down from the third paragraph. Then it says all the things that we provide, but I just want to point out that as much as I would love this regional planning authority to exist and to work and to function, it hasn't met since 2011. And so even though it's created and it might still be on the books because the JPA is still on the books. I'm on page 4, Reporting Entities and its Services, third paragraph, the line starts, the County provides the following services. All the services are fantastic that we provide. I think it's good for the public to know all of these things that we do but then it goes a Regional Planning Authority. I'm trying to get the County Manager in the same place. Does everybody else see where I am?

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: But I just want to state for the record, I would like us to have a Regional Planning Authority and that would make me really happy. I would like us to have a Regional Water Authority but those things do not exist at the moment and it is in this, and since I consider this a state of the County, and since we haven't had a Regional Planning Authority since 2011, I think it might be inappropriate for it to be here. But that's just – that's the only comment that I have. I did go through a lot of the things that I – I appreciate all the incredibly hard work that Yvonne has done on this and I want to thank you, really. Because this is difficult work and I really am grateful to all of your dedication and finding all these little things and these minute numbers that I would certainly miss. And Erika also and of course, Stephanie. We're sorry that Stephanie has left us, but you're not going to leave us. Thank you. We don't want to lose you. I really appreciate you and I appreciate the auditor's hard work and I appreciate the meetings that we've had. And I believe that Stephanie wrote this anyhow. So I just was pointing that out. That was kind of one of the things that I caught. I flagged it because I want so much for there to be a Regional Planning Authority.

MR. MONTROYA: Thank you, Commissioner Hansen.

CHAIR HAMILTON: Are there other questions? Thank you very much and thank you very much for doing the presentation and all the work, and I'm glad Commissioner Hansen mentioned it. I did get a lot of feedback about the incredible job our staff did and calling out especially Yvonne and I think she deserves the recognition from the bench for that. So thank you very much.

COMMISSIONER GARCIA: Madam Chair, as well as the entire Finance

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Department, actually, because they all work as a team over there.

CHAIR HAMILTON: Absolutely. Absolutely.

COMMISSIONER HANSEN: We are lucky to have a really wonderful Finance Department.

MR. MONTROYA: Thank you, Madam Chair. I just wanted to really express that as well. It's been really enjoyable working with Yvonne. I love her personality and she gives us some critical marks and stuff, but it's great. We like it. This is a big report. It's over 300 pages and a lot of details and so it's definitely appreciated, all the efforts that she puts into that and helping us with the audit to run smoothly.

CHAIR HAMILTON: And definitively, it's a great Finance Department that hangs together, has great leadership and we're very lucky to have that. Thank you.

MR. MONTROYA: Thank you, Madam Chair. Thank you, Commission.

V. A. 3. Presentation on FY20 Budget Process

MS. THOMAS: Good afternoon. Good evening. So the power point presentation, it's in your packets, I'm assuming. This is what I presented to the departments during their mid-year hearings. This changed a little bit over a couple of years. We used to do a big presentation in here to all the departments but I feel like it's more intimate when we're meeting with each department and presenting the budget kick-off and instructions.

So within the power point we give them guidance how to prepare their budgets, their operating budgets. We provide deadlines and a timeline for the FY 2020 budget season, and new this year, we're saving tons of paper. We're doing a paperless budget entry process this year and I'm hoping to streamline that as we move forward. This is the first year so I anticipate we'll have to work a little bit through the process but it won't hamper the outcome of the budget. It's just in the entry portion.

So if you go to page 2 – I'm just going to do a summary. Like I said, this is what we present to the departments. So the budget – our direction is to maintain a flat budget and some exceptions to that are contractual increases, which naturally happen, utility increases, any one-time purchases they may have, and maintenance items. So those are things that may increase their budget.

With contractual increases, we just remind them to review their contracts. Sometimes there's an escalator in the contract. Look at their prior year expenses versus their current year expenses to make sure we're expending them in the correct year, as we just went through the audit and had an audit finding, an expending in the incorrect year. So we're all trying to work together. So I'm on page 2.

If we move on to page 3. This is our timeline summarized. We opened our capital database and released budget documents and what the budget documents are is they aid the departments in filling out their annual budget. It has the line item expenditures, it has travel requests, it has contractual listings. So we open that on November 20th so they have plenty of time to start planning and preparing. We just concluded our mid-year review and budget kick-off last week on January 23rd. Today we had the paperless budget entry training at HR. I did release the instructions prior and I was really excited that about 90 percent of them tried it before they even got there. And so that concluded today.

Our capital database, where all the capital requests are entered will be closed on January 31st, so this is fixed assets, capital and maintenance requests. We also have FTE requests in there.

Concluding that, we meet in small groups, and I'll go over this in the next slide, depending on the type of request. The FTE, fixed asset, maintenance and capital groups will meet between February 4th through 15th to ensure the entry into the database is correct. The funding source is correct. So we just make sure it's cohesive and it makes sense before we present it.

The budget requests are due to our budget office on February 22nd, so in prior years they'd bring us these big old binders and we'd have to sort through them and then enter – they will already be entered in the system, so basically, what will happen is they'll be able to run reports but their access will be cut off to make any changes after that time. We anticipate having our budget hearings between March 1st and March 15th, so the Finance Department, along with the County Manager's Office meets with each department and looks through their requests, asks questions and just vets through the process with them.

We anticipate having a capital planning study session or strategic planning session with the Board the last two weeks in March and I'll go through that a little more in detail. And then hopefully we can have some budget study sessions with the Board the morning of April 9th and 23rd. We're trying to get our interim budget as close to our final budget because DFA shifted the reporting mechanism, and so everything after interim budget is manually entered by me. And so if we can get as close to a final budget in our interim budget there's less room for error and it will provide a cleaner budget rollover.

So the BCC will approve the interim budget, hopefully, on May 28th and it's due May 31st, so it's an upload that I have to do by May 31st, and any changes between May 31st and June 25th, which would be the approval of the final budget will be changed, and then I submit the final budget to DFA on July 31st. I know it's a lot, by kind of my life for the next couple of months.

So the budget request entry and hearing, the FY 2020 budget is already open in our enterprise system, so they're welcome to enter into the system. The training I did today just provided the requirements that we have from our office as far as detail that's required from us back up, like if you're going on travel, how much will it cost? Where are you going? How is this going to add value to the County? The detail requirements are contractual detail, expenses over \$10,000, one-time expenditures, travel detail and utility detail. Those tend to be the highest dollar requests, other than salaries and benefits.

And I am just reminding departments, we just went through the audit and there was one finding matching current year expenses to current year budget, so we're really working together as a team to ensure that the departments understand that that's the process we want to take. And our ultimate goal is to incorporate the items in the strategic plan into the budget entry. So I gave guidance on that today, how we're going to incorporate that.

So on page 5, capital fixed asset maintenance and FTE requests, as I stated earlier, entered into a database. I believe this is our fourth year using the database. The beauty of it is they were always paper requests and this way it allows it to summarize in a nice reporting format to submit so we can vet through those requests. As it stands now, the

requests for FTEs will be reviewed by HR initially before they're presented to the Board. IT will review the IT requests. We'll have a fixed asset group, so that's like computers, equipment, vehicles, those types of things. We'll have a small group that just vets those ensuring the funding and the requests are complete. We'll have building maintenance, review all the building maintenance requests, and along with the County Manager's Office look and vet through the capital requests before our strategic capital planning session.

So on page 6 is just a summary. We're requesting a flat budget other than the variables that I presented earlier. I'm asking them to review prior year actual expenditures to ensure we're not over-budgeting. We're doing a paperless budget submittal. FTE request, fixed asset, IT and maintenance requests will be entered into the database in capital. I asked them to be mindful of the deadlines. Our year-end deadline memo will go out which correlates with our budget deadlines and all the forms I provide on Sharepoint so they can get them at any time. They can call us of course but they're available at any time.

And the last page is just our contacts for the departments. Do you have any questions?

V. A. 4. a. Capital Planning Update

MS. MILLER: Madam Chair, before, I just want to clarify the difference between capital requests and capital projects. You see capital requests throughout here. During our regular budget process for annual budget we do the capital requests for fixed assets, large building maintenance projects, vehicles – all those are capital relative to how they're accounted for in our accounting system as well as in the budget, in particular 8000 category line items. That is not the same as the capital projects which we've done, our ICIP, and we do that process throughout the summer. But if you recall, last year when we did the strategic planning we kind of said let's put the capital projects to the side, one because we didn't have any money to work with but also we didn't want to get bogged down in our strategic plan with trying to determine capital projects. We want to get what I'll call more of an operating strategic plan in place.

But what I'd like to do is – and Erika mentioned it in the slide where we had kind of a timeline was having a capital planning study session with the BCC. That one is the one that I'm referring to as capital projects and looking at kind of tying our strategic plan and getting our capital projects that we already have either budgeted or that we've been working on where we need to look at those and say, okay, is this project going to move forward or not move forward. If it's not going to move forward for a variety of reasons I want to bring it to the Board to discuss whether we move that funding to a different project or what's an option? What's something else we could do? And go through all of that, so kind of what I'll call a capital projects cleanup and then also get your priorities for going forward over the next five years. And for that then to be tied with our strategic planning process and then that would also inform our ICIP process, with knowing what we currently have as priorities when we go out to the public with the ICIP, we say this is what the Board already has and where they're planning the County's direction in capital projects. And then have that hearing process, get feedback on what we already have, in

addition to other things that community members want to have included in our capital planning.

So I just wanted to distinguish those two things in this so that that's what that capital planning is separate from our fixed assets and IT purchases and that type of thing.

MS. THOMAS: I was just going to piggyback on what Katherine was saying. It was actually almost identical. During the budget planning season we'll hold the capital strategic planning session. Basically, we'll update our resources or our funding sources in conjunction with capital planning so maybe we can see over the next five years, short- and long-range planning, and it gives you a better picture of what we have for immediate need and long-term needs. Our goal is just to have a clear path or an understanding of what's available to the County now.

So I'm really excited because we didn't get to do that last year and I think it will be really good for the Board but also for our staff to go through those capital projects together.

CHAIR HAMILTON: That's great. Any further questions on this?

COMMISSIONER HANSEN: Thank you, Erika. It sounds great. You did a great job. Thank you.

V. A. 5. Update on E-Agenda Project

MR. FLORES: Thank you, Madam Chair. As you know, we've been working through the process of doing electronic agenda, electronic packets for not only this Board but all the boards and committees that you sit on or that we have for the County. We put out an LOI, letter of interest, for potential firms to be able to respond back to us on their solutions for e-agenda. Based upon that, we've selected a company. We are currently working through the informational process of business processing or identifying our business processes at least for the Board of County Commission.

The anticipated go-live date is the last meeting in April. That meeting we will have both a paper packet, which is this voluminous binder, and also the e-packet. After that meeting we'll be strictly on an e-packet basis. Since this is an e-agenda and e-agenda management tool we are providing the technology solutions for each of the Commissioners, the County Manager, the Clerk, the Attorney, so that you are able to see the agendas and those items, packet materials on your screens rather than having to flip through the packet.

This will also allow us to change things on the fly. For instance, today, we moved some things around from the Commissioners' action items at two different times in the meeting, and we may not have given the public adequate notice to get here that we were moving things around. So this document will be live in real time so that if we move something – we being the Board – move something on the agenda we can at that same time move it on the electronic agenda that will be available on our web. So there are some advantages of having the e-agenda. One of them is not printing ten of these, and also the ability to get public real-time information as it happens here. We can also record votes and be able to publish those quickly after the Clerk has given her information.

So we're excited about it. it is a little sluggish right now getting going but we do anticipate having it up and running the last meeting of April.

CHAIR HAMILTON: That sounds great. So the obvious question is, up and running in April some time. Is there going to be time to get training for everybody?

MR. FLORES: Yes.

CHAIR HAMILTON: To be able to use the hardware and software?

MR. FLORES: Yes. So when I say up and running, the first meeting that will actually be live will be the last meeting in April. We'll be backing up the training sessions for the Board and staff that do various committees and the County Manager's Office as the keeper of the flame, so to speak, when it comes to agenda management prior to then. So I anticipate us having a very hectic February and March, not only with the budget process, now a CDBG process, the legislative process, but also an e-agenda process. So more to come.

CHAIR HAMILTON: Wow. That sounds great. Commissioner Moreno.

COMMISSIONER MORENO: Tony, is this system going to be able to talk to other agencies like SWMA, with their –

MR. FLORES: Only in the sense of us publishing or posting the agendas that we do for those outside entities. It doesn't have an interface for other entities to be able to do that. This is purely for the organizational structure of the County. We would be able to post agenda as we do for other boards and committees but not have the interaction where we can change agendas and do that thing as that particular board makes them. So that wouldn't happen as part of this rollout.

COMMISSIONER MORENO: Okay.

MR. FLORES: We would all have to be on a similar platform or have an interface built into both sites.

COMMISSIONER MORENO: Okay. Thanks.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: The City is able to do this, so we're not going to the say e-system that the City – because with our meetings there they're all on these tablets also.

MR. FLORES: This is a different system than the City of Santa Fe's got right now.

COMMISSIONER HANSEN: Okay. I don't have any attachment to their system.

MR. FLORES: Madam Chair, Commissioner, that is an interesting thought though to see about the interface. I'm sure it will cost us more money than we have and it will take longer to do but I think I can ask the question if we're able to do it.

CHAIR HAMILTON: I guess some of these questions might be good. The City system, I know they can bookmark and highlight things electronically, so we can too? Great. Thank you. Other questions? Well, I'm really pleased we're moving along with this. Thank you very much. It will save my right shoulder from having to carry all this heavy stuff.

V. A. 6. Discussion and Scheduling of Annual Site Visit and Inspection of the Adult and Juvenile Detention Facilities

MS. MILLER: Madam Chair, I had one more thing. Madam Chair,

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Commissioners, last year – well, we're required by law to do an annual visit of our detention facilities and inspection by the Board and last year we did the adult facility the last meeting in February and we did the juvenile facility, I believe the last meeting in March. I don't think we have to do it spot on the same month as we did it last year. We're just required to do it annually. I wouldn't want to wait too long into the year, but one of the things I was thinking, because of the legislative session, because we have budget and all those special meetings or longer meetings for the budget that maybe we push it to June/July timeframe, and that we just do one morning we go to adult and we go to juvenile instead of – to do it as one special meeting and do both facilities.

So that would be a suggestion and I'm open for feedback.

CHAIR HAMILTON: Okay. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, that's fine for me.

CHAIR HAMILTON: Any other comments? Commissioner Moreno.

COMMISSIONER MORENO: Maybe I missed something. We're going to have two tours on two days?

MS. MILLER: No, sorry. Madam Chair, Commissioner Moreno, that's how we did it last year and we did them before our regular BCC meeting. I would propose we just pick a special meeting sometime in May, June, July – one morning and do them both. And not necessarily be the day that you have BCC. I just didn't want to add another special meeting or a super-extended meeting when we already have – we're looking at trying to do the capital projects, strategic planning in March. We're looking at trying to do budget, special meetings in April. So I thought let's push it out a little bit later but combine them on one day and just do them all at once. Whether it be on a BCC day or not, but for me to come back with some dates further out in the year and do them back to back on the same day, so that we don't have to add two trips.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I think doing it in June or July or sometime after the legislative session and after everything else that's going on is a great idea and I support that. I don't know – it takes time to go through these facilities so if we're going to start and we start around 9:00 in the morning, we might go until 1:00 or 2:00. So we might need to take a break and have lunch of something like that. I don't know how you want to do that, but it does take time to go through these facilities.

MS. MILLER: Madam Chair, Commissioner Hansen, I agree. That's why I was trying also not to try to put them on the same day as a Commission meeting because I believe the last – when we did them at the end of month you were kind of rushed. We started like at 9:00 barely got done by 12:00 to get back here and get to Housing by 1:00 and then you had the meeting. It made for a very long day. And I would just suggest we maybe not do that but just have a special day. We do the tour, we try to do both of them, and you don't have to then follow up with an all-night-long meeting.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I would concur with the decision. I feel that on days when we have BCC, and then we're going to go tour a facility, especially if we do both, it's just too long of a day, plus we are rushing around. I would rather do a special meeting and go and tour both of these facilities on the same day. So that would be my preference.

CHAIR HAMILTON: I would agree that doing it later and on one day sounds just grand. Commissioner Garcia.

COMMISSIONER GARCIA: Also, just to add to that I think we should have lunch at the facility as well so we can see what the inmates.

CHAIR HAMILTON: You can vote for that.

COMMISSIONER GARCIA: Let's see what they eat. Why not?

MS. MILLER: Madam Chair, Commissioners, we have done that and I have to say, I've had a couple meals and they're pretty good.

CHAIR HAMILTON: Yes. We have eaten there.

MS. MILLER: We'll ask for a good one, the day they're having the hamburgers or something.

COMMISSIONER ROYBAL: I would be fine with that as well.

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

CHAIR HAMILTON: So are there further matters from the Commissioners? Commissioner Hansen.

COMMISSIONER HANSEN: I have a number of items. So first I'll start with I have had a request from our City Councilor, Signe Lindell to please put a sign at our new County building. She would like a sign with a picture. That was her request because she feels like all these people are continually asking what is going on next to the convention center. So she suggested at the corner of Catron and Grant. I think that's right. And right next to where you come out of the post office. I am just relaying that message. I do think it might be a good idea to have some kind of sign, at least say this is Santa Fe County's new administration building under progress or something like that.

Then all of you, I believe, have gotten an email today but I did print you out hard copies. *[Exhibit 4]* I am very, very concerned about this Waters of the US Rule that is about to be published by the federal government, and it is really going to impact, if nothing is changed and the definitions are not revised. The Santa Fe River will basically lose all protection because there's ten miles of ephemeral stream and ephemeral will no longer be covered by the Clean Water Act and the EPA. It is really quite serious.

On the River Commission we have been working really hard on this for the last couple of meetings. We had a special meeting and this letter has been sent to the City Council and it's being sent to the County Commission and I wanted to – even though you got it in the mail I just wanted to bring it up to your attention because I would like to – I will start working on a resolution that we make comments or maybe Commissioner Hamilton and I can work on a letter together.

CHAIR HAMILTON: Be happy to.

COMMISSIONER HANSEN: To the EPA and to comment on this because once we get – if we don't comment we will not have standing and having standing with this proposed rule change is incredibly important. I'm sure that Bruce, our County Attorney would be interested in working on this with us also, since this is his

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specialty. I hope I'm not overstepping my position, County Manager, by asking, but I feel like we as the River Commission have worked very hard on this and have had numerous special meetings, so I just wanted to bring that to your attention, because the rules should be published sometime in the next week or two as long as the federal government remains open, it will be published.

And then with that, I want to – since Commissioner Anaya has left us and he was always so good at recognizing people who had passed away, and there are a number of people in this last time span who have left us so I wanted to just mention some of those people. Tommy Hicks from Shidoni. I don't know if any of you knew him but when I first came here Tommy ran Shidoni and it was just this great environment and he created a really incredible sculpture garden out there and I always really admired him for that and he has passed away.

Also Lemonia Komis, who is Peter Komis' mother, who I've known for quite some time. She owned the old Patio Café. She passed away in this last couple of weeks and I just wanted to remember her also and remember the Komis family and Peter.

And then as Joseph Montoya had mentioned that somebody had passed away in one of our – he didn't pass away in our facility but this morning on Facebook his brother, James Rutherford, posted that Rusty Rutherford who was known as Sombrero Man. Many of you in the old days, if you remember him, he was always out there at Fiesta and everywhere with his flamboyant sombrero. He also passed away.

And then my last remaining aunt, who lived in Denmark, also passed away. She was the end of the generation of my mother and my father and I will miss her tremendously.

And then last but not least was Councilor Harris' son passed away from an accidental overdose -- his name is Andrew Glenn Harris. I found this out from Mr. Harwood when I saw him recently but this happened December 13th and I don't think anyone knew so I really wanted to send my condolences out to Councilor Harris and his family. There is a memorial for his son on February 2nd. My heart is just broken for him. I have personal experience. When I was very young one of my cousins died from an overdose of heroin before it was quite as common as it is today and I don't know if it was heroin. He did die from an overdose. I don't want to misrepresent anything. I don't know the details but I do know it was a really unfortunate thing and I am so glad that we have joined the opioid lawsuit and it makes it even more close to home when we lose someone who is part of our colleagues and extended family.

So I think we should take a moment of silence for all of these people who have passed away and who have enriched our community so much and for all of their families and remember them and that spirit of all the generosity that they gave to this community.

COMMISSIONER GARCIA: Just really quick on that note, if we're going to take a moment of silence I'd actually like to also mention the passing of former State Representative Kiki Saavedra, who was a very instrumental man in the last 20, 30 years of the state legislature and was chairman of the Appropriations Committee, passed away I believe two days ago.

COMMISSIONER HANSEN: Thank you.

CHAIR HAMILTON: Thank you both.

COMMISSIONER ROYBAL: I'd like to add a couple of names.

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CHAIR HAMILTON: Yes, please.

COMMISSIONER ROYBAL: In my district, in the community we've had a couple of losses as well and one's Amos Duran and Robert Hunn. So I'd like to add them to that moment of silence.

CHAIR HAMILTON: Thank you. Thank you all for bringing these forward. We'd like to do a moment of silence with respect. Thank you very much.

COMMISSIONER HANSEN: Oh, I actually forgot one person. Cynthia Lee West, who was a lobbyist at the Roundhouse. She was my neighbor and part of the Casa Alegre Neighborhood Association and she also passed away.

CHAIR HAMILTON: She is respectfully added to our moment of silence. Are there any other matters from other Commissioners.

COMMISSIONER ROYBAL: I did want to just mention and thank the organizers for the 28th annual Hispano Music Award ceremony. It was held in Espanola last week and Commissioner Garcia and myself were invited to be presented at this music award and it was just really nice to see the culture and the music being kept alive and just the celebration was really nice to be invited to and it was something that I was really proud to be a part of.

And secondly, I'd like to also note that I do have a constituent here in the audience and I'm not sure if she is wanting to address the Commission. I know public comment has passed but if you would entertain that, Chair Hamilton I'd appreciate it but if not then I understand.

CHAIR HAMILTON: I have no problem if somebody has come out. I can open – if that's acceptable, I can open public comment. Did somebody want to address the Commission. Please come forward and state your name for the record.

COMMISSIONER ROYBAL: I really appreciate that, Chair Hamilton. It's quite a drive, 25, 30 minutes to come from Nambe.

CHAIR HAMILTON: Exactly. How are you?

MARTHA TRUJILLO: Fine. Thank you. Good evening. My name is Martha Trujillo. I reside at 39 El Callejoncito Road. Thank you, Commissioner Roybal. Actually, I was not sure where we were at on the agenda and what it actually meant. Comments from the very last item you have on the agenda so I wasn't sure if that was going to be part of public comment, and so I was just going to say from the back, well, if it's not something open to talk about then I didn't need to come up, but – the last item, is that where we're at now?

CHAIR HAMILTON: I've reopened public comment so anything you want to talk about. I'm sorry to say I didn't know which item you meant, but you're free to talk about whatever you want to.

MS. TRUJILLO: Thank you. So first of all I'd like to thank our County Clerk for the time that she gave to me a while back in reference to the convenience centers in voting and I appreciate the fact that she took out the time to discuss and address the concerns that we had on those convenience centers. I think that we agreed that there could be a potential plan change in the future, so I appreciate that.

I also wanted to bring up that we have a County office. It's a satellite office in the Pojoaque area and I had a concern during the general election that we were not able to hold political signs in that period of voting. Simply, the reason given was that there was a

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fear that if it got congested, too many people in the parking lot, then it would be a health and safety issue. With that said I'm concerned that we do have a satellite office and that there is a concern and that may not be the most appropriate place to have a satellite office and hold elections or voting, that being a voting center. So I just wanted to say that and I'm more than happy to talk off-line with our County Clerk about that but I'm just interested in knowing if we could look at that satellite office and make sure that it is open, that everyone would have the ability to – even if it's a petition, that it would not be a health or safety issue in that area. Thank you for your time. Thank you for your hard work.

CHAIR HAMILTON: Thank you for coming out tonight to talk about this. So I assume there's nobody else from the public so I'll go ahead and once again close public comment. Thank you for coming. I think Commissioner Garcia had something first and then Commissioner Hansen.

COMMISSIONER GARCIA: I'd just like to bring some items up from the last meeting. So it was probably my first time out of the gate, horse out of the gate and there may or may not have been an agenda item that I actually probably didn't really fully understand. And if I actually kind of offended a few individuals possibly up here, just to let you know I will think a little bit more before that happens again. It won't happen again. So I just wanted to bring that forward.

Also, in regards to the site, the sign that the Councilor brought up, maybe we could put a statue of Mr. Flores out there.

CHAIR HAMILTON: I like that idea.

COMMISSIONER GARCIA: Actually, people would know what's going on there. That's all I have.

CHAIR HAMILTON: Okay, so we've been through all the Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner Garcia. I appreciate what you just said. I wanted to go to the Informational Items before we go to executive session.

CHAIR HAMILTON: Well, we're on Matters from the Commissioners.

COMMISSIONER HANSEN: Okay. Never mind. I'll wait.

CHAIR HAMILTON: So I'll close Matters from Commissioners.

VII. MATTERS FROM OTHER ELECTED OFFICIALS

A. Elected Officials Issues and Comments, Including but not Limited to Updates, Concerns, Recognitions

CHAIR HAMILTON: Are there Matters from Other Elected Officials. Madam Clerk.

CLERK SALAZAR: Madam Chair Hamilton, Commissioners, thank you. As you know, there's an upcoming election so I wanted to give you and the public some information about that and also note that we will be canvassing. We've been working with the public schools, Santa Fe Public School District, to run this election. So here I go.

The Santa Fe Public School District special all-mail ballot election day is March 5, 2019. There will be no VCCs and/or polling places on election day. This is an all-mail

ballot special election. On February 5, 2019, voter registration ends at 5:00 pm and ballots will be mailed out to all qualified registered voters in the Santa Fe Public School District. Each qualified elector who receives a ballot may cast their ballot and then return the voted ballot to the Santa Fe County Clerk's Office in person or by mail pursuant to the instructions on the envelope from the County Clerk by 7:00 pm on March 5, 2019. It is not necessary to apply for an absentee ballot. All qualified registered voters in the Santa Fe Public School District will receive a ballot by mail. For more information, contact the Santa Fe County Clerk's Office at 505-986-6280, or visit the Santa Fe County Clerk's webpage on the Santa Fe County website.

I want to thank Tony and other County staff that have assisted us with regards to the resolutions you passed earlier to work on the issue of making sure that we get this election paid for and then reimbursed. The County Manager will be negotiating on that issue and we have been in communication – my staff, especially Steve Fresquez, the Bureau of Elections Chief, with the school district. Thank you again from me and my staff.

CHAIR HAMILTON: Thank you.

IX. INFORMATION ITEMS

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

CHAIR HAMILTON: Next on the agenda is Matters from the County Attorney but before we do that I'd like to ask with respect to the informational items, so staff can leave. If there are any questions from the Commissioners on the Informational Items. Commissioner Hansen.

COMMISSIONER HANSEN: Under economic development, second page, it says, Economic Development Division has worked on the following. It says staff attended a New Mexico Idea annual meeting on New Mexico ideas and organization for economic development. I saw that we got a grant but what happened at the Idea meeting. And then the last one it says, staff evaluated and awarded \$100,000, an event marketing funding for the City's Occupancy Tax Advisory Board. So what did we donate to? Did we just donate to the general fund or did we donate to specific events that happen at the City that we participate in?

PENNY ELLIS-GREEN (Growth Management Director): Madam Chair, Commissioner Hansen, that item is just that the Economic Development Manager sits on the City OTAB board and so this was what the OTAB board did, which is like our LTAB, but it's within the city. So it wasn't something that our economic development staff did separately. They just sat on that OTAB board.

COMMISSIONER HANSEN: And they donated \$100,000.

MS. MILLER: Madam Chair, Commissioner Hansen, it's not Santa Fe County money. It's Lodgers Tax. They call it occupancy tax at the City, and they award –

they don't donate. Typically they do applications for, just like our LTAB board does, for events that promote tourism in the City of Santa Fe. And they have their criteria. We have ours. I don't know what this particular one is, but quite often for them they do RFPs or notice of funding availability. They compete on tourism events that promote visitation into the city. So I don't know what theirs are but that's not our money.

COMMISSIONER HANSEN: Okay, so it's just – so staff evaluated and awarded \$100,000 in event marketing for city occupancy tax board So that's just a statement.

MS. MILLER: Madam Chair, Commissioner, I think all he was saying is Chris or our staff sits on the OTAB board.

COMMISSIONER HANSEN: So he's just reporting –

MS. MILLER: What the OTAB board did. That's not the LTAB board.

COMMISSIONER HANSEN: Okay.

MS. MILLER: He's just saying they do similar to what we do. They have their advertising campaign. They have funding that they give to promote different events. Usually that's what it is is pay for advertising of events that happen in the City of Santa Fe.

COMMISSIONER HANSEN: Okay.

CHAIR HAMILTON: Any other questions on Informational Items?

COMMISSIONER GARCIA: Madam Chair, I have several questions but I will wait. I just need time to bring them up at my standing meeting with Manager Miller.

CHAIR HAMILTON: Thank you. And thank all the department heads for being here and staying. I very much appreciate it and for the Informational Items.

VIII. 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 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. Aamodt Settlement/Pojoaque Basin Regional Water Authority**
 - 2. Evaluation of Santa Fe County Manager**
 - 3. Water Service Agreement Litigation**
 - 4. Vista de Sangres Subdivision**
 - 5. Mt. Chalchihuitl Real Property Acquisition**

MR. FREDERICK: Madam Chair, we're requesting to go into executive session to discuss the five matters listed under item VIII. A. 1 through 5 in accordance with the authorities listed in the same agenda item.

CHAIR HAMILTON: Thank you. Can I have a motion?

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COMMISSIONER HANSEN: I move we go into executive session to discuss the items that Mr. Frederick discussed.

CHAIR HAMILTON: Do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Can I have a roll call?

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 3, 6, 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 7:05 to 9:42.]

Commissioner Hansen moved to come out of executive session where the only things discussed were those called out on the agenda. Present were the five Commissioners, the County Manager, the County Attorney, the Deputy County Attorney, and the Human Resources Director. The motion was seconded by Commissioner Hamilton and passed without opposition.

X. CONCLUDING BUSINESS

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

With no further business to come before this body, Chair ^{Hamilton}~~Hansen~~ declared this meeting adjourned at 9:43 p.m.

Approved by:

Anna T. Hamilton
Board of County Commissioners
Anna T. Hamilton, Chair



ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 236

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of February, 2019 at 08:36:30 AM And Was Duly Recorded as Instrument # 1879943 Of The Records Of Santa Fe County

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

Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

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Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

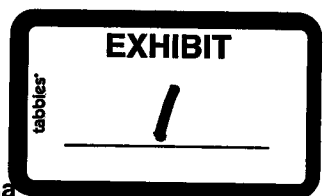
Rudy N. Garcia
Commissioner, District 3



Anna Hansen
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



MEMORANDUM

DATE: *January 29, 2019*

TO: *Board of County Commissioners*

FROM: *Tony Flores, Deputy County Manager*
Erika Thomas, Budget Administrator
Steve Fresquez, Chief Deputy, Bureau of Elections

VIA: *Geraldine Salazar, County Clerk*
Katherine Miller, County Manager

ITEM AND ISSUE: *Amended Agenda Item III.D.6 – Santa Fe Public School District Special All-Mail Ballot Election*

BACKGROUND AND SUMMARY:

On November 4, 2018, the Santa Fe Public School District Board of Education (SFPS) passed by Resolution and Proclamation a Special All-Mail Ballot Election (Election), for the purpose of voting on the question of creating debt which will be paid by the imposition of a tax, to pay lease payments pursuant to a lease-purchase arrangement for the acquisition of education technology equipment.

The County Clerk's Office is charged with conducting elections within the County and in accordance with §1-24-1 Special Election Procedures, a local government shall reimburse the county for all costs associated with the conduct of the local government's special election.

The County can facilitate the procurement of the election supplies and related services for the Election in a timely and efficient manner.

Based upon the fact the County shall be reimbursed for all costs associated with the conduct of the local government's special election, the issue today is three-fold:

1. Approval of Resolution 2019 - _____, which authorizes the County Manager to Negotiate and Execute all Relevant Documents to effectuate the Special All-Mail Ballot Election.
2. Approval of the utilization of New Mexico Statewide Price Agreement No. 80-000-18-00064, for the purchase of Election Supplies and Related Services.

*County Ordinance 2012-5, Section One. Outside Contracts, requires that any procurement pursuant to NMSA 1978, Section 13-1-129 (1984, 1991), should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County.

3. Approval of Resolution 2019 - _____, which budgets the Services Related to the Special All-Mail Ballot Election in the Amount of \$203,885 (Fund 101).

*The costs have been estimated and rounded to ensure that adequate approval is granted.
The County shall only bill SFPS for actual costs associated with the Election.

ACTION REQUESTED:

In order to timely implement the Election, staff is recommending approval of the Resolution Authorizing the County Manager to negotiate and execute all relevant documents for the special election services; approval of the utilization of the New Mexico Statewide Price Agreement No. 80-000-18-00064 for the purchase of elections supplies and related services; and, approval of the Budget Resolution for Fund 101.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2019-____

**A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO
NEGOTIATE AND EXECUTE ALL AGREEMENTS AND
DOCUMENTS NECESSARY TO CONDUCT THE SANTA FE
PUBLIC SCHOOL DISTRICT SPECIAL ALL-MAIL BALLOT
ELECTION ON MARCH 5, 2019**

WHEREAS, on November 4, 2018, the Santa Fe Public School District Board of Education (SFPS) passed the Resolution and Proclamation attached hereto:

**CALLING FOR A SCHOOL DISTRICT SPECIAL ALL-MAIL
BALLOT ELECTION TO BE HELD IN THE SANTA FE PUBLIC
SCHOOL DISTRICT, COUNTY OF SANTA FE, STATE OF NEW
MEXICO, ON MARCH 5, 2019, FOR THE PURPOSE OF VOTING
ON THE QUESTION OF CREATING A DEBT, WHICH WILL BE
PAID BY THE IMPOSITION OF A TAX, TO PAY LEASE
PAYMENTS PURSUANT TO A LEASE-PURCHASE
ARRANGEMENT FOR THE ACQUISITION OF EDUCATION
TECHNOLOGY EQUIPMENT; and**

WHEREAS, the Santa Fe County (County) Clerk's Office is charged with conducting elections within Santa Fe County; and

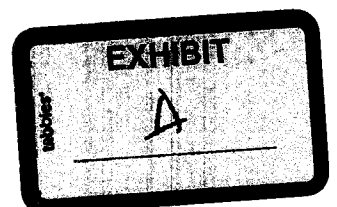
WHEREAS, in accordance with NMSA 1978, Section 1-24-3(D), Special Election Procedures, a local government shall reimburse the county for all costs associated with the conduct of the local government's special election; and

WHEREAS, SFPS has requested the County to procure services and equipment necessary for effectuating the SFPS special election in a cost effective and timely manner; and

WHEREAS, the Board desires to assist SFPS in the special election and to authorize the County Manager to execute any and all agreements and documents necessary to procure the services and equipment necessary to conduct the special election; and

WHEREAS, SFPS has promised to reimburse the County for the expenses it incurs in conducting the special election.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:



1. The County Manager is authorized to enter into an agreement with SFPS regarding the County's procurement of services and equipment necessary to conduct the special election described in the attached Proclamation. The agreement shall, among other things, describe the services and equipment to be procured and the terms of SFPS's reimbursement of the County.
2. The cost of the procurement shall not exceed \$250,000.00.
3. The County Manager is further authorized to prepare and execute on behalf of the County any and all agreements and relevant documents concerning the procurement of services and equipment for the special election and SFPS' reimbursement of the County for the costs it incurs.

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF JANUARY, 2019.


**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna T. Hamilton, Chair
Santa Fe Board of County Commissioners

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Approved as to form:



R. Bruce Frederick
County Attorney

**RESOLUTION AND PROCLAMATION OF THE
SANTA FE PUBLIC SCHOOL DISTRICT
SPECIAL ALL-MAIL BALLOT ELECTION**

CALLING FOR A SCHOOL DISTRICT SPECIAL ALL-MAIL BALLOT ELECTION TO BE HELD IN THE SANTA FE PUBLIC SCHOOL DISTRICT, COUNTY OF SANTA FE, STATE OF NEW MEXICO, ON MARCH 5, 2019, FOR THE PURPOSE OF VOTING ON THE QUESTION OF CREATING A DEBT, WHICH WILL BE PAID BY THE IMPOSITION OF A TAX, TO PAY LEASE PAYMENTS PURSUANT TO A LEASE-PURCHASE ARRANGEMENT FOR THE ACQUISITION OF EDUCATION TECHNOLOGY EQUIPMENT

WHEREAS, the Board of Education (the "Board") of the Santa Fe Public School District, County of Santa Fe, State of New Mexico, as the governing board of Santa Fe Public School District (the "District"), has determined that a special school district election to vote on the question of whether the District should create debt by entering into a lease-purchase arrangement for the acquisition of education technology equipment (the "Election"), which debt will result in a property tax levy on all residential and non-residential property allocated to the District, shall be held on Tuesday, March 5, 2019, and that a Resolution and Proclamation of the Election shall be issued by the Board, in accordance with Section 6-15A-1 et seq. NMSA 1978; and

WHEREAS, the Board has determined upon its own initiative to submit to a vote of qualified electors of the school district the question of creating debt by entering into a lease-purchase arrangement for the acquisition of education technology equipment which debt will result in the imposition of an ad valorem property tax in the amount and for the purposes hereinafter specified, as permitted by Section 6-15A-1 et seq., NMSA 1978, at the Election; and

WHEREAS, the Board proposes to incur the debt, which will be retired with the tax revenue produced by the imposition of the ad valorem property tax, for acquisition of educational technology equipment in the District; and

WHEREAS, for purposes of the debt to be created and repaid with ad valorem property taxes, "education technology equipment" means tools used in the educational process that constitute learning and administrative resources and may, in accordance with Section 6-15A-3(C), include:

(1) closed-circuit television systems, educational television and radio broadcasting, cable television, satellite, copper and fiber-optic transmission, computer, network connection devices, digital communications equipment (voice, video and data), servers, switches, portable media such as discs and drives to contain data for electronic storage and playback, software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and

(2) improvements, alterations and modifications to, or expansions of, existing buildings or personal property necessary or advisable to house or otherwise accommodate any of the tools listed in Paragraph (1) of this subsection;

(3) expenditures for technical support and training expenses of school district employees who administer education technology projects funded by a lease-purchase arrangement and may include training by contractors; and

WHEREAS, The District has created a Capital Strategy (the "Capital Strategy") for the district to meet the District's capital needs. The Capital Strategy may be modified from time to time by the Board to reflect current needs, conditions and financial resources derived from the lease purchase arrangement, mill levy and bond proceeds; and

WHEREAS the District proposes to meet those needs in part using the Capital Strategy by asking voter approval for creation of approximately fifty five million dollars (\$55,000,000) in debt, to be repaid with revenue generated from the imposition of a tax levy; and

WHEREAS, pursuant to NMSA Section 6-15A-17 the lease purchase arrangement shall include technology equipment funding for the Academy for Technology and Classics, a locally chartered school located within the District which timely provided necessary information to the District including identification of technology equipment included in the Santa Fe Public Schools' Digital District Plan and Capital Master Plan for which the revenue proposed to be produced will be used; and

WHEREAS, if the creation of the debt is approved, the Academy for Technology and Classics' share of the proceeds will be distributed as permitted and provided by law; and

WHEREAS, pursuant to NMSA Section 6-15A-17 the lease purchase arrangement shall include technology equipment funding for The Masters Program Early College Charter High School, Tierra Encantada Charter School, Turquoise Trail Charter School, Monte del Sol Charter School, and New Mexico School for the Arts which are state chartered schools located within the boundaries of the school district which have timely provided necessary information to the District including identification of technology equipment for which proceeds of the debt proposed to be created will be used and showing that the technology equipment is included in the state chartered school's five-year facilities plan, thereby making these state chartered charter schools eligible for tax levy money; and

WHEREAS, if creation of the debt is approved, The Masters Program Early College Charter High School, Tierra Encantada Charter School, Turquoise Trail Charter School, Monte del Sol Charter School, and New Mexico School for the Arts' share of the proceeds of the debt will be distributed as permitted and provided by law; and

WHEREAS, in accordance with Section 1-24-1 et. seq., NMSA 1978, a special District election shall be held, and a Resolution and Proclamation of the Election shall be issued by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE SANTA FE PUBLIC SCHOOL DISTRICT, COUNTY OF SANTA FE, STATE OF NEW MEXICO, THAT THE FOLLOWING RESOLUTION AND PROCLAMATION BE AND IT HEREBY IS ISSUED:

RESOLUTION AND PROCLAMATION

Section 1. A special all-mail ballot election (the "Election") for the Santa Fe Public School District, County of Santa Fe, New Mexico (the "District") shall be held on March 5, 2019.

Section 2. There shall be submitted to all qualified registered electors of the District at the Election to be held on March 5, 2019, the following question:

Creation of debt to be repaid by property tax levy	"Shall the Santa Fe Public School District create a debt to be repaid by the continued imposition of a property tax on all residential and non-residential property allocated to the Santa Fe Public School District for the purpose of acquiring \$55,000,000 of education technology equipment including						
	(1) closed-circuit television systems, educational television and radio broadcasting, cable television, satellite, copper and fiber-optic transmission, computer, network connection devices, digital communications equipment (voice, video and data), servers, switches, portable media such as discs and drives to contain data for electronic storage and playback, software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and						
	(2) improvements, alterations and modifications to, or expansions of, existing buildings or personal property necessary or advisable to house or otherwise accommodate any of the tools listed in Paragraph (1) of this subsection;						
	(3) expenditures for technical support and training expenses of school district employees who administer education technology projects funded by a lease-purchase arrangement and may include training by contractors.						
	<table border="1"><tr><td>FOR creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment</td><td><input type="checkbox"/></td></tr><tr><td colspan="2"></td></tr><tr><td>AGAINST creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment</td><td><input type="checkbox"/></td></tr></table>	FOR creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment	<input type="checkbox"/>			AGAINST creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment	<input type="checkbox"/>
FOR creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment	<input type="checkbox"/>						
AGAINST creation of a debt, to be repaid by a property tax levy, to fund a Lease Purchase Arrangement for Education Technology Equipment	<input type="checkbox"/>						

SFC CLERK RECORDED 02/28/2019
SFC CLERK RECORDED 11/13/2019

Section 3. The election shall be conducted in accordance with the Special Election Act, Sections 1-24-1 through 1-24-6, NMSA 1978, and the Absent Voter Act, Sections 1-6-1 through 1-6-25, NMSA 1978, and where needed, other sections of the Election Code (Chapter 1 of NMSA 1978). In accordance with Section 1-24-3, NMSA 1978, ballots will be mailed to each qualified, registered elector of the District beginning no earlier than February 5, 2019, the twenty-eighth day before the election, along with a notice that there will be no polling place on election day. It will not be necessary to apply for a ballot. Ballots must be received by the election judges no later than 7:00 p.m. on the day of election, and ballots shall be counted at the Santa Fe County Clerk's Office, 102 Grant Avenue, Santa Fe, New Mexico, 87501.

Section 4. The County Clerk of Santa Fe County, New Mexico is required by law to close the registration books at the end of the day on February 5, 2019, and a person will be allowed to vote only if he or she is an elector of the District and currently registered to vote in the District at that time. Any qualified elector of the District who is not now registered and who wishes to vote at the election should register during regular office hours at the office of the County Clerk of Santa Fe County, 102 Grant Avenue, Santa Fe, New Mexico, 87501 or with any registration agent at a designated agency as provided in Sections 1-4-48 and 1-4-49, NMSA 1978, prior to the end of the day on February 5, 2019.

SEC CLERK RECORDED 1/13/2019

PASSED AND ADOPTED this 6th day of November, 2018.

SANTA FE PUBLIC SCHOOL DISTRICT
BOARD OF EDUCATION

By

President

Secretary

[End of Proclamation]

SFC CLERK RECORDED 02/28/2019
SFC CLERK RECORDED 11/13/2018



State of New Mexico
General Services Department
Statewide Price Agreement

Awarded Vendor
0000046758
Ink Impressions dba Automated Election Services
7000 Zenith Court
Rio Rancho, NM 87114-6467
Telephone No. 505-891-0525

Price Agreement Number: 80-000-18-00064
Payment Terms: See Contract
F.O.B.: Net 30
Delivery: See Contract

Ship To:
All State of New Mexico agencies, commissions,
institutions, political subdivisions and local public bodies
allowed by law.

Procurement Specialist: Travis Dutton-Leyda
Telephone No.: 505-827-0477
Email: travis.dutton-leyda@state.nm.us

Invoice:
As Requested

SEC CLERK RECORDED 02/28/2019

Title: Election Supplies and Related Services

Term: August 29, 2018 thru August 28, 2020

This Price Agreement is made subject to the "terms and conditions" shown on the reverse side of this page, and as indicated in this Price Agreement.

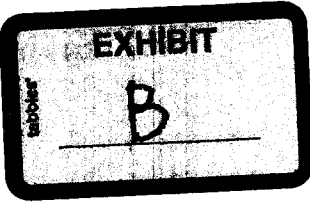
Accepted for the State of New Mexico

New Mexico State Purchasing Agent

Date: 8/29/18

Purchasing Division: 1100 St. Francis Drive, Santa Fe, NM 87505; PO Box 6850, Santa Fe, NM 87502 (505)

nm



STATEWIDE PRICE AGREEMENT NO. 80-000-18-00064

STATE OF NEW MEXICO
STATEWIDE PRICE AGREEMENT
FOR
ELECTION SUPPLIES AND RELATED SERVICES

THIS AGREEMENT is made and entered into by and between the New Mexico State Purchasing Agent ("NMSPA", State of New Mexico, herein after referred to as the "agency," and Ink Impressions, Inc., dba Automated Election Service herein after referred to as the "Contractor."

IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. **Definitions**

A. "Agreement Administrator" means the individual appointed by the SPA to administer the Price Agreement.

B. "Business Hours" means 8:00 a.m. to 5:00 p.m. Mountain Time.

C. "Local public body" means every political subdivision of the state and the agencies, instrumentalities and institutions thereof.

D. "Procuring Agency" means an agency of the executive, legislative or judicial branches of New Mexico state government as well as local public bodies including cities, counties, public schools and institutions of higher education allowed by law.

E. "Products and Services Schedule" refers to the complete list of products and services offered under this Agreement and the price for each. Product and service descriptions may be amended with the prior approval of the Agreement Administrator. New products and services shall not be added to the Products and Services Schedule.

F. "New Mexico State Purchasing Agent" or "NMSPA" means the purchasing agent for the State of New Mexico or a designated representative. May be used interchangeably with "State Purchasing Agent" or "SPA."

G. "Price Agreement" means a definite quantity contract or indefinite quantity contract which requires the Contractor to furnish items of tangible personal property or service to the procuring agency which issues a purchase order, if the purchase order is within the quantity limitations of the contract, if any.

H. "Procuring agency" means any state agency or local public body that chooses to procure products or services under this Agreement. Other units of government, including cities, counties, school districts, institutions of higher education and other jurisdictions not subject to the procurement authority of the SPA, are authorized to buy from this Agreement.

I. **"Products and Services schedule"** refers to the complete list of products and services offered under this Agreement and the price for each. Product and service descriptions may be amended with the prior approval of the Agreement Administrator. New products and services shall not be added to the Products and Services Schedule "Appendix A".

J. **"You"** and **"your"** refers to Ink Impressions, Inc., dba Automated Election Service. **"We,"** **"us"** or **"our"** refers to the State of New Mexico, agencies, commissions, institutions, political subdivisions and local public bodies allowed by law to participate in the Agreement and whose accounts are created under this Agreement.

2. **Scope of Work**

A. The contractor shall provide timely consultation and design of all specified election related supplies, as well as, any specialty products or services required by the Secretary of State or Local Public Body(s) to conduct elections under the NM Election Code, NMSA, 1978.

B. The contractor shall have the capacity to properly stock, store and manage the inventory of the specified election related supplies and specialty products in a manner that ensures security, timeliness and proper record keeping.

C. The contractor shall be responsible for the delivery and distribution of all specified election related supplies, as well as, any specialty products required by the Secretary of State or Local Public Body(s) in a timely manner, as specified within the timeframes listed in a Purchase Order or federal, state or local statute at its own cost.

D. The contractor will be responsible for the secure electronic transfer, acceptance and preservation of voter or election related data as it relates to the design and delivery of all specified election related supplies, as well as, any specialty products required by the Secretary of State or Local Public Body(s) to conduct elections under the NM Election Code, NMSA, 1978. The contractor shall have the ability to generate and deliver data in the file format required by the Secretary of State.

E. The contractor will attend and participate in trainings or educational meetings, for the purpose of obtaining knowledge of the election process as it relates to supplies, specialty products or services, when required by the Secretary of State.

F. The contractor will bear all costs of packaging, delivery, express service or special shipping that may be required to meet mandatory deadlines, as set by law or as determined by the Secretary of State.

G. The contractor will bear all costs of communication and/or travel required to fulfill the terms of the contract.

H. The contractor, when required, will provide timely design services and customization of voter registration and election related printed or electronic material, at the direction of the Secretary of State. Design and production of any document or election supply item is subject to change as required by the Secretary of State.

I. The contractor, when required, will provide timely design services and customization of voter registration and election related mailings to include printing correspondence, preparing return envelopes with addressing, insertion of correspondence into envelopes, perform all applicable postage standards necessary for postal discounts and delivery of mailing to the United States Post Office with accuracy. Mass production mailings could consist of the Notice of Change of Address required under the National Voter Registration Act, the Eligible but Unregistered Notification required by the Electronic Registration Information Center membership.

SFC CLERK RECORDED 02/28/2019

3. **Payment Provisions**

All payments under this Agreement are subject to the following provisions.

- A. Acceptance - In accordance with Section 13-1-158 NMSA 1978, the agency shall determine if the product or services provided meet specifications. No payment shall be made for any products or services until the products or services have been accepted in writing by the procuring agency. Unless otherwise agreed upon between the procuring agency and the Contractor, within fifteen (15) days from the date the procuring agency receives written notice from the Contractor that payment is requested for services or within thirty (30) days from the receipt of products, the procuring agency shall issue a written certification of complete or partial acceptance or rejection of the products or services. Unless the procuring agency gives notice of rejection within the specified time period, the products or services will be deemed to have been accepted.
- B. Issuance of Orders - Only written signed orders are valid under this Price Agreement. A Purchase Order is the approved form for state agencies issuing Contract Orders under this Price Agreement. Other authorized government entities may utilize Purchase Orders or forms adapted by them for their own use.
- C. Payment of Invoice – If the Procuring Agency finds that the services are not acceptable, within thirty days after the date of receipt or written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception by the Procuring Agency that the Products and/or Services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the Procuring Agency shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.
- D. Invoices shall be submitted to the Procuring Agency.
- E. Taxes: If the Procuring Agency is not exempt from sales, gross receipts, or local option taxes for the transaction, the Contractor shall be reimbursed by the Procuring Agency to the extent of any tax liability assessed.
- F. Partial Shipments: In the Event an order is shipped incomplete (partial), the Procuring Agency shall pay each shipment as invoiced by the Contractor and accepted unless the Procuring Agency has clearly specified "No Partial Shipments" on the Purchase Order.
- G. A Procuring Agency may purchase any Product or Service listed in the Contractor's Products and Services Schedule at or below the prices stated therein.

4. **Permissive Price Agreement and Quantity Guarantee**

The Agreement is not an exclusive agreement. Procuring Agencies may obtain Products and Services from other sources during the Agreement term. The NMSPA makes no express or implied warranties whatsoever that any particular number of Purchase Orders will be issued or that any particular quantity or dollar amount of Products or Services will be procured.

5. **Term**

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED IN WRITING BY THE AGENCY OR THE STATE PURCHASING AGENT, IF REQUIRED. This Agreement shall begin on date approved by the agency or the State Purchasing Agent, if the State Purchasing Agent has signed this Agreement, and end eight (8) years from the date of approval. The agency reserves the right to renew the contract biennially (every two years) by mutual Agreement not exceed a total of eight years in accordance with NMSA 1978 §13-1-150.

6. **Compensation**

Compensation is based on Appendix A. This price agreement allows for a five percent (5%) escalation at each biennial contract renewal (See Appendix "A").

7. **Default and Force Majeure**

The State reserves the right to cancel all or any part of any orders placed under this contract without cost to the State, if the Vendor fails to meet the provisions of this contract and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendor's default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor; such causes include, but are not restricted to, acts of God or the public enemy, acts of the State or Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this Price Agreement.

8. **Termination**

A. **Grounds.** The Agency may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the Agency's uncured, material breach of this Agreement.

B. **Notice; Agency Opportunity to Cure.**

1. Except as otherwise provided in Paragraphs 7.A and 17, the Agency shall give Contractor written notice of termination at least thirty (30) days prior to the intended date of termination.

2. Contractor shall give Agency written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Agency's material breaches of this Agreement upon which the termination is based and (ii) state what the Agency must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the Agency does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the Agency does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach.

3. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor (i) if the Contractor becomes unable to perform the services contracted for, as determined by the Agency; (ii) if, during the term of this Agreement, the Contractor is suspended or debarred by the State Purchasing Agent; or (iii) the Agreement is terminated pursuant to Paragraph 17, "Appropriations", of this Agreement.

C. Liability. Except as otherwise expressly allowed or provided under this Agreement, the Agency's sole liability upon termination shall be to pay for acceptable work performed prior to the Contractor's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE AGENCY'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.

9. Amendment

This Price Agreement may be amended by mutual Agreement of the State Purchasing Agent, the Contractor and the Program Manager upon written notice by either party to the other parties. An amendment to this Price Agreement SHALL NOT AFFECT ANY OUTSTANDING ORDERS issued prior to the effective date of the amendment as mutually agreed upon, and as published by the State Purchasing Agent.

10. Status of Contractor

The Contractor, and Contractor's agents and employees, are independent Contractors for the agency and are not employees of the State of New Mexico. The Contractor, and Contractor's agents and employees, shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the State of New Mexico as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are personally reportable by the Contractor for income tax purposes, including without limitation, self-employment tax and business income tax. The Contractor agrees not to purport to bind the State of New Mexico unless the Contractor has written authority to do so, and then only within the strict limits of that authority.

11. **Assignment**

A. Neither this price Agreement nor any orders placed under this price Agreement, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 10B below or as expressly authorized in writing by the State Purchasing Agent's office. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this price Agreement.

B. Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.

12. **Subcontracting**

The Contractor shall not subcontract any portion of any services to be performed under this Agreement without written approval from the State Purchasing Agent. The following subcontractor(s) have been approved to supply resources for this Agreement. None.

13. **Non-Collusion**

In signing this Agreement, the Vendor/Contractor certifies the Vendor/Contractor has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the State Purchasing Agent or Secretary of State.

14. **Inspection of Plant**

The State Purchasing Agent or Secretary of State that is a party to this Agreement may inspect, at any reasonable time during Contractor's regular business hours and upon prior written notice, the Contractor's plant or place of business, or any subcontractor's plant or place of business, which is related to the performance of this Price Agreement.

15. **Commercial Warranty**

The Vendor agrees that the tangible personal property or services furnished under this Price Agreement shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such tangible personal property or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other clause of this order. Contractor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.

16. **Condition of Proposed Items**

All proposed items are to be NEW and of most current production, unless otherwise specified.

17. **Records and Audit**

During the term of this Agreement and for three years thereafter, the Contractor shall maintain detailed records pertaining to the services rendered and products delivered. These records shall be subject to inspection by the agency, the State Auditor and other appropriate state and federal authorities. The agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the agency to recover excessive or illegal payments.

18. **Appropriations**

The terms of this Agreement, and any orders placed under it, are contingent upon sufficient appropriations and authorization being made by the legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the legislature, this Agreement, and any orders placed under it, shall terminate upon written notice being given by the agency to the Contractor. The agency's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the Agency proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

19. **Release**

The Contractor, upon final payment of the amount due under this Agreement, releases the agency, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the State of New Mexico, unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

20. **Confidentiality**

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval by the procuring agency.

21. **Conflict of Interest**

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement. The Contractor shall comply with any applicable provisions of the New Mexico Governmental Conduct Act and the New Mexico Financial Disclosures Act.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA

1978. Without in anyway limiting the generality of the foregoing, the Contractor specifically represents and warrants that:

1) in accordance with NMSA 1978, § 10-16-4.3, the Contractor does not employ, has not employed, and will not employ during the term of this Agreement any Agency employee while such employee was or is employed by the Agency and participating directly or indirectly in the Agency's contracting process;

2) this Agreement complies with NMSA 1978, § 10-16-7(A) because (i) the Contractor is not a public officer or employee of the State; (ii) the Contractor is not a member of the family of a public officer or employee of the State; (iii) the Contractor is not a business in which a public officer or employee or the family of a public officer or employee has a substantial interest; or (iv) if the Contractor is a public officer or employee of the State, a member of the family of a public officer or employee of the State, or a business in which a public officer or employee of the State or the family of a public officer or employee of the State has a substantial interest, public notice was given as required by NMSA 1978, § 10-16-7(A) and this Agreement was awarded pursuant to a competitive process;

3) in accordance with NMSA 1978, § 10-16-8(A), (i) the Contractor is not, and has not been represented by, a person who has been a public officer or employee of the State within the preceding year and whose official act directly resulted in this Agreement and (ii) the Contractor is not, and has not been assisted in any way regarding this transaction by, a former public officer or employee of the State whose official act, while in State employment, directly resulted in the Agency's making this Agreement;

4) this Agreement complies with NMSA 1978, § 10-16-9(A) because (i) the Contractor is not a legislator; (ii) the Contractor is not a member of a legislator's family; (iii) the Contractor is not a business in which a legislator or a legislator's family has a substantial interest; or (iv) if the Contractor is a legislator, a member of a legislator's family, or a business in which a legislator or a legislator's family has a substantial interest, disclosure has been made as required by NMSA 1978, § 10-16-7(A), this Agreement is not a sole source or small purchase contract, and this Agreement was awarded in accordance with the provisions of the Procurement Code;

5) in accordance with NMSA 1978, § 10-16-13, the Contractor has not directly participated in the preparation of specifications, qualifications or evaluation criteria for this Agreement or any procurement related to this Agreement; and

6) in accordance with NMSA 1978, § 10-16-3 and § 10-16-13.3, the Contractor has not contributed, and during the term of this Agreement shall not contribute, anything of value to a public officer or employee of the Agency.

C. Contractor's representations and warranties in Paragraphs A and B of this Paragraph 20 are material representations of fact upon which the Agency relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the Agency if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Paragraph 20 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Paragraph 20 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the Agency and notwithstanding anything in the Agreement to the contrary, the Agency may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this Paragraph .

22. **Approval of Contractor Representative(s)**

The agency reserves the right to require a change in Contractor representative(s) if the assigned representative(s) are not, in the opinion of the Program Manager and State Purchasing Agent, adequately serving the needs of the State of New Mexico.

23. **Scope of Agreement; Merger**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

24. **Notice**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

25. **Equal Opportunity Compliance**

The Contractor agrees to abide by all federal and state laws, rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws, rules, and regulations, and executive orders of the Governor of the State of New Mexico, the Contractor agrees to assure that no person in the United States shall on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

26. **Indemnification**

The Contractor shall hold the state and its agencies and employees harmless and shall indemnify the state and its agencies and employees against any and all claims, suits, actions, liabilities and costs of any kind, including attorney's fees for personal injury or damage to property arising from the acts or omissions of the Contractor, its agents, officers, employees or subcontractors. The Contractor shall not be liable for any injury or damage as a result of any negligent act or omission committed by the agency, its officers or employees.

27. **New Mexico Employees Health Coverage**

A. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.

B. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.

C. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: <http://insurenwnewmexico.state.nm.us/>.

28. **Applicable Law**

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, § 38-3-1 (G). By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

29. **Limitation of Liability**

The Contractor's liability to the agency, or any procuring agency, for any cause whatsoever shall be limited to the purchase price paid to the Contractor for the products and services that are the subject of the agency's, or the procuring agency's, claim. The foregoing limitation does not apply to paragraph 25 of this Agreement or to damages resulting from personal injury caused by the Contractor's negligence.

30. **Arbitration**

Any controversy or claim arising between the parties shall be settled by arbitration pursuant to NMSA 1978 § 44-7A-1 *et seq.*

31. **Incorporation by Reference and Precedence**

If this Agreement has been procured pursuant to a request for proposals, this Agreement is derived from (1) the request for proposal, (including any written clarifications to the request for proposals and any agency response to questions); (2) the Contractor's best and final offer; and (3) the Contractor's response to the request for proposals.

In the event of a dispute under this Agreement, applicable documents will be referred to for the purpose of clarification or for additional detail in the following order of precedence: (1)

amendments to the Agreement in reverse chronological order; (2) the Agreement, including the scope of work and all terms and conditions thereof; (3) the request for proposals, including attachments thereto and written responses to questions and written clarifications; (4) the Contractor's best and final offer if such has been made and accepted by the SPA or agency or entity; and (5) the Contractor's response to the request for proposals.

32. **Workers' Compensation**

The Contractor agrees to comply with state laws and rules applicable to workers' compensation benefits for its employees. If the Contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the agency.

33. **Inspection**

If this contract is for the purchase of tangible personal property (goods), final inspection and acceptance shall be made at Destination. Tangible personal property rejected at Destination for non-conformance to specifications shall be removed at Contractor's risk and expense promptly after notice of rejection and shall not be allowable as billable items for payment.

34. **Inspection of Services**

If this contract is for the purchase of services, the following terms shall apply.

A. Services, as used in this Article, include services performed, workmanship, and material furnished or utilized in the performance of services.

B. The Contractor shall provide and maintain an inspection system acceptable to the State Purchasing Agent or other party to this Agreement covering the services under this Agreement. Complete records of all inspection work performed by the Contractor shall be maintained and made available to the State Purchasing Agent or other party to this Agreement during the term of performance of this Agreement and for as long thereafter as the Agreement requires.

C. The State Purchasing Agent or other party to this Agreement has the right to inspect and test all services contemplated under this Agreement to the extent practicable at all times and places during the term of the Agreement. The State Purchasing Agent or other party to this Agreement shall perform inspections and tests in a manner that will not unduly delay or interfere with Contractor's performance.

D. If the State Purchasing Agent or other party to this Agreement performs inspections or tests on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish, at no increase in contract price, all reasonable facilities and assistance for the safe and convenient performance of such inspections or tests.

E. If any part of the services do not conform with the requirements of this Agreement, the State Purchasing Agent or other party to this Agreement may require the Contractor to re-perform the services in conformity with the requirements of this Agreement at no increase in contract amount. When the defects in services cannot be corrected by re-performance, the State Purchasing Agent or other party to this Agreement may:

(1) require the Contractor to take necessary action(s) to ensure that future performance conforms to the requirements of this Agreement; and

- (2) reduce the contract price to reflect the reduced value of the services performed.
- F. If the Contractor fails to promptly re-perform the services or to take the necessary action(s) to ensure future performance in conformity with the requirements of this Agreement, the State Purchasing Agent or other party to this Agreement may:
- (1) by contract or otherwise, perform the services and charge to the Contractor any cost incurred by the State Purchasing Agent or other party to this Agreement that is directly related to the performance of such service; or
 - (2) terminate the contract for default.

THE PROVISIONS OF THIS ARTICLE ARE NOT EXCLUSIVE AND DO NOT WAIVE THE STATE PURCHASING AGENT'S OR OTHER PARTY'S TO THIS AGREEMENT OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.

35. **Insurance**

If the services contemplated under this Agreement will be performed on or in State facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the State of New Mexico, General Services Department or other party to this Agreement as additional insured.

A. Workers Compensation (including accident and disease coverage) at the statutory limit. Employers liability: \$100,000.

B. Comprehensive general liability (including endorsements providing broad form property damage, personal injury coverage and contractual assumption of liability for all liability the Contractor has assumed under this contract). Limits shall not be less than the following:

- a. Bodily injury: \$1,000,000 per person /\$1,000,000 per occurrence.
- b. Property damage or combined single limit coverage: \$1,000,000.
- c. Automobile liability (including non-owned automobile coverage): \$1,000,000.
- d. Umbrella: \$1,000,000.

C. Contractor shall maintain the above insurance for the term of this Agreement and name the State of New Mexico, General Services Department or other party to this Agreement as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

36. **Impracticability of Performance**

A party shall be excused from performance under this Agreement for any period that the party is prevented from performing as a result of an act of God, strike, war, civil disturbance, epidemic, or court order, provided that the party has prudently and promptly acted to take any and all steps that are within the party's control to ensure performance. Subject to this provision, such non-performance shall not be deemed a default or a ground for termination.

SFC CLERK RECORDED 02/28/2019

37. **Invalid Term or Condition**

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

38. **Enforcement of Agreement**

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

39. **Patent, Copyright and Trade Secret Indemnification**

A. The Contractor shall defend, at its own expense, the state and its agencies against any claim that any product or service provided under this Agreement infringes any patent, copyright to trademark in the United States or Puerto Rico, and shall pay all costs, damages and attorneys' fees that a court finally awards as a result of any such claim. In addition, if any third party obtains a judgment against the agency based upon Contractor's trade secret infringement relating to any product or services provided under this Agreement, the Contractor agrees to reimburse the state for all costs, attorneys' fees and amount of the judgment. To qualify for such defense and or payment, the agency shall:

- i. give the Contractor prompt written notice within 48 hours of any claim;
- ii. allow the Contractor to control the defense of settlement of the claim; and
- iii. cooperate with the Contractor in a reasonable way to facilitate the defense or settlement of the claim.

B. If any product or service becomes, or in the Contractor's opinion is likely to become the subject of a claim of infringement, the Contractor shall at its option and expense:

- i. provide the agency the right to continue using the product or service and fully indemnify the agency against all claims that may arise out of the agency's use of the product or service;
- ii. replace or modify the product or service so that it becomes non-infringing; or,
- iii. accept the return of the product or service and refund an amount equal to the value of the returned product or service, less the unpaid portion of the purchase price and any other amounts, which are due to the Contractor. The Contractor's obligation will be void as to any product or service modified by the agency to the extent such modification is the cause of the claim.

40. **Survival**

The Agreement paragraphs titled "Patent, Copyright, Trademark, and Trade Secret Indemnification; Indemnification; and Limit of Liability" shall survive the expiration of this Agreement. Software licenses, leases, maintenance and any other unexpired Agreements that were entered into under the terms and conditions of this Agreement shall survive this Agreement

41. **Employee Pay Equity Reporting**

Contractor agrees if it has ten (10) or more New Mexico employees OR eight (8) or more employees in the same job classification, at any time during the term of this contract, to complete and submit the PE10-249 form on the annual anniversary of the initial report submittal for contracts up to one (1) year in duration. If contractor has (250) or more employees contractor must complete and submit the PE250 form on the annual anniversary of the initial report submittal for contracts up to one (1) year in duration. For contracts that extend beyond one (1) calendar year, or are extended beyond one (1) calendar year, contractor also agrees to complete and submit the PE10-249 or PE250 form, whichever is applicable, within thirty (30) days of the annual contract anniversary date of the initial submittal date or, if more than 180 days has elapsed since submittal of the last report, at the completion of the contract, whichever comes first. Should contractor not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, contractor agrees to provide the required report within ninety (90) days of meeting or exceeding the size requirement. That submittal date shall serve as the basis for submittals required thereafter. Contractor also agrees to levy this requirement on any subcontractor(s) performing more than 10% of the dollar value of this contract if said subcontractor(s) meets, or grows to meet, the stated employee size thresholds during the term of the contract. Contractor further agrees that, should one or more subcontractor not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, contractor will submit the required report, for each such subcontractor, within ninety (90) days of that subcontractor meeting or exceeding the size requirement. Subsequent report submittals, on behalf of each such subcontractor, shall be due on the annual anniversary of the initial report submittal. Contractor shall submit the required form(s) to the State Purchasing Division of the General Services Department, and other departments as may be determined, on behalf of the applicable subcontractor(s) in accordance with the schedule contained in this paragraph. Contractor acknowledges that this subcontractor requirement applies even though contractor itself may not meet the size requirement for reporting and be required to report itself.

Notwithstanding the foregoing, if this Contract was procured pursuant to a solicitation, and if Contractor has already submitted the required report accompanying their response to such solicitation, the report does not need to be re-submitted with this Agreement.

42. **Disclosure Regarding Responsibility**

A. Any prospective Contractor and any of its Principals who enter into a contract greater than sixty thousand dollars (\$60,000.00) with any state agency or local public body for professional services, tangible personal property, services or construction agrees to disclose whether the Contractor, or any principal of the Contractor's company:

1. is presently debarred, suspended, proposed for debarment, or declared ineligible for award of contract by any federal entity, state agency or local public body;
2. has within a three-year period preceding this offer, been convicted in a criminal matter or had a civil judgment rendered against them for:
 - a. the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) contract or subcontract;

- b. violation of Federal or state antitrust statutes related to the submission of offers;
or
 - c. the commission in any federal or state jurisdiction of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violation of Federal criminal tax law, or receiving stolen property;
- 3. is presently indicted for, or otherwise criminally or civilly charged by any (federal state or local) government entity with the commission of any of the offenses enumerated in paragraph B of this disclosure;
- 4. has, preceding this offer, been notified of any delinquent Federal or state taxes in an amount that exceeds \$3,000.00 of which the liability remains unsatisfied. Taxes are considered delinquent if the following criteria apply.
 - a. The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge of the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.
 - b. The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.
 - c. Have within a three year period preceding this offer, had one or more contracts terminated for default by any federal or state agency or local public body.)

B. Principal, for the purpose of this disclosure, means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity or related entities.

C. The Contractor shall provide immediate written notice to the State Purchasing Agent or other party to this Agreement if, at any time during the term of this Agreement, the Contractor learns that the Contractor's disclosure was at any time erroneous or became erroneous by reason of changed circumstances.

D. A disclosure that any of the items in this requirement exist will not necessarily result in termination of this Agreement. However, the disclosure will be considered in the determination of the Contractor's responsibility and ability to perform under this Agreement. Failure of the Contractor to furnish a disclosure or provide additional information as requested will be grounds for immediate termination of this Agreement pursuant to the conditions set forth in Paragraph 7 of this Agreement.

E. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the disclosure required by this document. The knowledge and information of a Contractor is not required to exceed that which is the normally possessed by a prudent person in the ordinary course of business dealings.

F. The disclosure requirement provided is a material representation of fact upon which

reliance was placed when making an award and is a continuing material representation of the facts during the term of this Agreement. If during the performance of the contract, the Contractor is indicted for or otherwise criminally or civilly charged by any government entity (federal, state or local) with commission of any offenses named in this document the Contractor must provide immediate written notice to the State Purchasing Agent or other party to this Agreement. If it is later determined that the Contractor knowingly rendered an erroneous disclosure, in addition to other remedies available to the Government, the State Purchasing Agent or Central Purchasing Officer may terminate the involved contract for cause. Still further the State Purchasing Agent or Central Purchasing Officer may suspend or debar the Contractor from eligibility for future solicitations until such time as the matter is resolved to the satisfaction of the State Purchasing Agent or Central Purchasing Officer.

43. **Public Works Minimum Wage Act**

A. If this contract is in excess of sixty thousand dollars (\$60,000) and is for construction alteration, demolition or repair (or any combination of these including painting and decorating of state public buildings, state public works or state public roads and requires or involves the employment of mechanics, laborers or both), the requirements of the Public Works Minimum Wage Act, as set forth in Sections 13-4-10 through 13-4-17 are hereby incorporated into this Contract.

B. The minimum wages and fringe benefits to be paid to various classes of laborers and mechanics at all tiers under this contract shall be based upon the wages and benefits determined by the Director of the Labor Relations Division of the New Mexico Department of Workforce Solutions at the time of individual contract award under the authority of Sections 13-4-10 through 13-4-17 NMSA 1978. Using Agencies are responsible for contacting the Labor Relations Division for the current wage rate decision applicable to any resultant contract issued under this agreement and incorporation therein.

C. Such incorporated Wage Decision shall stipulate the Contractor, Subcontractor, Employer, or person acting as Contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Subsection B of Section 13-4-11 NMSA 1978 to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.

D. The Contractor receiving any such award to which the Act applies shall cause this provision to be placed in all subcontracts awarded by Contractor.

E. In the event during performance under this Contract, if the Director of the Labor Relations Division makes a written finding that any laborer or mechanic employed on the site of the project has been or is being paid as a result of a willful violation a wage rate or fringe benefit rate less than the rates required, the contracting Agency may, by written notice to the Contractor, subcontractor, employer or person acting as a Contractor, terminate the right to proceed with the work or part of the work as to which there has been a willful violation to pay the required wages or fringe benefits, and the contracting Agency may prosecute the work to completion by contract or otherwise, and the Contractor or person acting as a Contractor and the Contractor's or person's

sureties shall be liable to the State for any excess costs occasioned thereby. Any party receiving notice of termination of a project or subcontract may appeal the finding of the Director of the Labor Relations Division as provided in the Public Works Minimum Wage Act.

44. **Suspension, Delay or Interruption of Work**

The State Purchasing Agent or other party to this Agreement may, without cause, order the Contractor, in writing, to suspend, delay or interrupt the work in whole or in part for such period of time as the State Purchasing Agent or other party to this Agreement may determine. The contract sum and contract time shall be adjusted for increases in cost and/or time associated with Contractor's compliance therewith. Upon receipt of such notice, Contractor shall leave the jobsite and any equipment in a safe condition prior to departing. Contractor must assert rights to additional compensation within thirty (30) days after suspension of work is lifted and return to work is authorized. Any compensation requested for which entitlement is granted and the contract sum adjusted, shall have profit included (for work completed) and for cost only (not profit) for Contractor costs incurred directly tied to the suspension itself and not otherwise covered by Contract remedy. Any change in Total Compensation must be reflected in an Amendment executed pursuant to Section 8 of this Agreement.

45. **Administrative Fees**

RESERVED.

46. **Notification**

Either party may give written notice to the other party in accordance with the terms of this Paragraph 45. Any written notice required or permitted to be given hereunder shall be deemed to have been given on the date of delivery if delivered by personal service or hand delivery or three (3) business days after being mailed.

To NMSPA: Lawrence O. Maxwell, State Purchasing Agent

Office address: 1100 South St. Francis Drive
(for express carrier Joseph M. Montoya Building, Rm. 2016
and hand deliveries) Santa Fe, New Mexico 87505-4108
(505) 827-0472 (voice)
(505) 827-2484 (fax)
Lawrence.maxwell@state.nm.us

For all US Mail use: P.O. Box 6850
Santa Fe, New Mexico 87505

To Office of the Secretary of State:

Bureau of Elections Director
325 Don Gaspar, Suite 300
Santa Fe, New Mexico 87501
(505) 827-3600 (voice)
(505) 827-8403 (fax)

To Contractor:

Ink Impressions, Inc., dba Automated Election Service
7000 Zenith Court
Rio Rancho, NM 87144
(505) 891-0525 (voice)
(505) 891-6500 (fax)

Either party may change its representative or address above by written notice to the other in accordance with the terms of this Paragraph 46. The carrier for mail delivery and notices shall be the agent of the sender.

47. **Succession**

This Agreement shall extend to and be binding upon the successors and assigns of the parties.

48. **Headings**

Any and all headings herein are inserted only for convenience and ease of reference and are not to be considered in the construction or interpretation of any provision of this Agreement. Numbered or lettered provisions, sections and subsections contained herein, refer only to provisions, sections and subsections of this Agreement unless otherwise expressly stated.

SFC CLERK RECORDED 02/28/2019

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of execution by:

STATE OF NEW MEXICO
Secretary of State

Ink Impressions dba Automated Election Services
(Contractor)

BY: Maggie Jordana

BY: Jeffery O'Neal

TITLE: Secretary of State

TITLE: Vice President

DATE: 8/27/2018

DATE: 8/27/2018

[Signature]

DATE: 08/27/2018

Secretary of State General Counsel – Approved for legal sufficiency

The records of the Taxation and Revenue Department reflect that the Contractor is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross receipts and compensating taxes.

TAXATION AND REVENUE DEPARTMENT

Taxation and Revenue is only verifying the registration and will not confirm or deny taxability statements contained in this contract.

ID NO.: 01-798186-00-7

BY: Nicole Vigil
Taxation and Revenue Department

DATE: 8/29/18

This Agreement has been approved by the State Purchasing Agent of New Mexico:

[Signature]
State Purchasing Agent

8/29/2018
Date

SANTA FE COUNTY

RESOLUTION 2019 -

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on , did request the following budget adjustment:

Department / Division: Clerks Office /Bureau of Elections

Fund Name: General Fund

Budget Adjustment Type: Budget Increase

Fiscal Year: 2019 (July 1, 2018 - June 30, 2019)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0000	360	0190	General Fund/Misc Revenue/Contr,Donation, Agreement	\$203,885	
TOTAL (if SUBTOTAL, check here)					\$203,885	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
101	0902	417	5003	General Fund/ Contractual/ Professional	\$133,885	
101	0902	417	7036	General Fund/ Other/ Postage	\$55,430	
101	0902	417	7037	General Fund/ Other/ Publishing	\$2,600	
101	0902	417	7402	General Fund/ Other Election Exp/ Poll Clerks	\$12,000	
TOTAL (if SUBTOTAL, check here)					\$203,885	

Requesting Department Approval: Ann Ferguson Title: Chief Deputy Bureau of Elections Date: _____
Finance Department Approval: Chowcho Date: 1/24/2019 Entered by: _____ Date: _____
County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____



SANTA FE COUNTY
RESOLUTION 2019 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Steve Fresquez Dept/Div: Clerks/Bureau of Elections Phone No.: 986-6260

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

The Resolution is to budget for the County Clerk’s Office/Bureau of Elections to hold the Santa Fe Public Schools Special Election, all Mail Ballot Election

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
5003	Professional Services for School Election	\$133,885

- 2) Is the budget action for RECURRING expense or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY

RESOLUTION 2019 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Steve Fresquez

Dept/Div: Clerks/Bureau of Elections

Phone No.: 986-6260

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES _____ NO X
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY

RESOLUTION 2019 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This _____ Day of _____, 2019.

Santa Fe Board of County Commissioners

Chairperson

ATTEST:

Geraldine Salazar, County Clerk

III. E. 1.

REVISED - RED LINE
VERSION



STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The Board of County Commissioners (the "Board") of Santa Fe County in the State of New Mexico, met in regular session in full conformity with law and the rules and regulations of the County at the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 29th day of January, 2019, at the hour of 2:00 p.m. Upon roll call, the following members were found to be present:

Present: _____

Absent: _____

Also Present: _____

Thereupon, there was officially filed with the County Clerk, the Chairman and each Commissioner a copy of a proposed ordinance in final form.

SFC CLERK RECORDED 02/28/2019

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401293V

ORDINANCE NO. 2019-__

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING, DESIGNING, ACQUIRING AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; DELEGATING AUTHORITY TO THE COUNTY MANAGER TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE WHICH WILL SPECIFY THE EXACT PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE SERIES 2019 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE SERIES 2019 BONDS; PROVIDING THAT THE SERIES 2019 BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2019 BONDS FROM THE DISTRIBUTIONS TO THE COUNTY OF THE REVENUES OF THE FIRST ONE-EIGHTH INCREMENT, THE THIRD ONE-EIGHTH INCREMENT, AND THE ONE-SIXTEENTH INCREMENT OF THE COUNTY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-9 NMSA 1978, AND THE ONE-EIGHTH INCREMENT OF COUNTY HOLD HARMLESS GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-28 NMSA 1978, WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, capitalized terms used in the following preambles have the same meanings as defined in Section 1 of this Ordinance unless the context requires otherwise; and

WHEREAS, pursuant to Section 7-20E-9 NMSA 1978, the County has imposed (i) the first one-eighth of one percent (0.125%) increment of County Gross Receipts Tax, effective as of January 1, 1984, enacted pursuant to Ordinance No. 1983-7, as amended by Ordinance No. 1991-4; (ii) the third one-eighth of one percent (0.125%) County Gross Receipts Tax, effective

as of January 1, 1988, enacted pursuant to County Ordinance No. 1987-6, as amended by Ordinance No. 2008-11 and 2016-01; and (iii) the one-sixteenth of one percent (0.0625%) County Gross Receipts Tax, effective as of January 1, 2006, enacted pursuant to County Ordinance No. 2005-7; and

WHEREAS, pursuant to Section 7-20E-28 NMSA 1978 and County Ordinance No. 2015-3, adopted on March 24, 2015 (the "Hold Harmless Gross Receipts Tax Ordinance"), the County imposed the county hold harmless gross receipts tax at a rate of one-eighth of one percent (0.125%), effective July 1, 2015 ((together with the first one-eighth of one percent, third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax, the "Pledged Revenues," as more fully defined in Section 1 of this Ordinance); and

WHEREAS, pursuant to Section 7-1-6.13 NMSA 1978, the County receives monthly distributions of the Pledged Revenues from the New Mexico Taxation and Revenue Department; and

WHEREAS, on February 19, 1997, the County issued its Santa Fe County, New Mexico Correctional System Revenue Bonds, Series 1997 in an aggregate principal amount of \$30,000,000 (the "Series 1997 Bonds") for which a debt service reserve fund was established, the replenishment of which was secured at the time of issuance by a lien on the first one-eighth of one percent increment County Gross Receipts Tax revenues, and is now secured by a lien on the Pledged Revenues; which pledge was subsequently supplemented by a pledge of the third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax revenues, and which the County now desires to secure as Junior Subordinate Obligations, with a lien on the Pledged Revenues subordinate to the lien thereon of Parity Bonds (as defined herein); and

WHEREAS, on February 19, 1997, the County issued its Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Subordinate Series 1997A (the "Series 1997A Bonds") which Series 1997A Bonds were initially secured by a lien on the first one-eighth of one percent increment County Gross Receipts tax prior and superior to the lien thereon of the Series 1997 Bonds, and which are pledge was subsequently supplemented by a pledge of the third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax revenues, and which the County now secured by desires to secure as Subordinate Obligations, with a lien on the Pledged Revenues prior and superior to the lien thereon of the Series 1997 Bonds but subordinate to the lien thereon of Parity Bonds; and

WHEREAS, in addition to the Series 1997 Bonds and the Series 1997A Bonds, the Pledged Revenues are currently pledged to the payment of the County's Gross Receipts Tax Revenue Improvement and Refunding Bonds Series 2016, now outstanding in an aggregate principal amount of \$29,745,000 (the "2016 Bonds"); and

WHEREAS, the Board has determined that there is a need for the Improvement Project, as more particularly defined in Section 1 of this Ordinance, and that the Bonds shall be issued in part to provide funds for the Improvement Project; and

WHEREAS, the Board has determined and hereby determines that it is in the best interest of the County and its residents that the Bonds be issued with a first lien, but not an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Bonds; and

WHEREAS, the Board hereby determines that there is an urgent need for the Project and that the Bonds shall be issued for the Project which consequently will provide for the public health, peace and safety of the County and its residents; and

WHEREAS, the Bonds will be sold competitively pursuant to an Official Notice of Bond Sale, following which the County Manager and/or Finance Director will approve the final principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds in the Pricing Certificate, as permitted by Section 6-14-10.2 NMSA 1978, which shall supplement this Ordinance; and

WHEREAS, there has been presented to the Board and there presently is on file with the County Clerk a form of Preliminary Official Statement; and

WHEREAS, the Board hereby determines that the Project to be financed by the Bonds is for governmental purposes and is not a project which would cause the Bonds to be "private activity bonds" as defined by the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD:

Section 1. Definitions. As used in this Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Act" means the general laws of the State, including Sections 4-62-1 through 4-62-10, 7-20E-9, and 7-20E-28 NMSA 1978, as amended, and enactments of the Board relating to the issuance of the Bonds, including this Ordinance.

"Board" means the Board of County Commissioners of the County or any future successor governing body of the County.

"Bond Insurance Commitment" means, if applicable, the Municipal Bond Insurance Commitment issued to the County by the Bond Insurer.

"Bond Insurer" means, if applicable, the issuer of the Policy.

"Bondholder," "holder," "owner" or "Owner" means the registered owner of any Bond as shown on the registration books of the County for the Bonds, from time to time, maintained by the Registrar. Any reference to a majority or a particular percentage or proportion of the Bondholders shall mean the holders at the particular time of a majority or of the specified percentage or proportion in aggregate principal amount of all Bonds then outstanding.

“Bonds” mean the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019” authorized by this Ordinance.

“Business Day” means a day on which commercial banks in the city in which the principal office of the Paying Agent and Registrar is located are open for conduct of substantially all of their business operations.

“Chairperson” means the Chairperson of the Board.

“Code” means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations whether proposed, temporary or final, including regulations issued and proposed pursuant to the statutory predecessor of the Code, and, in addition, all official rulings and judicial determinations applicable to the Bonds, and under the statutory predecessor of the Code and any successor provisions to those sections or regulations.

“Continuing Disclosure Undertaking” means the continuing disclosure undertaking with respect to the Bonds to be executed by the County on the day of issuance and delivery of the Bonds to the Purchaser.

“County” means Santa Fe County in the State of New Mexico.

“Debt Service Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund” established by Section 16 of this Ordinance.

“Depository” means The Depository Trust Company, New York, New York, or such other securities depository as may be designated by an officer of the County.

“Event of Default” means any of the events stated in Section 25 of this Ordinance.

“Expenses” means the reasonable and necessary fees, costs and expenses incurred by the County with respect to the issuance of the Bonds, including the fees, compensation, costs and expenses paid or to be paid to the Bond Insurer, Paying Agent, Registrar, Purchaser, attorney’s fees and municipal advisor’s fees.

“Federal Securities” as used in this Ordinance shall include only direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on June 30 of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the County as its fiscal year.

"Herein," "hereby," "hereunder," "hereof," "hereinabove" and "hereafter" refer to the entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

"Independent Accountant" means (A) an accountant employed by the State and under supervision of the State Auditor, or (B) any certified public accountant, registered accountant, or firm of such accountants duly licensed to practice and practicing as such under the laws of the State, appointed and paid by the County who (i) is, in fact, independent and not under the domination of the County, (ii) does not have any substantial interest, direct or indirect, with the County, and (iii) is not connected with the County as an officer or employee of the County, but who may be regularly retained to make annual or similar audits of the books or records of the County.

"Insured Bank" means a bank or savings and loan association insured by an agency of the United States.

"Interest Payment Date" means each June 1 and December 1, commencing on June 1, 2019.

"Junior Subordinate Obligations" or "Series 1997 Bonds" means the Santa Fe County, New Mexico Correctional System Revenue Bonds, Series 1997, and such other obligations as may be issued after the date of this Ordinance with a lien on Pledged Revenues junior and inferior the lien thereon of the Subordinate Obligations.

"NMSA" means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

"Obligations" means bonds, notes or any other instrument which evidence a borrowing or other obligation of the County secured by Pledged Revenues issued or incurred for any purpose permitted by the Act.

"Official Notice of Bond Sale" means the notice of competitive sale of the Bonds which shall be included in the Preliminary Official Statement for the Bonds.

"Ordinance" or "Bond Ordinance" means this Ordinance as amended or supplemented from time to time.

"Outstanding" or "outstanding" when used in reference to the Bonds means, on any particular date, the aggregate of all Bonds delivered under this Ordinance except:

A. those cancelled at or prior to such date or delivered or acquired by the County at or prior to such date for cancellation;

B. those otherwise deemed to be paid in accordance with Section 31 of this Ordinance;

C. those in lieu of or in exchange or substitution for which other Bonds shall have been delivered, unless proof satisfactory to the County and the Paying Agent is

presented that any Bond for which a new Bond was issued or exchanged is held by a bona fide holder in due course; and

D. those Bonds which have been refunded in accordance with this Ordinance or other ordinance of the County authorizing the issuance of the applicable bonds.

“Parity Bonds” or “Parity Obligations” means the 2016 Bonds, the Bonds, and any other Obligations hereafter issued or incurred payable from the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds.

“Paying Agent” means the County Treasurer and any successor paying agent.

“Pledged Revenues” means the amounts of money derived from all of the revenues attributable to the first one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1983-7, as amended by Ordinance No. 1991-4, the third one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1987-6, as amended by County Ordinance No. 2008-11 and as further amended by County Ordinance No. 2016-01, the one-sixteenth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 2005-7, and the one-eighth of one percent (0.125%) county hold harmless gross receipts tax enacted pursuant to County Ordinance No. 2015-3, each of which County Gross Receipts Taxes is imposed on persons engaging in business in the County pursuant to Section 7-20E-9 NMSA 1978, and which revenues are remitted to the County monthly by the New Mexico Department of Taxation and Revenue pursuant to Section 7-1-6.13 NMSA 1978, and which remittances currently equal seven-sixteenths of one percent (0.4375%) of the taxable gross receipts reported by persons engaging in business in the County; and which include the distribution to the County made pursuant to Section 7-1-6.46 NMSA 1978, which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County’s gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978; provided that the County intends that Section 4-62-6(C) NMSA 1978 applies expressly to the amount of revenues pledged pursuant to this Ordinance.

“Policy” means an insurance policy, if any, issued by the Bond Insurer guaranteeing the scheduled payment of principal of and interest on the Bonds when due.

“Preliminary Official Statement” and “Official Statement” mean the disclosure documents used by the Purchaser in connection with the sale of the Bonds to the public.

“Pricing Certificate” means one or more certificates executed by the County Manager, pursuant to and as authorized by Section 6-14-10.2 NMSA 1978, dated on or before the date of delivery of the Bonds, setting forth the following final terms of the Bonds: (i) the interest and principal payment dates; (ii) the principal amounts, denominations, and maturity amortization; (iii) the sale prices; (iv) the interest rate or rates; (v) the interest payment periods; (vi) the redemption and tender provisions; (vii) the creation of any capitalized interest fund, including the size and funding of such fund(s); (viii) the amount of underwriting discount, if any;

and (ix) the final terms of agreements, if any, with agents or service providers required for the purchase, sale, issuance and delivery of the Bonds, all subject to the parameters and conditions contained in this Bond Ordinance.

“Principal Payment Date” means June 1 in each year beginning June 1, 2019.

“Project” means (1) planning, designing, acquiring, constructing, renovating, rehabilitating, equipping and furnishing a County administration complex, (2) planning, designing, surveying and constructing roads pursuant to a settlement agreement with the Pueblo de San Ildefonso; (3) planning, designing, acquiring and constructing capital improvements necessary to comply with the Americans with Disabilities Act countywide, and (4) paying costs of issuance of the Bonds.

“Rebate Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Rebate Fund” established by Section 24(N) of this Ordinance.

“Registrar” means the County Treasurer, as registrar and transfer agent for the Bonds, and any successor.

“Related Documents” means the Bond Purchase Agreement, if any, the Pricing Certificate, the Continuing Disclosure Undertaking, the Bond Insurance Commitment, if any, the Reserve Insurance Commitment, if any, the Tax Compliance Certificate and any other document or agreement containing an obligation of the County as may be required in connection with the issuance of the Bonds and the application of the proceeds thereof to the Project.

“Reserve Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund” established by Section 16 of this Ordinance, and to be maintained by the County.

“Reserve Fund Insurance Policy” means any policy of insurance, surety bond, letter of credit, or other financial instrument issued to the County, the proceeds of which shall be used to prevent deficiencies in the payment of the principal of or interest on the Bonds resulting from insufficient amounts being on deposit in the Debt Service Fund to make the payment of principal of and interest on the Bonds as the same become due. If the Reserve Fund Insurance Policy is in the form of a surety bond, the surety bond must be from an insurance company experienced in insuring municipal bonds whose policies of insurance would not in and of itself adversely affect the rating on the Bonds by Moody’s or by S&P in effect at the time such policy is initially deposited in or credited to the Reserve Fund.

“Reserve Requirement” means an amount which is equal to the least of (i) ten percent (10%) of the proceeds of the Bonds as the term proceeds is used in Section 148(d)(1) of the Code; (ii) the maximum annual debt service on the Bonds; or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds.

"Revenue Fund" means the "Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds Revenue Fund" continued in Section 16 of this Ordinance into which the County shall deposit the Pledged Revenues.

"State" means the State of New Mexico.

"Subordinate Obligations" or "Series 1997A Bonds" means the Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Subordinate Series 1997A, and such other obligations as may be issued after the date of this Ordinance with a lien on Pledged Revenues junior and inferior the lien thereon of the Bonds.

"Tax Compliance Certificate" means the Tax Compliance Certificate to be delivered by the County at the time of issuance of the Bonds, as the same may be supplemented in accordance with its terms.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Board and the officers of the County, directed toward the Project, the issuance of the Bonds for the Project, and the sale of the Bonds to the Purchaser be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project. The Project and the method of financing the Project are hereby authorized and ordered at a total cost not to exceed \$30,000,000, and the necessity thereof is hereby so declared, excluding any such cost defrayed or to be defrayed by any source other than Bond proceeds.

Section 4. Findings. The Board hereby declares that it has considered all relevant information and data and hereby makes the following findings:

- A. Moneys available for the Project from all sources other than the issuance of revenue bonds are not sufficient to defray the cost of the Project.
- B. The Pledged Revenues may lawfully be pledged to secure the payment of the Bonds.
- C. It is economically feasible to defray the cost of the Project by the issuance of the Bonds.
- D. The Project will reduce interest costs and effect other economies for the benefit of the County and its residents.
- E. The issuance of the Bonds pursuant to the Act to provide funds for the financing of the Project is necessary and in the interest of the public health, safety and welfare of the residents of the County.
- F. The net effective interest rate on the Bonds shall not exceed the statutory maximum of twelve percent (12%).

Section 5. Bonds - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of at least a two-thirds majority of all of the members of the Board. For the purpose of protecting the public health, safety and welfare of the residents of the County, it is hereby declared necessary that the County, pursuant to the Act, issue its negotiable, fully registered, revenue bonds to be designated "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019," in an aggregate principal amount not to exceed \$30,000,000, and the issuance, sale and delivery of the Bonds are hereby authorized. The Bonds shall be sold in a competitive sale to the best bidder for the Bonds pursuant to the Official Notice of Bond Sale, which shall be substantially in the form attached to this Ordinance as Exhibit "A", with such modifications as approved by the County Manager in consultation with the municipal advisor and Bond Counsel to the County.

B. Details of Bonds. The Bonds shall be dated the date of their issuance and delivery to the Purchaser (herein "Series Date"), and are issuable in the denomination of \$5,000 each or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered consecutively from 1 upwards.

The Bonds shall bear interest from the Series Date, payable semi-annually on June 1 and December 1 each year, commencing on June 1, 2019, until their respective maturity dates. The exact principal amounts, maturity dates, interest rates, prices, redemption features, and other terms of the Bonds shall be determined by the County Manager and specified in the Pricing Certificate.

Section 6. Prior Redemption. The optional redemption features of the Bonds and mandatory sinking fund provisions, if any, shall be established in the Pricing Certificate.

Section 7. Filing of Signatures. Prior to the execution of any Bond, the Chairperson and County Clerk may each file, pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended, with the New Mexico Secretary of State his or her manual signature certified by him or her under oath; provided that filing shall not be necessary for any officer where any previous filing may have legal application to the Bonds.

Section 8. Execution and Authentication of Bonds.

A. Execution. The Bonds shall be signed with the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature, or the manual signature, of the Chairperson and shall be attested with the facsimile or manual signature of the County Clerk. There shall be affixed to each Bond the printed, engraved, stamped, or otherwise placed facsimile of, or imprint of, the County's corporate seal. The Bonds shall be authenticated by the manual signature of the Registrar. The Bonds when authenticated and bearing the manual or facsimile signatures of the officers in office at the time of signing thereof shall be valid and binding special obligations of the County, notwithstanding that before delivery thereof and

payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Chairperson and County Clerk, at the time of the execution of the Bonds and the signature certificate, each may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds or certificates pertaining to the Bonds.

B. Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication has been duly executed by the Registrar.

Section 9. Negotiability. The Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Bondholders shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code—Investment Securities. Except as set forth herein, the Bonds outstanding shall in all respects be equally and ratably secured, without preference, priority, or distinction on account of the date or dates or the actual time or times of the issuance or maturity of the Bonds.

Section 10. Payment and Presentation of Bonds for Payment. Principal and interest on the Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges. Principal shall be payable in immediately available funds at maturity thereof upon presentation and surrender of such Bond at the principal office of the Paying Agent or at the designated office of any successor Paying Agent. Interest on the Bonds shall be payable by check or draft mailed to the registered owner thereof (or in such other manner as may be agreed upon by the Paying Agent and the registered owner), as shown on the registration books maintained by the Registrar at the address appearing therein on the 15th day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or provided for shall cease to be payable to the owner thereof (or of one or more predecessor Bonds) as of the Record Date, but shall be payable to the owner thereof (or of one or more predecessor Bonds) at the close of business on a special record date for the payment of that overdue interest. The special record date shall be fixed by the Paying Agent whenever moneys become available for payment of the overdue interest, and notice of the special record date shall be given to Bond owners not less than ten days prior thereto. If any Bond presented for payment remains unpaid at maturity, it shall continue to bear interest at the rate or rates designated in, and applicable to, such Bond from time to time. If any Bond is not presented for payment at maturity when funds available therefor have been deposited with the Paying Agent, it shall cease bearing interest on and from the date of maturity.

Section 11. Registration, Transfer, Exchange and Ownership of Bonds.

A. Registration, Transfer and Exchange. The County shall cause books for registration, transfer, and exchange of the Bonds as provided herein to be kept at the principal office of the Registrar. Upon surrender for transfer or exchange of any fully registered Bond at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or registered owner, as appropriate, a new Bond or

Bonds in authorized denominations, in fully registered form of the same aggregate principal amount, maturity, and interest rate.

B. Limitations. The Registrar shall close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

C. Owner of the Bonds. The person in whose name any Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either the principal or of interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative as stated herein, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. Replacement Bonds. If any Bonds shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such Bond, if mutilated, and such evidence, information, or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If any such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar may request the Paying Agent to pay such bond in lieu of replacement.

E. Additional Bonds. Executed but unauthenticated Bonds are hereby authorized to be delivered to the Registrar in such quantities as may be convenient to be held in custody by the Registrar pending delivery as herein provided.

F. Charges. For each new Bond issued in connection with a transfer or exchange, the Registrar may make a charge to the owner of the Bond requesting such exchange or transfer sufficient to reimburse the Registrar for any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange.

G. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign or is prohibited by law from continuing as Registrar or Paying Agent, or if the County shall reasonably determine that said Registrar or Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$50,000,000. It shall not be required that the same institution serves as both Registrar and Paying Agent hereunder, but the County shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

H. Book Entry. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to

the public, with a Depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership affected on the books of the Depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The County will not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Depository, Participants, or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds, or (iii) the County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another Depository or Bonds certificates will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants, and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

The County Manager is authorized to sign agreements with the Depository relating to the matters set forth in this Section, provided that such agreements are approved as to form by the County Attorney or County's Bond Counsel.

Notwithstanding any other provision of this Ordinance, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Paying Agent, Registrar, or the County to the Depository as provided in this Ordinance, and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement between the County and Depository or letter of the County to the Depository.

Section 12. Special Limited Obligations. All of the Bonds and all payments of principal, premium, if any, and interest thereon at maturity, together with any interest accruing thereon, shall be special limited obligations of the County and shall be payable and collectible solely from the Pledged Revenues, which revenues are so pledged and are payable as set forth in Section 18 of this Ordinance. The owner or owners of the Bonds may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged therefor. The Bonds shall not constitute an indebtedness or a

debt of the County within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or held to be general obligations of the County, and each of the Bonds shall recite that it is payable and collectible solely out of the Pledged Revenues, pledged as set forth in this Ordinance, and that the holders thereof may not look to any general or other municipal fund for the payment of the principal of and interest on the Bonds. Nothing herein shall prevent the County from applying other funds of the County legally available therefor to the payment of the principal, premium, if any, and interest on the Bonds, in its sole discretion.

Section 13. Form of Bonds. The forms, terms and provisions of the Bonds shall be substantially in the form set forth below, with such changes therein as are not inconsistent with this Ordinance.

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF SANTA FE

SANTA FE COUNTY, NEW MEXICO
GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS
SERIES 2019

Bond No. _____ \$ _____

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
_____% per annum	June 1, 20__	____, 2019	_____

PRINCIPAL AMOUNT: _____ DOLLARS

REGISTERED OWNER: CEDE & CO.

The Santa Fe County (the “County”), in the State of New Mexico (the “State”), a political subdivision duly organized and existing under the Constitution and laws of the State, for value received, promises to pay, solely from the special funds available for the purpose set forth below, to the Registered Owner stated above, or registered assigns, on the Maturity Date stated above (unless this Bond may be and is called for prior redemption, in whole or in part, in which case on such redemption date), upon presentation and surrender of this Bond to the County Treasurer, or any successor (as such, the “Paying Agent”), the Principal Amount stated above and premium, if any, and to pay interest on the unpaid Principal Amount at the Interest Rate stated above on June 1 and December 1 of each year, beginning on June 1, 2019 (each, an “Interest Payment Date”), to the Maturity Date stated above, or until redeemed if called for redemption prior to maturity. If, upon presentation and surrender at maturity or for prior redemption, payment of this Bond is not made, interest shall continue at the Interest Rate stated above until the Principal

Amount is paid in full. This Bond will bear interest from the most recent date to which interest has been paid or provided for or if no interest has been paid or provided for, from the Date of Bond stated above. Interest on this Bond is payable by check or draft mailed to the registered owner hereof (or by such other arrangement as may be mutually agreed to by the Paying Agent and the registered owner) as shown on the registration books for this issue maintained by the County Treasurer or any successor (as such, the "Registrar"), at the address appearing therein at the close of business on the fifteenth day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or duly provided for shall cease to be payable to the owner hereof (or of one or more predecessor Bonds, defined below) as of the Record Date, but shall be payable to the owner hereof (or of one or more predecessor Bonds) at the close of business on a special record date to be fixed by the Paying Agent for the payment of interest. Notice of the special record date shall be given to owners of Bonds as then shown on the Registrar's registration books not less than ten days prior to the special record date. The principal of, premium, if any, and interest on this Bond are payable in lawful money of the United States of America, without deduction for exchange or collection charges.

This Bond is one of a duly authorized series of fully registered bonds of the County in the aggregate principal amount of \$_____ issued in denominations of \$5,000 or integral multiples thereof, designated as Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Series 2019 (the "Bonds"), issued under and pursuant to County Ordinance No. 2019-__, as supplemented by the Pricing Certificate (as defined in the Bond Ordinance) (the "Bond Ordinance").

The Bonds maturing on and after June 1, 20__, are subject to prior redemption at the option of the County, in one or more units of principal of \$5,000 on and after June 1, 20__, in whole or in part on any date. If the Bonds are optionally redeemed in part, the Bonds to be so redeemed shall be selected by lot by the Registrar in such manner as the Registrar shall consider appropriate and fair.

Notice of redemption shall be given by the Registrar by sending a copy of such notice by electronic means or by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar on the fifth day prior to the mailing of notice on the registration books kept by the Registrar. Neither the County's failure to give such notice nor the Registrar's failure to give such notice to the registered owner of any Bond, or any defect therein, shall affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. Notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and, if less than the full amount of any Bond is to be redeemed, the amount of such Bonds to be redeemed, the date fixed for redemption, and that on such redemption date there will become and be due and payable upon each Bond to be redeemed at the office of the Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and, if an amount of money sufficient to redeem

all Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Paying Agent, the Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Paying Agent by the County.

Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer or exchange of a Bond at the principal office of the Registrar, duly endorsed or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or owner a new Bond or Bonds in fully registered form of the same aggregate principal amount, maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond of any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar will close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

The person in whose name any Bond is registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest in the Bond Ordinance; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar will, upon receipt of such Bond, if mutilated, and such evidence, information, or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen, or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

This Bond does not constitute an indebtedness of the County within the meaning of any constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the County, and is payable and collectible solely out of the Pledged Revenues pursuant to the pledge made by and as defined in the Bond Ordinance. Payment of the bonds of the series of which this Bond is one and the interest thereon shall be made solely from, and as security for such payment, there are pledged pursuant to the Bond Ordinance the amounts of money derived from all of the revenues attributable to the first one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1983-7, as amended by Ordinance No. 1991-4, the third one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1987-6, as amended by County Ordinance No. 2008-11 and

as further amended by County Ordinance No. 2016-01, the one-sixteenth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 2005-7, and the one-eighth of one percent (0.125%) county hold harmless gross receipts tax enacted pursuant to County Ordinance No. 2015-3, each of which County Gross Receipts Taxes is imposed on persons engaging in business in the County pursuant to Section 7-20E-9 NMSA 1978, and which revenues are remitted to the County monthly by the New Mexico Department of Taxation and Revenue pursuant to Section 7-1-6.13 NMSA 1978, and which remittances currently equal seven-sixteenths of one percent (0.4375%) of the taxable gross receipts reported by persons engaging in business in the County; and which include the distribution to the County made pursuant to Section 7-1-6.46 NMSA 1978, which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978; provided that the County intends that Section 4-62-6(C) NMSA 1978 applies expressly to the amount of revenues pledged pursuant to the Bond Ordinance.

The registered owner may not look to any general or other fund for the payment of the principal of, interest upon, and any prior redemption premium in connection with this obligation except the special funds (i.e., the Pledged Revenues) pledged therefor. Payment of this Bond and the interest thereon shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, a special fund identified as the "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund" into which the County covenants to pay from the Pledged Revenues sums sufficient to pay when due the principal of and interest on the bonds of the series of which this is one. Under the conditions specified in the Bond Ordinance, the County will deposit amounts and sufficient to create and maintain the "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund" as a reasonable and specified reserve for the payment of principal of and interest on such bonds. Reference is made to the Bond Ordinance for a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and the interest on the bonds. The bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the bonds constitute an irrevocable and first lien (but not necessarily an exclusive first lien) upon the Pledged Revenues and on parity with the lien thereon of any Parity Obligations. Additional bonds may be issued and made payable from the Pledged Revenues, upon satisfaction of the conditions set forth in the Bond Ordinance, having a lien thereon either on a parity with, or subordinate and junior to, the lien on the Pledged Revenues of the Bonds, but additional bonds may not be issued with a lien thereon superior to the lien thereon of the Bonds.

The Bonds are issued to provide funds for the purposes of (1) planning, designing, acquiring, constructing, renovating, rehabilitating, equipping and furnishing a County administration complex, (2) planning, designing, surveying and constructing roads pursuant to a settlement agreement with the Pueblo de San Ildefonso; (3) planning, designing, acquiring and

constructing capital improvements necessary to comply with the Americans with Disabilities Act countywide, and (4) paying costs of issuance of the Bonds.

The County covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This Bond is subject to the condition, and every owner hereof by accepting the same agrees with the obligor and every subsequent owner hereof, that the principal of and interest on this Bond shall be paid, and this Bond is transferable, free from and without regard to any equities, set-offs, or crossclaims between the obligor and the original purchaser or any other owner hereof.

It is hereby certified that all acts and conditions necessary to be done or performed by the County or to have happened precedent to and in the issuance of the Bonds to make them legal, valid and binding special obligations of the County have been performed and have happened as required by law, and that the Bonds do not exceed or violate any constitutional or statutory limitation of or pertaining to the County.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the Certificate of Authentication.

IN WITNESS WHEREOF, Santa Fe County, New Mexico, has caused this Bond to be signed and executed on the County's behalf with the facsimile or manual signature of the Chairperson and the facsimile or manual signature of the County Clerk and has caused the corporate seal or a facsimile thereof of the County to be affixed hereon, all as of the Date of Bond.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

By: _____
County Clerk

[Form of Registrar's Certificate of Authentication]

Certificate of Authentication

This is one of the Bonds described in the Bond Ordinance, and this Bond has been registered on the registration books kept by the undersigned as Registrar for the Bonds.

Date of Authentication: _____

Santa Fe County Treasurer

By: _____
Authorized Officer

[End of Form of Registrar's Certificate of Authentication]

[Form of Assignment]

Assignment

For value received, _____ hereby sells, assigns, and transfer unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Social Security or Tax Identification No. of Assignee _____

Dated: _____

NOTE: The assignor's signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 14. Period of Usefulness of Projects Financed by the Bonds. It is hereby provided that the weighted average maturity of the Bonds shall not exceed 120 percent of the average reasonably expected economic life of the Project.

Section 15. Disposition of Proceeds. Except as herein otherwise specifically provided, the proceeds derived from the sale of the Bonds shall be used and paid solely for the valid costs of the Project. Upon the sale and delivery of the Bonds, the following deposits and other disposition of proceeds shall be made:

A. Accrued Interest. All moneys received as accrued interest shall be deposited into the Debt Service Fund to apply on the payment of interest next due on the Bonds.

B. Expenses. An amount necessary to pay Expenses shall be used for payment of the Expenses in compliance with applicable law.

C. Acquisition Fund. The amount identified in the Pricing Certificate as the Acquisition Fund Deposit shall be deposited to the Acquisition Fund.

D. Reserve Fund. The amount specified in Subsection (E) of Section 18 hereof shall be deposited in the Reserve Fund.

E. Purchaser Not Responsible. The Purchaser of the Bonds shall in no manner be responsible for the application or disposal by the County or by its officers of the proceeds derived from the sale thereof or of any other funds herein designated.

Section 16. Funds and Accounts. The County hereby creates the following special and separate funds, which shall be under the control of the County, except as otherwise specified:

A. Revenue Fund. The "Santa Fe County, New Mexico Gross Receipts Tax Revenue Fund" is hereby continued and shall be maintained by the County, into which the County shall deposit the Pledged Revenues.

B. Debt Service Fund. The "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund" to be maintained by the County.

C. Reserve Fund. The "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund" to be maintained by the County.

Section 17. Deposit of Pledged Revenues. So long as any Bonds are outstanding, the Pledged Revenues shall, immediately upon receipt thereof by the County, be set aside and deposited into the Revenue Fund. All money deposited into the Revenue Fund shall be held separate and apart from the County's general fund and applied only in accordance with the provisions of this Ordinance and any other County ordinance authorizing the issuance of Parity Obligations.

Section 18. Administration of Pledged Revenue Fund.

A. Debt Service Fund. As a first charge on the Pledged Revenues, the following amounts shall be withdrawn from the Revenue Fund and shall be concurrently credited to the Debt Service Fund:

(1) To the Debt Service Fund, the following:

(a) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of interest on the Bonds, and monthly thereafter, commencing on each Interest Payment Date, one-sixth (1/6) of the amount necessary to pay the next maturing installment of interest on the Bonds then outstanding.

(b) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of principal of the outstanding Bonds and monthly thereafter, commencing on each Principal Payment Date, one-twelfth (1/12) of the amount necessary to pay the next maturing installment of principal on the Bonds then outstanding.

B. Credit. In making the deposits required to be made into the Debt Service Fund, if there are any amounts then on deposit in the Debt Service Fund available for the purpose for which such deposit is to be made, the amount of the deposit to be made pursuant to paragraph A above shall be reduced by the amount available in such fund and available for such purpose.

C. Transfer of Money out of Debt Service Fund. Each payment of principal and interest becoming due on the Bonds shall be transferred from the Debt Service Fund to the Paying Agent on or before four Business Days prior to the due date of such payment.

D. Payment of Parity Obligations. Concurrently with the payment of the Pledged Revenues required by paragraphs A, E and G of this Section, any amounts on deposit in the Pledged Revenue Fund shall be used by the County for the payment of principal of, interest on and debt service reserve fund deposits relating to Parity Obligations, if any, hereafter authorized to be issued and payable from the Pledged Revenues, as applicable, as the same accrue. If funds on deposit in the Pledged Revenue Fund are not sufficient to pay when due the required payments of principal of, interest on and debt service reserve fund deposits relating to the Bonds and any outstanding Parity Obligations, then the available funds in the Pledged Revenue Fund will be used, first, on a pro rata basis, based on the amount of principal and interest then due with respect to each series of outstanding Parity Obligations, for the payment of principal of and interest on all series of outstanding Parity Obligations and, second, to the extent of remaining available funds in the Pledged Revenue Fund on a pro rata basis, based on the amount of debt service reserve fund deposits then required with respect to each series of outstanding Parity Obligations, for the required debt service reserve fund deposits for all series of outstanding Parity Obligations.

E. Reserve Fund. No deposit shall be required in the Reserve Fund so long as the Pledged Revenues in each Fiscal Year equal or exceed 125% of the maximum annual principal and interest coming due in any subsequent Fiscal Year on all outstanding Parity Bonds. If the Pledged Revenues in any Fiscal Year are insufficient to meet the test set forth in the preceding sentence, the County shall acquire a Reserve Fund Insurance Policy in an amount equal to the Minimum Reserve or shall begin making substantially equal monthly deposits in the Reserve Fund from the first legally available Pledged Revenues so that after 24 months an amount equal to the Minimum Reserve will be held in the Reserve Fund. Notwithstanding anything to the contrary set forth in this Bond Ordinance, amounts on deposit in the Reserve Fund shall be applied solely to the payment of debt service due on the Bonds. After funding the Reserve Fund in an amount equal to the Minimum Reserve, no additional payments need be made into the Reserve Fund so long as the moneys therein shall equal not less than the Minimum Reserve. The moneys in the Reserve Fund shall be accumulated and maintained as a continuing reserve to be used, except as hereinafter provided in paragraph F of this Section, only to prevent deficiencies in the payment of the principal of and interest on the Bonds resulting from failure to deposit into the Debt Service Fund sufficient funds to pay the principal and interest as the same accrue.

F. Termination Upon Deposits to Maturity. No payment need be made into the Debt Service Fund, the Reserve Fund, or both, if the amount in such funds (excluding the amount of any Reserve Fund Insurance Policy) totals a sum at least equal to the entire amount of Bonds then outstanding, both as to principal and interest to their respective maturities, and both accrued and unaccrued, in which case, moneys in the Debt Service Fund and Reserve Fund in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue and any moneys in excess thereof in the Debt Service Fund and Reserve Fund and any other moneys derived from the Pledged Revenues may be used in any lawful manner determined by the County.

G. Defraying Delinquencies in Debt Service Fund and Reserve Fund. If, in any month, the County shall, for any reason, fail to pay into the Debt Service Fund the full amount above stipulated from the Pledged Revenues, then an amount shall be paid into the Debt Service Fund in such month from the Reserve Fund (if moneys are then on deposit in the Reserve Fund) equal to the difference between that paid from the Pledged Revenues and the full amount so stipulated. If the moneys paid into the Debt Service Fund from the Reserve Fund are not equal to the amount required to be paid into the Debt Service Fund for such month, then in the following month, an amount equal to the difference between the amount paid and the amount required shall be deposited into the Debt Service Fund, in addition to the normal payment required to be paid in such month, from the first Pledged Revenues thereafter received and not required to be otherwise applied. The money deposited in the Debt Service Fund from the Reserve Fund, if any, shall be replaced in the Reserve Fund from the first Pledged Revenues thereafter received not required to be otherwise applied. If, in any month, the County shall, for any reason, fail to pay into the Reserve Fund the full amount required, the difference between the amount paid and the amount so stipulated shall in a like manner be paid therein from the first Pledged Revenues thereafter received and not required to be otherwise applied. The moneys in the Reserve Fund shall be used solely and only for the purpose of paying any deficiencies in the payment of the principal of and the interest on the Bonds; provided, however, that any moneys at

any time in excess of the Minimum Reserve in the Reserve Fund may be withdrawn therefrom and applied to any other lawful purpose. Cash accumulated in the Reserve Fund shall not be invested in a manner which could cause the Bonds to become arbitrage bonds within the meaning of the Code. Any investments held in the Reserve Fund shall be valued annually, on or about June 1, at their current fair market value and, if the amount then on deposit in the Reserve Fund exceeds the Minimum Reserve, all amounts in excess of the Minimum Reserve shall be transferred to the Debt Service Fund and used to pay principal of and interest on the Bonds.

H. Interest on and Expenses relating to any Reserve Fund Insurance Policy Draws. Subordinate and subsequent to the payments required by Subsection A, and subject to the terms of Subsections D and E of this Section, Pledged Revenues shall be used to pay interest on amounts advanced under any Reserve Insurance Policy and reasonable expenses relating thereto under, and in accordance with, any agreement relating to any Reserve Fund Insurance Policy.

I. Use of Surplus Pledged Revenues. After making all the payments hereinabove required to be made by this Section, the remaining Pledged Revenues, if any, may be applied to any other lawful purpose, as the County may from time to time determine.

Section 19. General Administration of Funds. The funds designated in Section 16 shall be administered and invested as follows:

A. Places and Times of Deposits. The funds shall be separately maintained as a trust fund or funds for the purposes established and shall be deposited in one or more bank accounts in an Insured Bank or Bank. Each account shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any purpose other than the designated purpose. Payments shall be made into the proper account on the first day of the month except when the first day shall not be a Business Day, then payment shall be made on the next succeeding Business Day. No later than four Business Days prior to each Interest Payment Date, moneys sufficient to pay interest and principal then due on the Bonds shall be transferred to the Paying Agent. Nothing in this Ordinance shall prevent the County from establishing one or more bank accounts in an Insured Bank or Banks for all the funds required by this Ordinance or shall prevent the combination of such funds and accounts with any other bank account or accounts for other funds and accounts of the County.

B. Investment of Moneys. Moneys in any fund or account not immediately needed may be invested in any investment permitted by law. Investments of amounts in the Reserve Fund, if any, shall have maturities not exceeding five years from their date of acquisition and their value shall be determined annually at the end of each Fiscal Year or more frequently if required by accounting standards applicable to the County. The obligations so purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting from such investment shall be charged to such fund or account. The County Treasurer shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund or account whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 20. Lien on Pledged Revenues. ~~The Pledged Revenues and the amounts and securities on deposit in the Debt Service Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the County grants a security interest therein for, the payment of the principal of, premium, if any, and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Obligations.~~

A. Bonds secured by First Lien Pledge. ~~The Pledged Revenues and the amounts and securities on deposit in the Debt Service Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the County grants a security interest therein for, the payment of the principal of, premium, if any, and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Obligations.~~

B. Additional Security Pledged to Secure Series 1997 Bonds and Series 1997A Bonds. ~~The Pledged Revenues are hereby authorized to be pledged, and are hereby pledged, and the County hereby grants the following liens and security interests:~~

(1) A lien on Pledged Revenues subordinate to the lien thereon of the Parity Bonds for the payment of amounts required in connection with the Series 1997A Bonds pursuant to County Ordinance No. 1996-16, as amended by Ordinance No. 1997-1; and

(2) A lien on Pledged Revenues subordinate to the lien thereon of the Parity Bonds for the payment of amounts required to replenish the Reserve Fund established in County Ordinance No. 1996-16 and Section 7.07 of the Indenture approved thereby, in connection with the Series 1997 Bonds.

Section 21. Additional Bonds Payable from Pledged Revenues.

A. Parity Bonds Test. This Ordinance shall not prevent the issuance of additional Parity Obligations payable from and constituting a lien upon the Pledged Revenues on parity with the lien of the Bonds. Before any additional Parity Obligations are actually issued, it must be determined that:

(1) The County is then current in the accumulation of all amounts which are required to have then been accumulated in the Debt Service Fund as required by Section 18 of this Ordinance; and

(2) The requirements of either of the following subparagraphs (a) or (b) of this Section, and the requirements of subparagraph (c) of this Section are met and a certificate or opinion as provided for in paragraph BC of this Section has been obtained:

(a) The annual Pledged Revenues for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any Parity Bonds shall have been sufficient to pay an amount representing at least one hundred fifty percent (150%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor; or

(b) If, during the period beginning on the first day of the completed Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of the Parity Obligations proposed to be issued and ending on the date of such ordinance, a change in the rate of Pledged Revenues has been adopted by law, the estimate of the Pledged Revenues (sometimes herein the "Estimated Revenues"), determined by changing the actual Pledged Revenues for the preceding Fiscal Year by the percentage of rate increase or decrease in the gross receipts tax rate, shall have been sufficient to pay an amount representing at least one hundred fifty percent (150%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor. The preceding Fiscal Year shall be determined as aforesaid from the date of adoption of the ordinance authorizing the issuance of additional Parity Obligations and shall not be determined from the date of publication of such ordinance or adoption of any ordinance which amends or supplements such ordinance.

B(c) The Pledged Revenues received by the County in the twelve months immediately preceding the date of issuance of the proposed additional Parity Bonds shall have been sufficient to pay an amount representing at least 140% of the combined maximum annual principal and interest coming due in any subsequent Fiscal Year on (a) the outstanding Bonds, (b) other outstanding Parity Bonds, Subordinate Obligations and Junior Subordinate Obligations payable from and constituting a lien upon the Pledged Revenues, and (c) the Parity Bonds proposed to be issued.

B. Subordinate Obligations and Junior ~~Certification or Opinion Regarding Revenues.~~ A written certificate or opinion by an Independent Accountant or the County Treasurer that the Pledged Revenues or the Estimated Revenues, when determined as provided in Paragraph A of this Section, are sufficient to pay the required amounts under the applicable test in Paragraph A of this Section, shall conclusively determine the right of the County to issue additional Parity Obligations. The Independent Accountant or the County Treasurer may utilize the results of any annual audit to the extent it covers the applicable period.

C. Subordinate Obligations Permitted. Nothing in this Ordinance shall prevent the County from issuing bonds or other obligations payable from the Pledged Revenues and having a lien on the Pledged Revenues subordinate to the lien of the Bonds; provided, provided, however, that before any such Subordinate Obligations or Junior Subordinate Obligations are issued, it shall be determined that:

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(1) The County is then current in all of the accumulations required to be made in connection with any Parity Obligations, Subordinate Obligations and Junior Subordinate Obligations then Outstanding;

(2) No default shall exist in connection with any of the covenants or requirements of this Bond Ordinance, or the bond ordinance or ordinances authorizing the issuance of Outstanding Parity Obligations, Subordinate Obligations or Junior Subordinate Obligations; and

(3) The Pledged Revenues received by the County in the twelve months immediately preceding the date of issuance of the proposed additional Subordinate Obligations and Junior Subordinate Obligations shall have been sufficient to pay an amount representing at least 140% of the combined maximum annual principal and interest coming due in any subsequent Fiscal Year on (a) the outstanding Bonds, (b) other outstanding Parity Bonds payable from and constituting a lien upon the Pledged Revenues, (c) outstanding Subordinate Obligations and Junior Subordinate Obligations then outstanding and (d) the Subordinate Obligations or Junior Subordinate Obligations proposed to be issued.

C. Certification or Opinion Regarding Revenues. A written certificate or opinion by an Independent Accountant that the Pledged Revenues are sufficient to pay the required amounts under the test in Paragraph A or Paragraph B of this Section 21, shall conclusively determine the right of the County to issue additional Parity Bonds, Subordinate Obligations or Junior Subordinate Obligations, as applicable. The Independent Accountant may utilize the results of any annual audit to the extent it covers the applicable period.

D. Superior Obligations Prohibited. The County shall not issue any obligation having a lien on the Pledged Revenues which is prior and superior to the Bonds.

Section 22. Refunding Bonds. The provisions of Section 21 of this Ordinance are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time the County shall find it desirable to refund any Parity Obligations or other outstanding obligations constituting a lien upon the Pledged Revenues, the Bonds or other Obligations, or any part thereof, may be refunded, but only with the consent of the holders, unless the obligations shall then mature or be callable for redemption, or the plan of refunding calls for payment of the obligations at maturity or at a redemption date, regardless of whether the lien priority is changed by the refunding, except as provided in Paragraphs B and C of this Section.

B. Limitation Upon Issuance of Parity Refunding Obligations. No refunding obligations shall be issued with a lien on the Pledged Revenues on parity with the lien of the Bonds, unless:

(1) The lien on the Pledged Revenues of the outstanding obligations so refunded is on a parity with the lien on the Pledged Revenues of the Bonds; or

(2) The refunding obligations are issued in compliance with Paragraph BC of Section 21 of this Ordinance.

C. Refunding Part of an Issue. The refunding bonds or other refunding obligations issued shall enjoy complete equality of lien with the portion of any bonds or other obligations of the same issue which is not refunded, if any; and the holder or holders of such refunding bonds or other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the same issue refunded thereby. If only a part of any issue or issues is refunded, then there may be no refunding without the consent of the holders of the unrefunded portion of such obligations, unless:

(1) The refunding obligations do not increase the aggregate principal and interest requirements for any Fiscal Year commencing prior to the last maturity date of such unrefunded obligations; or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraph A or Paragraph B, as applicable, of Section 21 of this Ordinance.

D. Limitation Upon Issuance of any Refunding Obligations. Any refunding obligations payable from Pledged Revenues shall be issued with such details as the County may by ordinance provide, subject to the inclusion of any such rights and privileges designated in Paragraph C of this Section but without impairing any contractual obligation imposed by any proceedings authorizing any unrefunded portion of any issue or issues, including the Bonds.

Section 23. Equality of Parity Bonds. The Parity Bonds, for any source of the Pledged Revenues, from time to time outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, as applicable, regardless of the time or times of their issuance or the date incurred, it being the intention of the Board that, except as set forth herein, there shall be no priority among Parity Bonds regardless of whether they are actually issued and delivered or incurred at different times.

Section 24. Protective Covenants. The County hereby covenants and agrees with each and every holder of the Bonds issued hereunder:

A. Use of Bond Proceeds. The County will proceed without delay to apply the proceeds of the Bonds as set forth in Section 15 of this Ordinance.

B. Payment of Bonds Herein Authorized. The County will promptly pay the principal of and the interest on every Bond at the place, on the date, and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

C. County's Existence. The County will maintain its corporate identity and existence so long as any of the Bonds remain outstanding, unless another political subdivision by operation of law succeeds to the liabilities and rights of the County, without adversely affecting to any material degree the privileges and rights of any owner of the Bonds.

D. Extension of Interest Payments. In order to prevent any accumulation of claims for interest after maturity, the County will not directly or indirectly extend or assent to the extension of time for the payment of any claim for interest on any of the Bonds, and the County will not directly or indirectly be a party to or approve any arrangements for any such extension. If the time for payment of any such interest shall be extended, such installment or installments of interest, after such extension or arrangement, shall not be entitled in case of default hereunder to the benefit or security hereof, except subject to the prior payment in full of the principal of all Bonds hereunder and then outstanding and of the matured interest on such Bonds, the payment of which has not been extended.

E. Records. So long as any of the Bonds remain outstanding, proper books of record and account will be kept by the County separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues.

F. Audits and Budgets. The County will, within two hundred seventy (270) days following the close of each Fiscal Year, cause an audit of its books and accounts relating to the Pledged Revenues to be commenced by an Independent Accountant showing the receipts and disbursements in connection with such revenues. The County agrees to furnish forthwith a copy of each of such audits and reports to the Purchaser and the holder of any of the Bonds at its written request.

G. Other Liens. Other than as described and identified by this Ordinance, there are no liens or encumbrances of any nature whatsoever on or against the Pledged Revenues. This Ordinance does not prohibit the issuance of Parity Obligations with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds consistent with the requirements herein.

H. Duty to Impose Gross Receipts Taxes. If State law or any County ordinance or part thereof, which in any manner affects the Pledged Revenues shall ever be held to be invalid or unenforceable, it shall be the duty of the County to take any legally permissible action necessary to produce sufficient Pledged Revenues to comply with the contracted obligations of this Ordinance, except as is provided in Paragraph I of this Section.

I. Impairment of Contract. The County agrees that any law, ordinance or resolution of the County that in any manner affects the Pledged Revenues or the Bonds shall not be repealed or otherwise directly or indirectly modified, in such a manner as to impair adversely any Bonds outstanding, unless such Bonds have been discharged in full or provision has been fully made therefor or unless the required consents of the holders of the then outstanding Bonds are obtained pursuant to Section 30 of this Ordinance.

J. Debt Service Fund and Reserve Fund. The Debt Service Fund and Reserve Fund shall be used solely and only, and those funds are hereby pledged, for the purposes set forth in this Ordinance.

K. Surety Bonds. Each County official and employee being responsible for receiving Pledged Revenues shall be bonded at all times, which bond shall be conditioned upon the proper application of Pledged Revenues.

L. Performing Duties. The County will faithfully and punctually perform all duties with respect to the Bonds required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the County relating to the Bonds.

M. Tax Covenants. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Chairperson and other officers of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, if required, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, if any, as may be required or appropriate to assure such exclusion of that interest.

N. Rebate Fund. In furtherance of the covenants set forth in the preceding paragraph, the County hereby establishes a fund separate from any other funds established and maintained hereunder designated as the Rebate Fund. Money and investments in the Rebate Fund shall not be used for the payment of the Bonds and amounts credited to the Rebate Fund shall be free and clear under any pledge under this Ordinance. Money in the Rebate Fund shall be invested pursuant to the procedures in the manner provided in Section 19(B) for investment of money, and all amounts on deposit in the Rebate Fund shall be held by the County, or a designated trustee, in trust, to the extent required to pay rebatable arbitrage to the United States of America. The County shall unconditionally be entitled to accept and rely upon the recommendation, advice, calculation, and opinion of an accounting firm or other person or firm with knowledge of or experience in advising with respect to the provisions of the Code relating to rebatable arbitrage. The County shall remit all rebate installments and the final rebate payment to the United States of America as required by the provisions of the Code. Any moneys remaining in the Rebate Fund after redemption and payment of all the Bonds and payment and satisfaction of any rebatable arbitrage shall be withdrawn and remitted to the County.

O. Continuing Disclosure Obligations. The officers of the County are authorized to sign such documents and to take such actions in the future with respect to the County's continuing disclosure obligations as are necessary or desirable to comply with the Continuing Disclosure Undertaking and the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. Notwithstanding any other provisions of this Ordinance, failure of the County to comply with the Continuing Disclosure Undertaking shall not be considered an "event of default" under Section 25 hereof, and holders and beneficial owners of Bonds shall be entitled to exercise only such rights with respect thereto as are provided in the Continuing Disclosure Undertaking.

Section 25. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal. Failure to pay the principal of any of the Bonds when the same becomes due and payable, either at maturity or otherwise.

B. Nonpayment of Interest. Failure to pay any installment of interest when the same becomes due and payable.

C. Default of any Provision. Default by the County in the due and punctual performance of its covenants or conditions, agreements, and provisions contained in the Bonds or in this Ordinance on its part to be performed, and the continuance of such default (other than a default set forth in subparagraphs A and B of this Section) for sixty (60) days after written notice specifying such default and requiring the same to be remedied has been given to the County by the holders of twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding.

D. Bankruptcy. The County (i) files a petition or application seeking reorganization, arrangement under Federal bankruptcy law, or other debtor relief under the laws of any jurisdiction, or (ii) is the subject of such petition or application which the County does not contest or is not dismissed or discharged with sixty (60) days.

Section 26. Remedies Upon Default. Upon the happening and continuance of any of the events of default as provided in Section 25 of this Ordinance, then in every case the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, including, but not limited to, a trustee or trustees therefor, may proceed against the County, the Board and its agents, officers, and employees to protect and enforce the rights of any holder of Bonds under this Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award relating to the execution of any power herein granted for the enforcement of any legal or equitable remedy as such holder or holders may deem most effectual to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of any Bondholder, or to require the Board to act as if it were the trustee of an express trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the Bonds then outstanding.

The failure of any Bondholder so to proceed shall not relieve the County or any of its officers, agents, or employees of any liability for failure to perform any duty. Each right or privilege of such holder (or trustee thereof) is in addition and cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any holder shall not be deemed a waiver of any other right or privilege.

Section 27. Duties Upon Default. Upon the happening of any of the events of default provided in Section 25 of this Ordinance, the County, in addition, will do and perform all proper acts on behalf of and for the owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on the Bonds promptly as the same become due. All proceeds derived therefrom, so long as any of the Bonds, either as to principal or interest, are outstanding and unpaid, shall be applied as set forth in Section 18 of this Ordinance. In the event the County fails or refuses to proceed as provided in this Section, the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, after demand in writing, may proceed to protect and enforce the rights of the owners of the Bonds as hereinabove provided.

Section 28. Bonds Not Presented When Due. If any Bonds shall not be duly presented for payment when due at maturity, and if moneys sufficient to pay such Bonds are on deposit with the Paying Agent for the benefit of the owners of such Bonds, all liability of the County to such owners for the payments of such Bonds shall be completely discharged, such Bonds shall not be deemed to be outstanding, and it shall be the duty of the Paying Agent to segregate and to hold such moneys in trust, without liability for interest thereon, for the benefit of the owners of such Bonds as may be provided in any agreement hereafter entered into between the Paying Agent and an officer of the County.

Section 29. Approval of Documents; Delegated Powers. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing, the publication of the summary of this Ordinance set out in Section 39 (with such changes, additions and deletions as they may determine). The Chairperson is authorized and directed to execute and the County Clerk is authorized and directed to affix the seal of the County to and attest, where applicable, the Related Documents and the final Official Statement, in substantially the form as hereby approved or with such changes therein as are not inconsistent with this Ordinance and as shall be approved by the Chairperson, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions thereof from the form presented to the Board. From and after adoption of this Ordinance and the execution and delivery of the Related Documents and the final Official Statement, the officers, agents and employees of the County are hereby authorized, empowered, and directed to do all such acts and to execute all such documents as may be necessary to carry out and comply with the provisions of the Related Documents and the final Official Statement as executed. Pursuant to Section 6-14-10.2, NMSA 1978, the County Manager are each hereby delegated authority to accept one or more binding bids and select the Purchasers, to execute the Pricing Certificate, and to determine any or all of the final terms of the Bonds, subject to the parameters and conditions contained in this Bond Ordinance. The County Manager or the Deputy County Manager shall present the

Pricing Certificate to the Board in a timely manner, before or after delivery of the Bonds, at a regularly scheduled public meeting of the Board.

Section 30. Amendment of Ordinance. This Ordinance may be amended without the consent of the holder of any Bond to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision contained herein. Prior to the date of the initial delivery of the Bonds to the Purchaser, the provisions of this Ordinance may be supplemented with the written consent of the Purchaser with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. Except as provided above, this Ordinance may be amended without receipt by the County of any additional consideration, but with the written consent of the holders of three-fourths (3/4ths) of the Bonds then outstanding (not including Bonds which may be held for the account of the County); but no ordinance adopted without the written consent of the holders of all outstanding Bonds shall have the effect of permitting:

- A. An extension of the maturity of any Bond; or
- B. A reduction of the principal amount or interest rate of any Bond; or
- C. A reduction of the principal amount of Bonds required for consent to such amendatory ordinance; or
- E. The establishment of priorities as between Bonds issued and outstanding under the provisions of this Ordinance; or
- F. The modification of or otherwise affecting the rights of the holders of less than all the outstanding Bonds.

Section 31. Defeasance. When all principal and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien for the payment of the Bonds shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. Payment shall be deemed made with respect to any Bond or Bonds when the County has placed in escrow with a commercial bank exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities) to meet all requirements of principal and interest as the same become due to their final maturities. Any Federal Securities shall become due when needed in accordance with a schedule agreed upon between the County and such bank at the time of the creation of the escrow.

Section 32. Approval and Use of Preliminary Official Statement, Official Statement and Official Notice of Bond Sale. The Preliminary Official Statement and its use in the marketing and sale of the Bonds is hereby approved. The Chair of the Board of County Commissioners is authorized and directed to execute and deliver the Official Statement to the Purchaser. The County Manager, the County Treasurer, the County Finance Director, the County Assessor, and any other County officials and employees are hereby authorized to coordinate with the County's Bond Counsel and financial advisor in the preparation and distribution of the Preliminary Official Statement and the Official Notice of Bond Sale.

Section 33. Bond Insurance Provisions. If applicable, the Bond Insurer's provisions relating to the Bond Insurance Policy and the Reserve Insurance Policy shall be as set forth in the Pricing Certificate, which requirements and procedures set forth therein shall control and supersede any conflicting or inconsistent provision in this Ordinance. Any and all financial obligations of the County described in this Section 33 are limited to available Pledged Revenues.

Section 34. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled and discharged, as herein provided, or there has been defeasance as herein provided.

Section 35. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 36. Repealer Clause. All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution, or ordinance, or part thereof, heretofore repealed.

Section 37. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of ordinances of the County kept for that purpose, authenticated by the signatures of the Chairperson and County Clerk, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 38 below) shall be published in a newspaper which maintains an office and is of general circulation in the County, or posted in accordance with law, and said Ordinance shall be in full force and effect thirty days after recording.

Section 38. Limitation of Action Period. After the passage of thirty (30) days from the publication required by Section 39 hereof, any action attacking the validity of any proceedings had or taken by the County preliminary to and in the authorization and issuance of the Bonds shall be perpetually barred.

Section 39. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

[Form of Summary of Ordinance for Publication]

Santa Fe County, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in County Ordinance No. 2019-___, duly adopted and approved by the Board of County Commissioners of Santa Fe County, New Mexico, on January 29, 2019, relating to the authorization and issuance of the County's Gross Receipts Tax Improvement Revenue Bonds, Series 2019. Complete copies of the Ordinance are available for public inspection during the

normal and regular business hours of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico.

The title of the Ordinance is:

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING, DESIGNING, ACQUIRING AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; DELEGATING AUTHORITY TO THE COUNTY MANAGER TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE WHICH WILL SPECIFY THE EXACT PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE SERIES 2019 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE SERIES 2019 BONDS; PROVIDING THAT THE SERIES 2019 BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2019 BONDS FROM THE DISTRIBUTIONS TO THE COUNTY OF THE REVENUES OF THE FIRST ONE-EIGHTH INCREMENT, THE THIRD ONE-EIGHTH INCREMENT, AND THE ONE-SIXTEENTH INCREMENT OF THE COUNTY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-9 NMSA 1978, AND THE ONE-EIGHTH INCREMENT OF COUNTY HOLD HARMLESS GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-28 NMSA 1978, WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The title sets forth a general summary of the subject matter contained in the Ordinance. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

[End of Form of Summary for Publication]

SFC CLERK RECORDED 02/28/2019

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF JANUARY, 2019.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____, Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.
as Bond Counsel to Santa Fe County

By: _____
Peter Franklin, Shareholder

Commissioner _____ moved adoption of the foregoing ordinance, duly seconded by
Commissioner _____.

The motion to adopt said ordinance, as amended, upon being put to a vote, was passed
and adopted on the following recorded vote:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

____ () Commissioners having voted in favor of said motion, the Chairperson
declared said motion carried and said ordinance adopted, whereupon the Chairperson and County
Clerk signed the ordinance upon the records of the minutes of the Board.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____, Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of Santa Fe County, New Mexico (the "Board"), constituting the governing board of the County, had and taken at a duly called regular, open meeting held in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 29th day of January, 2019, at the hour of 2:00 p.m. insofar as the same relate to the proposed bond issue, a copy of which is set forth in the official records of the proceedings of the County kept in my office.

3. Notice of said meeting was given in accordance with the open meetings standards of the Board presently in effect.

SANTA FE COUNTY, NEW MEXICO

By: _____
County Clerk

III. E. 1.
CLEAN
VERSION

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The Board of County Commissioners (the "Board") of Santa Fe County in the State of New Mexico, met in regular session in full conformity with law and the rules and regulations of the County at the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 29th day of January, 2019, at the hour of 2:00 p.m. Upon roll call, the following members were found to be present:

Present:

Absent:

Also Present:

Thereupon, there was officially filed with the County Clerk, the Chairman and each Commissioner a copy of a proposed ordinance in final form.

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AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING, DESIGNING, ACQUIRING AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; DELEGATING AUTHORITY TO THE COUNTY MANAGER TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE WHICH WILL SPECIFY THE EXACT PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE SERIES 2019 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE SERIES 2019 BONDS; PROVIDING THAT THE SERIES 2019 BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2019 BONDS FROM THE DISTRIBUTIONS TO THE COUNTY OF THE REVENUES OF THE FIRST ONE-EIGHTH INCREMENT, THE THIRD ONE-EIGHTH INCREMENT, AND THE ONE-SIXTEENTH INCREMENT OF THE COUNTY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-9 NMSA 1978, AND THE ONE-EIGHTH INCREMENT OF COUNTY HOLD HARMLESS GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-28 NMSA 1978, WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, capitalized terms used in the following preambles have the same meanings as defined in Section 1 of this Ordinance unless the context requires otherwise; and

WHEREAS, pursuant to Section 7-20E-9 NMSA 1978, the County has imposed (i) the first one-eighth of one percent (0.125%) increment of County Gross Receipts Tax, effective as of January 1, 1984, enacted pursuant to Ordinance No. 1983-7, as amended by Ordinance No. 1991-4; (ii) the third one-eighth of one percent (0.125%) County Gross Receipts Tax, effective

as of January 1, 1988, enacted pursuant to County Ordinance No. 1987-6, as amended by Ordinance No. 2008-11 and 2016-01; and (iii) the one-sixteenth of one percent (0.0625%) County Gross Receipts Tax, effective as of January 1, 2006, enacted pursuant to County Ordinance No. 2005-7; and

WHEREAS, pursuant to Section 7-20E-28 NMSA 1978 and County Ordinance No. 2015-3, adopted on March 24, 2015 (the "Hold Harmless Gross Receipts Tax Ordinance"), the County imposed the county hold harmless gross receipts tax at a rate of one-eighth of one percent (0.125%), effective July 1, 2015 ((together with the first one-eight of one percent, third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax, the "Pledged Revenues," as more fully defined in Section 1 of this Ordinance); and

WHEREAS, pursuant to Section 7-1-6.13 NMSA 1978, the County receives monthly distributions of the Pledged Revenues from the New Mexico Taxation and Revenue Department; and

WHEREAS, on February 19, 1997, the County issued its Santa Fe County, New Mexico Correctional System Revenue Bonds, Series 1997 in an aggregate principal amount of \$30,000,000 (the "Series 1997 Bonds") for which a debt service reserve fund was established, the replenishment of which was secured at the time of issuance by a lien on the first one-eighth of one percent increment County Gross Receipts Tax revenues, which pledge was subsequently supplemented by a pledge of the third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax revenues, and which the County now desires to secure as Junior Subordinate Obligations, with a lien on the Pledged Revenues subordinate to the lien thereon of Parity Bonds (as defined herein); and

WHEREAS, on February 19, 1997, the County issued its Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Subordinate Series 1997A (the "Series 1997A Bonds") which Series 1997A Bonds were initially secured by a lien on the first one-eighth of one percent increment County Gross Receipts tax prior and superior to the lien thereon of the Series 1997 Bonds, which pledge was subsequently supplemented by a pledge of the third one-eighth of one percent and one-sixteenth of one percent increments of County Gross Receipts Tax revenues, and which the County now desires to secure as Subordinate Obligations, with a lien on the Pledged Revenues prior and superior to the lien thereon of the Series 1997 Bonds but subordinate to the lien thereon of Parity Bonds; and

WHEREAS, in addition to the Series 1997 Bonds and the Series 1997A Bonds, the Pledged Revenues are currently pledged to the payment of the County's Gross Receipts Tax Revenue Improvement and Refunding Bonds Series 2016, now outstanding in an aggregate principal amount of \$29,745,000 (the "2016 Bonds"); and

WHEREAS, the Board has determined that there is a need for the Improvement Project, as more particularly defined in Section 1 of this Ordinance, and that the Bonds shall be issued in part to provide funds for the Improvement Project; and

SFC CLERK RECORDED 02/28/2019

WHEREAS, the Board has determined and hereby determines that it is in the best interest of the County and its residents that the Bonds be issued with a first lien, but not an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Bonds; and

WHEREAS, the Board hereby determines that there is an urgent need for the Project and that the Bonds shall be issued for the Project which consequently will provide for the public health, peace and safety of the County and its residents; and

WHEREAS, the Bonds will be sold competitively pursuant to an Official Notice of Bond Sale, following which the County Manager and/or Finance Director will approve the final principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds in the Pricing Certificate, as permitted by Section 6-14-10.2 NMSA 1978, which shall supplement this Ordinance; and

WHEREAS, there has been presented to the Board and there presently is on file with the County Clerk a form of Preliminary Official Statement; and

WHEREAS, the Board hereby determines that the Project to be financed by the Bonds is for governmental purposes and is not a project which would cause the Bonds to be "private activity bonds" as defined by the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD:

Section 1. Definitions. As used in this Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Act" means the general laws of the State, including Sections 4-62-1 through 4-62-10, 7-20E-9, and 7-20E-28 NMSA 1978, as amended, and enactments of the Board relating to the issuance of the Bonds, including this Ordinance.

"Board" means the Board of County Commissioners of the County or any future successor governing body of the County.

"Bond Insurance Commitment" means, if applicable, the Municipal Bond Insurance Commitment issued to the County by the Bond Insurer.

"Bond Insurer" means, if applicable, the issuer of the Policy.

"Bondholder," "holder," "owner" or "Owner" means the registered owner of any Bond as shown on the registration books of the County for the Bonds, from time to time, maintained by the Registrar. Any reference to a majority or a particular percentage or proportion of the Bondholders shall mean the holders at the particular time of a majority or of the specified percentage or proportion in aggregate principal amount of all Bonds then outstanding.

“Bonds” mean the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019” authorized by this Ordinance.

“Business Day” means a day on which commercial banks in the city in which the principal office of the Paying Agent and Registrar is located are open for conduct of substantially all of their business operations.

“Chairperson” means the Chairperson of the Board.

“Code” means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations whether proposed, temporary or final, including regulations issued and proposed pursuant to the statutory predecessor of the Code, and, in addition, all official rulings and judicial determinations applicable to the Bonds, and under the statutory predecessor of the Code and any successor provisions to those sections or regulations.

“Continuing Disclosure Undertaking” means the continuing disclosure undertaking with respect to the Bonds to be executed by the County on the day of issuance and delivery of the Bonds to the Purchaser.

“County” means Santa Fe County in the State of New Mexico.

“Debt Service Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund” established by Section 16 of this Ordinance.

“Depository” means The Depository Trust Company, New York, New York, or such other securities depository as may be designated by an officer of the County.

“Event of Default” means any of the events stated in Section 25 of this Ordinance.

“Expenses” means the reasonable and necessary fees, costs and expenses incurred by the County with respect to the issuance of the Bonds, including the fees, compensation, costs and expenses paid or to be paid to the Bond Insurer, Paying Agent, Registrar, Purchaser, attorney’s fees and municipal advisor’s fees.

“Federal Securities” as used in this Ordinance shall include only direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on June 30 of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the County as its fiscal year.

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“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to the entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

“Independent Accountant” means (A) an accountant employed by the State and under supervision of the State Auditor, or (B) any certified public accountant, registered accountant, or firm of such accountants duly licensed to practice and practicing as such under the laws of the State, appointed and paid by the County who (i) is, in fact, independent and not under the domination of the County, (ii) does not have any substantial interest, direct or indirect, with the County, and (iii) is not connected with the County as an officer or employee of the County, but who may be regularly retained to make annual or similar audits of the books or records of the County.

“Insured Bank” means a bank or savings and loan association insured by an agency of the United States.

“Interest Payment Date” means each June 1 and December 1, commencing on June 1, 2019.

“Junior Subordinate Obligations” or “Series 1997 Bonds” means the Santa Fe County, New Mexico Correctional System Revenue Bonds, Series 1997, and such other obligations as may be issued after the date of this Ordinance with a lien on Pledged Revenues junior and inferior to the lien thereon of the Subordinate Obligations.

“NMSA” means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

“Obligations” means bonds, notes or any other instrument which evidence a borrowing or other obligation of the County secured by Pledged Revenues issued or incurred for any purpose permitted by the Act.

“Official Notice of Bond Sale” means the notice of competitive sale of the Bonds which shall be included in the Preliminary Official Statement for the Bonds.

“Ordinance” or “Bond Ordinance” means this Ordinance as amended or supplemented from time to time.

“Outstanding” or “outstanding” when used in reference to the Bonds means, on any particular date, the aggregate of all Bonds delivered under this Ordinance except:

- A. those cancelled at or prior to such date or delivered or acquired by the County at or prior to such date for cancellation;
- B. those otherwise deemed to be paid in accordance with Section 31 of this Ordinance;
- C. those in lieu of or in exchange or substitution for which other Bonds shall have been delivered, unless proof satisfactory to the County and the Paying Agent is

presented that any Bond for which a new Bond was issued or exchanged is held by a bona fide holder in due course; and

D. those Bonds which have been refunded in accordance with this Ordinance or other ordinance of the County authorizing the issuance of the applicable bonds.

“Parity Bonds” or “Parity Obligations” means the 2016 Bonds, the Bonds, and any other Obligations hereafter issued or incurred payable from the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds.

“Paying Agent” means the County Treasurer and any successor paying agent.

“Pledged Revenues” means the amounts of money derived from all of the revenues attributable to the first one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1983-7, as amended by Ordinance No. 1991-4, the third one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1987-6, as amended by County Ordinance No. 2008-11 and as further amended by County Ordinance No. 2016-01, the one-sixteenth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 2005-7, and the one-eighth of one percent (0.125%) county hold harmless gross receipts tax enacted pursuant to County Ordinance No. 2015-3, each of which County Gross Receipts Taxes is imposed on persons engaging in business in the County pursuant to Section 7-20E-9 NMSA 1978, and which revenues are remitted to the County monthly by the New Mexico Department of Taxation and Revenue pursuant to Section 7-1-6.13 NMSA 1978, and which remittances currently equal seven-sixteenths of one percent (0.4375%) of the taxable gross receipts reported by persons engaging in business in the County; and which include the distribution to the County made pursuant to Section 7-1-6.46 NMSA 1978, which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County’s gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978; provided that the County intends that Section 4-62-6(C) NMSA 1978 applies expressly to the amount of revenues pledged pursuant to this Ordinance.

“Policy” means an insurance policy, if any, issued by the Bond Insurer guaranteeing the scheduled payment of principal of and interest on the Bonds when due.

“Preliminary Official Statement” and “Official Statement” mean the disclosure documents used by the Purchaser in connection with the sale of the Bonds to the public.

“Pricing Certificate” means one or more certificates executed by the County Manager, pursuant to and as authorized by Section 6-14-10.2 NMSA 1978, dated on or before the date of delivery of the Bonds, setting forth the following final terms of the Bonds: (i) the interest and principal payment dates; (ii) the principal amounts, denominations, and maturity amortization; (iii) the sale prices; (iv) the interest rate or rates; (v) the interest payment periods; (vi) the redemption and tender provisions; (vii) the creation of any capitalized interest fund, including the size and funding of such fund(s); (viii) the amount of underwriting discount, if any;

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and (ix) the final terms of agreements, if any, with agents or service providers required for the purchase, sale, issuance and delivery of the Bonds, all subject to the parameters and conditions contained in this Bond Ordinance.

“Principal Payment Date” means June 1 in each year beginning June 1, 2019.

“Project” means (1) planning, designing, acquiring, constructing, renovating, rehabilitating, equipping and furnishing a County administration complex, (2) planning, designing, surveying and constructing roads pursuant to a settlement agreement with the Pueblo de San Ildefonso; (3) planning, designing, acquiring and constructing capital improvements necessary to comply with the Americans with Disabilities Act countywide, and (4) paying costs of issuance of the Bonds.

“Rebate Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Rebate Fund” established by Section 24(N) of this Ordinance.

“Registrar” means the County Treasurer, as registrar and transfer agent for the Bonds, and any successor.

“Related Documents” means the Bond Purchase Agreement, if any, the Pricing Certificate, the Continuing Disclosure Undertaking, the Bond Insurance Commitment, if any, the Reserve Insurance Commitment, if any, the Tax Compliance Certificate and any other document or agreement containing an obligation of the County as may be required in connection with the issuance of the Bonds and the application of the proceeds thereof to the Project.

“Reserve Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund” established by Section 16 of this Ordinance, and to be maintained by the County.

“Reserve Fund Insurance Policy” means any policy of insurance, surety bond, letter of credit, or other financial instrument issued to the County, the proceeds of which shall be used to prevent deficiencies in the payment of the principal of or interest on the Bonds resulting from insufficient amounts being on deposit in the Debt Service Fund to make the payment of principal of and interest on the Bonds as the same become due. If the Reserve Fund Insurance Policy is in the form of a surety bond, the surety bond must be from an insurance company experienced in insuring municipal bonds whose policies of insurance would not in and of itself adversely affect the rating on the Bonds by Moody’s or by S&P in effect at the time such policy is initially deposited in or credited to the Reserve Fund.

“Reserve Requirement” means an amount which is equal to the least of (i) ten percent (10%) of the proceeds of the Bonds as the term proceeds is used in Section 148(d)(1) of the Code; (ii) the maximum annual debt service on the Bonds; or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds.

“Revenue Fund” means the “Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds Revenue Fund” continued in Section 16 of this Ordinance into which the County shall deposit the Pledged Revenues.

“State” means the State of New Mexico.

“Subordinate Obligations” or “Series 1997A Bonds” means the Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Subordinate Series 1997A, and such other obligations as may be issued after the date of this Ordinance with a lien on Pledged Revenues junior and inferior the lien thereon of the Bonds.

“Tax Compliance Certificate” means the Tax Compliance Certificate to be delivered by the County at the time of issuance of the Bonds, as the same may be supplemented in accordance with its terms.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Board and the officers of the County, directed toward the Project, the issuance of the Bonds for the Project, and the sale of the Bonds to the Purchaser be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project. The Project and the method of financing the Project are hereby authorized and ordered at a total cost not to exceed \$30,000,000, and the necessity thereof is hereby so declared, excluding any such cost defrayed or to be defrayed by any source other than Bond proceeds.

Section 4. Findings. The Board hereby declares that it has considered all relevant information and data and hereby makes the following findings:

- A. Moneys available for the Project from all sources other than the issuance of revenue bonds are not sufficient to defray the cost of the Project.
- B. The Pledged Revenues may lawfully be pledged to secure the payment of the Bonds.
- C. It is economically feasible to defray the cost of the Project by the issuance of the Bonds.
- D. The Project will reduce interest costs and effect other economies for the benefit of the County and its residents.
- E. The issuance of the Bonds pursuant to the Act to provide funds for the financing of the Project is necessary and in the interest of the public health, safety and welfare of the residents of the County.
- F. The net effective interest rate on the Bonds shall not exceed the statutory maximum of twelve percent (12%).

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Section 5. Bonds - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of at least a two-thirds majority of all of the members of the Board. For the purpose of protecting the public health, safety and welfare of the residents of the County, it is hereby declared necessary that the County, pursuant to the Act, issue its negotiable, fully registered, revenue bonds to be designated "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019," in an aggregate principal amount not to exceed \$30,000,000, and the issuance, sale and delivery of the Bonds are hereby authorized. The Bonds shall be sold in a competitive sale to the best bidder for the Bonds pursuant to the Official Notice of Bond Sale, which shall be substantially in the form attached to this Ordinance as Exhibit "A", with such modifications as approved by the County Manager in consultation with the municipal advisor and Bond Counsel to the County.

B. Details of Bonds. The Bonds shall be dated the date of their issuance and delivery to the Purchaser (herein "Series Date"), and are issuable in the denomination of \$5,000 each or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered consecutively from 1 upwards.

The Bonds shall bear interest from the Series Date, payable semi-annually on June 1 and December 1 each year, commencing on June 1, 2019, until their respective maturity dates. The exact principal amounts, maturity dates, interest rates, prices, redemption features, and other terms of the Bonds shall be determined by the County Manager and specified in the Pricing Certificate.

Section 6. Prior Redemption. The optional redemption features of the Bonds and mandatory sinking fund provisions, if any, shall be established in the Pricing Certificate.

Section 7. Filing of Signatures. Prior to the execution of any Bond, the Chairperson and County Clerk may each file, pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended, with the New Mexico Secretary of State his or her manual signature certified by him or her under oath; provided that filing shall not be necessary for any officer where any previous filing may have legal application to the Bonds.

Section 8. Execution and Authentication of Bonds.

A. Execution. The Bonds shall be signed with the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature, or the manual signature, of the Chairperson and shall be attested with the facsimile or manual signature of the County Clerk. There shall be affixed to each Bond the printed, engraved, stamped, or otherwise placed facsimile of, or imprint of, the County's corporate seal. The Bonds shall be authenticated by the manual signature of the Registrar. The Bonds when authenticated and bearing the manual or facsimile signatures of the officers in office at the time of signing thereof shall be valid and binding special obligations of the County, notwithstanding that before delivery thereof and

payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Chairperson and County Clerk, at the time of the execution of the Bonds and the signature certificate, each may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds or certificates pertaining to the Bonds.

B. Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication has been duly executed by the Registrar.

Section 9. Negotiability. The Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Bondholders shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code—Investment Securities. Except as set forth herein, the Bonds outstanding shall in all respects be equally and ratably secured, without preference, priority, or distinction on account of the date or dates or the actual time or times of the issuance or maturity of the Bonds.

Section 10. Payment and Presentation of Bonds for Payment. Principal and interest on the Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges. Principal shall be payable in immediately available funds at maturity thereof upon presentation and surrender of such Bond at the principal office of the Paying Agent or at the designated office of any successor Paying Agent. Interest on the Bonds shall be payable by check or draft mailed to the registered owner thereof (or in such other manner as may be agreed upon by the Paying Agent and the registered owner), as shown on the registration books maintained by the Registrar at the address appearing therein on the 15th day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or provided for shall cease to be payable to the owner thereof (or of one or more predecessor Bonds) as of the Record Date, but shall be payable to the owner thereof (or of one or more predecessor Bonds) at the close of business on a special record date for the payment of that overdue interest. The special record date shall be fixed by the Paying Agent whenever moneys become available for payment of the overdue interest, and notice of the special record date shall be given to Bond owners not less than ten days prior thereto. If any Bond presented for payment remains unpaid at maturity, it shall continue to bear interest at the rate or rates designated in, and applicable to, such Bond from time to time. If any Bond is not presented for payment at maturity when funds available therefor have been deposited with the Paying Agent, it shall cease bearing interest on and from the date of maturity.

Section 11. Registration, Transfer, Exchange and Ownership of Bonds.

A. Registration, Transfer and Exchange. The County shall cause books for registration, transfer, and exchange of the Bonds as provided herein to be kept at the principal office of the Registrar. Upon surrender for transfer or exchange of any fully registered Bond at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or registered owner, as appropriate, a new Bond or

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Bonds in authorized denominations, in fully registered form of the same aggregate principal amount, maturity, and interest rate.

B. Limitations. The Registrar shall close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

C. Owner of the Bonds. The person in whose name any Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either the principal of or interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative as stated herein, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. Replacement Bonds. If any Bonds shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such Bond, if mutilated, and such evidence, information, or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If any such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar may request the Paying Agent to pay such bond in lieu of replacement.

E. Additional Bonds. Executed but unauthenticated Bonds are hereby authorized to be delivered to the Registrar in such quantities as may be convenient to be held in custody by the Registrar pending delivery as herein provided.

F. Charges. For each new Bond issued in connection with a transfer or exchange, the Registrar may make a charge to the owner of the Bond requesting such exchange or transfer sufficient to reimburse the Registrar for any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange.

G. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign or is prohibited by law from continuing as Registrar or Paying Agent, or if the County shall reasonably determine that said Registrar or Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$50,000,000. It shall not be required that the same institution serves as both Registrar and Paying Agent hereunder, but the County shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

H. Book Entry. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to

the public, with a Depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership affected on the books of the Depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The County will not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Depository, Participants, or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds, or (iii) the County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another Depository or Bonds certificates will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants, and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

The County Manager is authorized to sign agreements with the Depository relating to the matters set forth in this Section, provided that such agreements are approved as to form by the County Attorney or County's Bond Counsel.

Notwithstanding any other provision of this Ordinance, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Paying Agent, Registrar, or the County to the Depository as provided in this Ordinance, and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement between the County and Depository or letter of the County to the Depository.

Section 12. Special Limited Obligations. All of the Bonds and all payments of principal, premium, if any, and interest thereon at maturity, together with any interest accruing thereon, shall be special limited obligations of the County and shall be payable and collectible solely from the Pledged Revenues, which revenues are so pledged and are payable as set forth in Section 18 of this Ordinance. The owner or owners of the Bonds may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged therefor. The Bonds shall not constitute an indebtedness or a

debt of the County within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or held to be general obligations of the County, and each of the Bonds shall recite that it is payable and collectible solely out of the Pledged Revenues, pledged as set forth in this Ordinance, and that the holders thereof may not look to any general or other municipal fund for the payment of the principal of and interest on the Bonds. Nothing herein shall prevent the County from applying other funds of the County legally available therefor to the payment of the principal, premium, if any, and interest on the Bonds, in its sole discretion.

Section 13. Form of Bonds. The forms, terms and provisions of the Bonds shall be substantially in the form set forth below, with such changes therein as are not inconsistent with this Ordinance.

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF SANTA FE

SANTA FE COUNTY, NEW MEXICO
GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS
SERIES 2019

Bond No. _____ \$ _____

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
_____% per annum	June 1, 20__	____, 2019	_____

PRINCIPAL AMOUNT: _____ DOLLARS

REGISTERED OWNER: CEDE & CO.

The Santa Fe County (the “County”), in the State of New Mexico (the “State”), a political subdivision duly organized and existing under the Constitution and laws of the State, for value received, promises to pay, solely from the special funds available for the purpose set forth below, to the Registered Owner stated above, or registered assigns, on the Maturity Date stated above (unless this Bond may be and is called for prior redemption, in whole or in part, in which case on such redemption date), upon presentation and surrender of this Bond to the County Treasurer, or any successor (as such, the “Paying Agent”), the Principal Amount stated above and premium, if any, and to pay interest on the unpaid Principal Amount at the Interest Rate stated above on June 1 and December 1 of each year, beginning on June 1, 2019 (each, an “Interest Payment Date”), to the Maturity Date stated above, or until redeemed if called for redemption prior to maturity. If, upon presentation and surrender at maturity or for prior redemption, payment of this Bond is not made, interest shall continue at the Interest Rate stated above until the Principal

Amount is paid in full. This Bond will bear interest from the most recent date to which interest has been paid or provided for or if no interest has been paid or provided for, from the Date of Bond stated above. Interest on this Bond is payable by check or draft mailed to the registered owner hereof (or by such other arrangement as may be mutually agreed to by the Paying Agent and the registered owner) as shown on the registration books for this issue maintained by the County Treasurer or any successor (as such, the "Registrar"), at the address appearing therein at the close of business on the fifteenth day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or duly provided for shall cease to be payable to the owner hereof (or of one or more predecessor Bonds, defined below) as of the Record Date, but shall be payable to the owner hereof (or of one or more predecessor Bonds) at the close of business on a special record date to be fixed by the Paying Agent for the payment of interest. Notice of the special record date shall be given to owners of Bonds as then shown on the Registrar's registration books not less than ten days prior to the special record date. The principal of, premium, if any, and interest on this Bond are payable in lawful money of the United States of America, without deduction for exchange or collection charges.

This Bond is one of a duly authorized series of fully registered bonds of the County in the aggregate principal amount of \$ _____ issued in denominations of \$5,000 or integral multiples thereof, designated as Santa Fe County, New Mexico Gross Receipts Tax Revenue Bonds, Series 2019 (the "Bonds"), issued under and pursuant to County Ordinance No. 2019-__, as supplemented by the Pricing Certificate (as defined in the Bond Ordinance) (the "Bond Ordinance").

The Bonds maturing on and after June 1, 20__, are subject to prior redemption at the option of the County, in one or more units of principal of \$5,000 on and after June 1, 20__, in whole or in part on any date. If the Bonds are optionally redeemed in part, the Bonds to be so redeemed shall be selected by lot by the Registrar in such manner as the Registrar shall consider appropriate and fair.

Notice of redemption shall be given by the Registrar by sending a copy of such notice by electronic means or by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar on the fifth day prior to the mailing of notice on the registration books kept by the Registrar. Neither the County's failure to give such notice nor the Registrar's failure to give such notice to the registered owner of any Bond, or any defect therein, shall affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. Notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and, if less than the full amount of any Bond is to be redeemed, the amount of such Bonds to be redeemed, the date fixed for redemption, and that on such redemption date there will become and be due and payable upon each Bond to be redeemed at the office of the Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and, if an amount of money sufficient to redeem

all Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Paying Agent, the Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Paying Agent by the County.

Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer or exchange of a Bond at the principal office of the Registrar, duly endorsed or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or owner a new Bond or Bonds in fully registered form of the same aggregate principal amount, maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond of any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar will close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

The person in whose name any Bond is registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest in the Bond Ordinance; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar will, upon receipt of such Bond, if mutilated, and such evidence, information, or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen, or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

This Bond does not constitute an indebtedness of the County within the meaning of any constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the County, and is payable and collectible solely out of the Pledged Revenues pursuant to the pledge made by and as defined in the Bond Ordinance. Payment of the bonds of the series of which this Bond is one and the interest thereon shall be made solely from, and as security for such payment, there are pledged pursuant to the Bond Ordinance the amounts of money derived from all of the revenues attributable to the first one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1983-7, as amended by Ordinance No. 1991-4, the third one-eighth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 1987-6, as amended by County Ordinance No. 2008-11 and

as further amended by County Ordinance No. 2016-01, the one-sixteenth of one percent County Gross Receipts Tax enacted pursuant to County Ordinance No. 2005-7, and the one-eighth of one percent (0.125%) county hold harmless gross receipts tax enacted pursuant to County Ordinance No. 2015-3, each of which County Gross Receipts Taxes is imposed on persons engaging in business in the County pursuant to Section 7-20E-9 NMSA 1978, and which revenues are remitted to the County monthly by the New Mexico Department of Taxation and Revenue pursuant to Section 7-1-6.13 NMSA 1978, and which remittances currently equal seven-sixteenths of one percent (0.4375%) of the taxable gross receipts reported by persons engaging in business in the County; and which include the distribution to the County made pursuant to Section 7-1-6.46 NMSA 1978, which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978; provided that the County intends that Section 4-62-6(C) NMSA 1978 applies expressly to the amount of revenues pledged pursuant to the Bond Ordinance.

The registered owner may not look to any general or other fund for the payment of the principal of, interest upon, and any prior redemption premium in connection with this obligation except the special funds (i.e., the Pledged Revenues) pledged therefor. Payment of this Bond and the interest thereon shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, a special fund identified as the "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund" into which the County covenants to pay from the Pledged Revenues sums sufficient to pay when due the principal of and interest on the bonds of the series of which this is one. Under the conditions specified in the Bond Ordinance, the County will deposit amounts and sufficient to create and maintain the "Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund" as a reasonable and specified reserve for the payment of principal of and interest on such bonds. Reference is made to the Bond Ordinance for a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and the interest on the bonds. The bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the bonds constitute an irrevocable and first lien (but not necessarily an exclusive first lien) upon the Pledged Revenues and on parity with the lien thereon of any Parity Obligations. Additional bonds may be issued and made payable from the Pledged Revenues, upon satisfaction of the conditions set forth in the Bond Ordinance, having a lien thereon either on a parity with, or subordinate and junior to, the lien on the Pledged Revenues of the Bonds, but additional bonds may not be issued with a lien thereon superior to the lien thereon of the Bonds.

The Bonds are issued to provide funds for the purposes of (1) planning, designing, acquiring, constructing, renovating, rehabilitating, equipping and furnishing a County administration complex, (2) planning, designing, surveying and constructing roads pursuant to a settlement agreement with the Pueblo de San Ildefonso; (3) planning, designing, acquiring and

constructing capital improvements necessary to comply with the Americans with Disabilities Act countywide, and (4) paying costs of issuance of the Bonds.

The County covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This Bond is subject to the condition, and every owner hereof by accepting the same agrees with the obligor and every subsequent owner hereof, that the principal of and interest on this Bond shall be paid, and this Bond is transferable, free from and without regard to any equities, set-offs, or crossclaims between the obligor and the original purchaser or any other owner hereof.

It is hereby certified that all acts and conditions necessary to be done or performed by the County or to have happened precedent to and in the issuance of the Bonds to make them legal, valid and binding special obligations of the County have been performed and have happened as required by law, and that the Bonds do not exceed or violate any constitutional or statutory limitation of or pertaining to the County.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the Certificate of Authentication.

IN WITNESS WHEREOF, Santa Fe County, New Mexico, has caused this Bond to be signed and executed on the County's behalf with the facsimile or manual signature of the Chairperson and the facsimile or manual signature of the County Clerk and has caused the corporate seal or a facsimile thereof of the County to be affixed hereon, all as of the Date of Bond.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

By: _____
County Clerk

[Form of Registrar's Certificate of Authentication]

Certificate of Authentication

This is one of the Bonds described in the Bond Ordinance, and this Bond has been registered on the registration books kept by the undersigned as Registrar for the Bonds.

Date of Authentication: _____

Santa Fe County Treasurer

By: _____
Authorized Officer

[End of Form of Registrar’s Certificate of Authentication]

[Form of Assignment]

Assignment

For value received, _____ hereby sells, assigns, and transfer unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Social Security or Tax Identification No. of Assignee _____

Dated: _____

NOTE: The assignor’s signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

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Section 14. Period of Usefulness of Projects Financed by the Bonds. It is hereby provided that the weighted average maturity of the Bonds shall not exceed 120 percent of the average reasonably expected economic life of the Project.

Section 15. Disposition of Proceeds. Except as herein otherwise specifically provided, the proceeds derived from the sale of the Bonds shall be used and paid solely for the valid costs of the Project. Upon the sale and delivery of the Bonds, the following deposits and other disposition of proceeds shall be made:

A. Accrued Interest. All moneys received as accrued interest shall be deposited into the Debt Service Fund to apply on the payment of interest next due on the Bonds.

B. Expenses. An amount necessary to pay Expenses shall be used for payment of the Expenses in compliance with applicable law.

C. Acquisition Fund. The amount identified in the Pricing Certificate as the Acquisition Fund Deposit shall be deposited to the Acquisition Fund.

D. Reserve Fund. The amount specified in Subsection (E) of Section 18 hereof shall be deposited in the Reserve Fund.

E. Purchaser Not Responsible. The Purchaser of the Bonds shall in no manner be responsible for the application or disposal by the County or by its officers of the proceeds derived from the sale thereof or of any other funds herein designated.

Section 16. Funds and Accounts. The County hereby creates the following special and separate funds, which shall be under the control of the County, except as otherwise specified:

A. Revenue Fund. The “Santa Fe County, New Mexico Gross Receipts Tax Revenue Fund” is hereby continued and shall be maintained by the County, into which the County shall deposit the Pledged Revenues.

B. Debt Service Fund. The “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Debt Service Fund” to be maintained by the County.

C. Reserve Fund. The “Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, Reserve Fund” to be maintained by the County.

Section 17. Deposit of Pledged Revenues. So long as any Bonds are outstanding, the Pledged Revenues shall, immediately upon receipt thereof by the County, be set aside and deposited into the Revenue Fund. All money deposited into the Revenue Fund shall be held separate and apart from the County’s general fund and applied only in accordance with the provisions of this Ordinance and any other County ordinance authorizing the issuance of Parity Obligations.

Section 18. Administration of Pledged Revenue Fund.

A. Debt Service Fund. As a first charge on the Pledged Revenues, the following amounts shall be withdrawn from the Revenue Fund and shall be concurrently credited to the Debt Service Fund:

(1) To the Debt Service Fund, the following:

(a) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of interest on the Bonds, and monthly thereafter, commencing on each Interest Payment Date, one-sixth (1/6) of the amount necessary to pay the next maturing installment of interest on the Bonds then outstanding.

(b) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of principal of the outstanding Bonds and monthly thereafter, commencing on each Principal Payment Date, one-twelfth (1/12) of the amount necessary to pay the next maturing installment of principal on the Bonds then outstanding.

B. Credit. In making the deposits required to be made into the Debt Service Fund, if there are any amounts then on deposit in the Debt Service Fund available for the purpose for which such deposit is to be made, the amount of the deposit to be made pursuant to paragraph A above shall be reduced by the amount available in such fund and available for such purpose.

C. Transfer of Money out of Debt Service Fund. Each payment of principal and interest becoming due on the Bonds shall be transferred from the Debt Service Fund to the Paying Agent on or before four Business Days prior to the due date of such payment.

D. Payment of Parity Obligations. Concurrently with the payment of the Pledged Revenues required by paragraphs A, E and G of this Section, any amounts on deposit in the Pledged Revenue Fund shall be used by the County for the payment of principal of, interest on and debt service reserve fund deposits relating to Parity Obligations, if any, hereafter authorized to be issued and payable from the Pledged Revenues, as applicable, as the same accrue. If funds on deposit in the Pledged Revenue Fund are not sufficient to pay when due the required payments of principal of, interest on and debt service reserve fund deposits relating to the Bonds and any outstanding Parity Obligations, then the available funds in the Pledged Revenue Fund will be used, first, on a pro rata basis, based on the amount of principal and interest then due with respect to each series of outstanding Parity Obligations, for the payment of principal of and interest on all series of outstanding Parity Obligations and, second, to the extent of remaining available funds in the Pledged Revenue Fund on a pro rata basis, based on the amount of debt service reserve fund deposits then required with respect to each series of outstanding Parity Obligations, for the required debt service reserve fund deposits for all series of outstanding Parity Obligations.

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E. Reserve Fund. No deposit shall be required in the Reserve Fund so long as the Pledged Revenues in each Fiscal Year equal or exceed 125% of the maximum annual principal and interest coming due in any subsequent Fiscal Year on all outstanding Parity Bonds. If the Pledged Revenues in any Fiscal Year are insufficient to meet the test set forth in the preceding sentence, the County shall acquire a Reserve Fund Insurance Policy in an amount equal to the Minimum Reserve or shall begin making substantially equal monthly deposits in the Reserve Fund from the first legally available Pledged Revenues so that after 24 months an amount equal to the Minimum Reserve will be held in the Reserve Fund. Notwithstanding anything to the contrary set forth in this Bond Ordinance, amounts on deposit in the Reserve Fund shall be applied solely to the payment of debt service due on the Bonds. After funding the Reserve Fund in an amount equal to the Minimum Reserve, no additional payments need be made into the Reserve Fund so long as the moneys therein shall equal not less than the Minimum Reserve. The moneys in the Reserve Fund shall be accumulated and maintained as a continuing reserve to be used, except as hereinafter provided in paragraph F of this Section, only to prevent deficiencies in the payment of the principal of and interest on the Bonds resulting from failure to deposit into the Debt Service Fund sufficient funds to pay the principal and interest as the same accrue.

F. Termination Upon Deposits to Maturity. No payment need be made into the Debt Service Fund, the Reserve Fund, or both, if the amount in such funds (excluding the amount of any Reserve Fund Insurance Policy) totals a sum at least equal to the entire amount of Bonds then outstanding, both as to principal and interest to their respective maturities, and both accrued and unaccrued, in which case, moneys in the Debt Service Fund and Reserve Fund in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue and any moneys in excess thereof in the Debt Service Fund and Reserve Fund and any other moneys derived from the Pledged Revenues may be used in any lawful manner determined by the County.

G. Defraying Delinquencies in Debt Service Fund and Reserve Fund. If, in any month, the County shall, for any reason, fail to pay into the Debt Service Fund the full amount above stipulated from the Pledged Revenues, then an amount shall be paid into the Debt Service Fund in such month from the Reserve Fund (if moneys are then on deposit in the Reserve Fund) equal to the difference between that paid from the Pledged Revenues and the full amount so stipulated. If the moneys paid into the Debt Service Fund from the Reserve Fund are not equal to the amount required to be paid into the Debt Service Fund for such month, then in the following month, an amount equal to the difference between the amount paid and the amount required shall be deposited into the Debt Service Fund, in addition to the normal payment required to be paid in such month, from the first Pledged Revenues thereafter received and not required to be otherwise applied. The money deposited in the Debt Service Fund from the Reserve Fund, if any, shall be replaced in the Reserve Fund from the first Pledged Revenues thereafter received not required to be otherwise applied. If, in any month, the County shall, for any reason, fail to pay into the Reserve Fund the full amount required, the difference between the amount paid and the amount so stipulated shall in a like manner be paid therein from the first Pledged Revenues thereafter received and not required to be otherwise applied. The moneys in the Reserve Fund shall be used solely and only for the purpose of paying any deficiencies in the payment of the principal of and the interest on the Bonds; provided, however, that any moneys at

any time in excess of the Minimum Reserve in the Reserve Fund may be withdrawn therefrom and applied to any other lawful purpose. Cash accumulated in the Reserve Fund shall not be invested in a manner which could cause the Bonds to become arbitrage bonds within the meaning of the Code. Any investments held in the Reserve Fund shall be valued annually, on or about June 1, at their current fair market value and, if the amount then on deposit in the Reserve Fund exceeds the Minimum Reserve, all amounts in excess of the Minimum Reserve shall be transferred to the Debt Service Fund and used to pay principal of and interest on the Bonds.

H. Interest on and Expenses relating to any Reserve Fund Insurance Policy Draws. Subordinate and subsequent to the payments required by Subsection A, and subject to the terms of Subsections D and E of this Section, Pledged Revenues shall be used to pay interest on amounts advanced under any Reserve Insurance Policy and reasonable expenses relating thereto under, and in accordance with, any agreement relating to any Reserve Fund Insurance Policy.

I. Use of Surplus Pledged Revenues. After making all the payments hereinabove required to be made by this Section, the remaining Pledged Revenues, if any, may be applied to any other lawful purpose, as the County may from time to time determine.

Section 19. General Administration of Funds. The funds designated in Section 16 shall be administered and invested as follows:

A. Places and Times of Deposits. The funds shall be separately maintained as a trust fund or funds for the purposes established and shall be deposited in one or more bank accounts in an Insured Bank or Bank. Each account shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any purpose other than the designated purpose. Payments shall be made into the proper account on the first day of the month except when the first day shall not be a Business Day, then payment shall be made on the next succeeding Business Day. No later than four Business Days prior to each Interest Payment Date, moneys sufficient to pay interest and principal then due on the Bonds shall be transferred to the Paying Agent. Nothing in this Ordinance shall prevent the County from establishing one or more bank accounts in an Insured Bank or Banks for all the funds required by this Ordinance or shall prevent the combination of such funds and accounts with any other bank account or accounts for other funds and accounts of the County.

B. Investment of Moneys. Moneys in any fund or account not immediately needed may be invested in any investment permitted by law. Investments of amounts in the Reserve Fund, if any, shall have maturities not exceeding five years from their date of acquisition and their value shall be determined annually at the end of each Fiscal Year or more frequently if required by accounting standards applicable to the County. The obligations so purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting from such investment shall be charged to such fund or account. The County Treasurer shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund or account whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 20. Lien on Pledged Revenues.

A. Bonds secured by First Lien Pledge. The Pledged Revenues and the amounts and securities on deposit in the Debt Service Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the County grants a security interest therein for, the payment of the principal of, premium, if any, and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Obligations.

B. Additional Security Pledged to Secure Series 1997 Bonds and Series 1997A Bonds. The Pledged Revenues are hereby authorized to be pledged, and are hereby pledged, and the County hereby grants the following liens and security interests:

(1) A lien on Pledged Revenues subordinate to the lien thereon of the Parity Bonds for the payment of amounts required in connection with the Series 1997A Bonds pursuant to County Ordinance No. 1996-16, as amended by Ordinance No. 1997-1; and

(2) A lien on Pledged Revenues subordinate to the lien thereon of the Parity Bonds for the payment of amounts required to replenish the Reserve Fund established in County Ordinance No. 1996-16 and Section 7.07 of the Indenture approved thereby, in connection with the Series 1997 Bonds.

Section 21. Additional Bonds Payable from Pledged Revenues.

A. Parity Bonds Test. This Ordinance shall not prevent the issuance of additional Parity Obligations payable from and constituting a lien upon the Pledged Revenues on parity with the lien of the Bonds. Before any additional Parity Obligations are actually issued, it must be determined that:

(1) The County is then current in the accumulation of all amounts which are required to have then been accumulated in the Debt Service Fund as required by Section 18 of this Ordinance; and

(2) The requirements of either of the following subparagraphs (a) or (b) of this Section, and the requirements of subparagraph (c) of this Section are met and a certificate or opinion as provided for in paragraph C of this Section has been obtained:

(a) The annual Pledged Revenues for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any Parity Bonds shall have been sufficient to pay an amount representing at least one hundred fifty percent (150%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor; or

(b) If, during the period beginning on the first day of the completed Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of the Parity Obligations proposed to be issued and ending on the date of such ordinance, a change in the rate of Pledged Revenues has been adopted by law, the estimate of the Pledged Revenues (sometimes herein the "Estimated Revenues"), determined by changing the actual Pledged Revenues for the preceding Fiscal Year by the percentage of rate increase or decrease in the gross receipts tax rate, shall have been sufficient to pay an amount representing at least one hundred fifty percent (150%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor. The preceding Fiscal Year shall be determined as aforesaid from the date of adoption of the ordinance authorizing the issuance of additional Parity Obligations and shall not be determined from the date of publication of such ordinance or adoption of any ordinance which amends or supplements such ordinance.

(c) The Pledged Revenues received by the County in the twelve months immediately preceding the date of issuance of the proposed additional Parity Bonds shall have been sufficient to pay an amount representing at least 140% of the combined maximum annual principal and interest coming due in any subsequent Fiscal Year on (a) the outstanding Bonds, (b) other outstanding Parity Bonds, Subordinate Obligations and Junior Subordinate Obligations payable from and constituting a lien upon the Pledged Revenues, and (c) the Parity Bonds proposed to be issued.

B. Subordinate Obligations and Junior Subordinate Obligations Permitted. Nothing in this Ordinance shall prevent the County from issuing bonds or other obligations payable from the Pledged Revenues and having a lien on the Pledged Revenues subordinate to the lien of the Bonds; provided, provided, however, that before any such Subordinate Obligations or Junior Subordinate Obligations are issued, it shall be determined that:

(1) The County is then current in all of the accumulations required to be made in connection with any Parity Obligations, Subordinate Obligations and Junior Subordinate Obligations then Outstanding;

(2) No default shall exist in connection with any of the covenants or requirements of this Bond Ordinance, or the bond ordinance or ordinances authorizing the issuance of Outstanding Parity Obligations, Subordinate Obligations or Junior Subordinate Obligations; and

(3) The Pledged Revenues received by the County in the twelve months immediately preceding the date of issuance of the proposed additional Subordinate Obligations and Junior Subordinate Obligations shall have been sufficient to pay an amount representing at least 140% of the combined maximum annual principal and interest coming due in any subsequent Fiscal Year on (a) the outstanding Bonds, (b) other outstanding Parity Bonds payable from and constituting a lien upon the Pledged Revenues, (c) outstanding Subordinate Obligations and Junior Subordinate Obligations then outstanding and (d) the Subordinate Obligations or Junior Subordinate Obligations proposed to be issued.

C. Certification or Opinion Regarding Revenues. A written certificate or opinion by an Independent Accountant that the Pledged Revenues are sufficient to pay the required amounts under the test in Paragraph A or Paragraph B of this Section 21, shall conclusively determine the right of the County to issue additional Parity Bonds, Subordinate Obligations or Junior Subordinate Obligations, as applicable. The Independent Accountant may utilize the results of any annual audit to the extent it covers the applicable period.

D. Superior Obligations Prohibited. The County shall not issue any obligation having a lien on the Pledged Revenues which is prior and superior to the Bonds.

Section 22. Refunding Bonds. The provisions of Section 21 of this Ordinance are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time the County shall find it desirable to refund any Parity Obligations or other outstanding obligations constituting a lien upon the Pledged Revenues, the Bonds or other Obligations, or any part thereof, may be refunded, but only with the consent of the holders, unless the obligations shall then mature or be callable for redemption, or the plan of refunding calls for payment of the obligations at maturity or at a redemption date, regardless of whether the lien priority is changed by the refunding, except as provided in Paragraphs B and C of this Section.

B. Limitation Upon Issuance of Parity Refunding Obligations. No refunding obligations shall be issued with a lien on the Pledged Revenues on parity with the lien of the Bonds, unless:

(1) The lien on the Pledged Revenues of the outstanding obligations so refunded is on a parity with the lien on the Pledged Revenues of the Bonds; or

(2) The refunding obligations are issued in compliance with Paragraph C of Section 21 of this Ordinance.

C. Refunding Part of an Issue. The refunding bonds or other refunding obligations issued shall enjoy complete equality of lien with the portion of any bonds or other obligations of the same issue which is not refunded, if any; and the holder or holders of such refunding bonds or other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the same issue refunded thereby. If only a part of any issue or issues is refunded, then there may be no refunding without the consent of the holders of the unrefunded portion of such obligations, unless:

(1) The refunding obligations do not increase the aggregate principal and interest requirements for any Fiscal Year commencing prior to the last maturity date of such unrefunded obligations; or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraph A or Paragraph B, as applicable, of Section 21 of this Ordinance.

D. Limitation Upon Issuance of any Refunding Obligations. Any refunding obligations payable from Pledged Revenues shall be issued with such details as the County may by ordinance provide, subject to the inclusion of any such rights and privileges designated in Paragraph C of this Section but without impairing any contractual obligation imposed by any proceedings authorizing any unrefunded portion of any issue or issues, including the Bonds.

Section 23. Equality of Parity Bonds. The Parity Bonds, for any source of the Pledged Revenues, from time to time outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, as applicable, regardless of the time or times of their issuance or the date incurred, it being the intention of the Board that, except as set forth herein, there shall be no priority among Parity Bonds regardless of whether they are actually issued and delivered or incurred at different times.

Section 24. Protective Covenants. The County hereby covenants and agrees with each and every holder of the Bonds issued hereunder:

A. Use of Bond Proceeds. The County will proceed without delay to apply the proceeds of the Bonds as set forth in Section 15 of this Ordinance.

B. Payment of Bonds Herein Authorized. The County will promptly pay the principal of and the interest on every Bond at the place, on the date, and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

C. County's Existence. The County will maintain its corporate identity and existence so long as any of the Bonds remain outstanding, unless another political subdivision by operation of law succeeds to the liabilities and rights of the County, without adversely affecting to any material degree the privileges and rights of any owner of the Bonds.

D. Extension of Interest Payments. In order to prevent any accumulation of claims for interest after maturity, the County will not directly or indirectly extend or assent to the extension of time for the payment of any claim for interest on any of the Bonds, and the County will not directly or indirectly be a party to or approve any arrangements for any such extension. If the time for payment of any such interest shall be extended, such installment or installments of interest, after such extension or arrangement, shall not be entitled in case of default hereunder to the benefit or security hereof, except subject to the prior payment in full of the principal of all Bonds hereunder and then outstanding and of the matured interest on such Bonds, the payment of which has not been extended.

E. Records. So long as any of the Bonds remain outstanding, proper books of record and account will be kept by the County separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues.

F. Audits and Budgets. The County will, within two hundred seventy (270) days following the close of each Fiscal Year, cause an audit of its books and accounts relating to the Pledged Revenues to be commenced by an Independent Accountant showing the receipts and

disbursements in connection with such revenues. The County agrees to furnish forthwith a copy of each of such audits and reports to the Purchaser and the holder of any of the Bonds at its written request.

G. Other Liens. Other than as described and identified by this Ordinance, there are no liens or encumbrances of any nature whatsoever on or against the Pledged Revenues. This Ordinance does not prohibit the issuance of Parity Obligations with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds consistent with the requirements herein.

H. Duty to Impose Gross Receipts Taxes. If State law or any County ordinance or part thereof, which in any manner affects the Pledged Revenues shall ever be held to be invalid or unenforceable, it shall be the duty of the County to take any legally permissible action necessary to produce sufficient Pledged Revenues to comply with the contracted obligations of this Ordinance, except as is provided in Paragraph I of this Section.

I. Impairment of Contract. The County agrees that any law, ordinance or resolution of the County that in any manner affects the Pledged Revenues or the Bonds shall not be repealed or otherwise directly or indirectly modified, in such a manner as to impair adversely any Bonds outstanding, unless such Bonds have been discharged in full or provision has been fully made therefor or unless the required consents of the holders of the then outstanding Bonds are obtained pursuant to Section 30 of this Ordinance.

J. Debt Service Fund and Reserve Fund. The Debt Service Fund and Reserve Fund shall be used solely and only, and those funds are hereby pledged, for the purposes set forth in this Ordinance.

K. Surety Bonds. Each County official and employee being responsible for receiving Pledged Revenues shall be bonded at all times, which bond shall be conditioned upon the proper application of Pledged Revenues.

L. Performing Duties. The County will faithfully and punctually perform all duties with respect to the Bonds required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the County relating to the Bonds.

M. Tax Covenants. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Chairperson and other officers of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions

which would adversely affect that exclusion, and that it or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, if required, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, if any, as may be required or appropriate to assure such exclusion of that interest.

N. Rebate Fund. In furtherance of the covenants set forth in the preceding paragraph, the County hereby establishes a fund separate from any other funds established and maintained hereunder designated as the Rebate Fund. Money and investments in the Rebate Fund shall not be used for the payment of the Bonds and amounts credited to the Rebate Fund shall be free and clear under any pledge under this Ordinance. Money in the Rebate Fund shall be invested pursuant to the procedures in the manner provided in Section 19(B) for investment of money, and all amounts on deposit in the Rebate Fund shall be held by the County, or a designated trustee, in trust, to the extent required to pay rebatable arbitrage to the United States of America. The County shall unconditionally be entitled to accept and rely upon the recommendation, advice, calculation, and opinion of an accounting firm or other person or firm with knowledge of or experience in advising with respect to the provisions of the Code relating to rebatable arbitrage. The County shall remit all rebate installments and the final rebate payment to the United States of America as required by the provisions of the Code. Any moneys remaining in the Rebate Fund after redemption and payment of all the Bonds and payment and satisfaction of any rebatable arbitrage shall be withdrawn and remitted to the County.

O. Continuing Disclosure Obligations. The officers of the County are authorized to sign such documents and to take such actions in the future with respect to the County's continuing disclosure obligations as are necessary or desirable to comply with the Continuing Disclosure Undertaking and the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. Notwithstanding any other provisions of this Ordinance, failure of the County to comply with the Continuing Disclosure Undertaking shall not be considered an "event of default" under Section 25 hereof, and holders and beneficial owners of Bonds shall be entitled to exercise only such rights with respect thereto as are provided in the Continuing Disclosure Undertaking.

Section 25. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal. Failure to pay the principal of any of the Bonds when the same becomes due and payable, either at maturity or otherwise.

B. Nonpayment of Interest. Failure to pay any installment of interest when the same becomes due and payable.

C. Default of any Provision. Default by the County in the due and punctual performance of its covenants or conditions, agreements, and provisions contained in the Bonds or in this Ordinance on its part to be performed, and the continuance of such default (other than a default set forth in subparagraphs A and B of this Section) for sixty (60) days after written notice specifying such default and requiring the same to be remedied has been given to the County by the holders of twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding.

D. Bankruptcy. The County (i) files a petition or application seeking reorganization, arrangement under Federal bankruptcy law, or other debtor relief under the laws of any jurisdiction, or (ii) is the subject of such petition or application which the County does not contest or is not dismissed or discharged with sixty (60) days.

Section 26. Remedies Upon Default. Upon the happening and continuance of any of the events of default as provided in Section 25 of this Ordinance, then in every case the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, including, but not limited to, a trustee or trustees therefor, may proceed against the County, the Board and its agents, officers, and employees to protect and enforce the rights of any holder of Bonds under this Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award relating to the execution of any power herein granted for the enforcement of any legal or equitable remedy as such holder or holders may deem most effectual to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of any Bondholder, or to require the Board to act as if it were the trustee of an express trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the Bonds then outstanding. The failure of any Bondholder so to proceed shall not relieve the County or any of its officers, agents, or employees of any liability for failure to perform any duty. Each right or privilege of such holder (or trustee thereof) is in addition and cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any holder shall not be deemed a waiver of any other right or privilege.

Section 27. Duties Upon Default. Upon the happening of any of the events of default provided in Section 25 of this Ordinance, the County, in addition, will do and perform all proper acts on behalf of and for the owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on the Bonds promptly as the same become due. All proceeds derived therefrom, so long as any of the Bonds, either as to principal or interest, are outstanding and unpaid, shall be applied as set forth in Section 18 of this Ordinance. In the event the County fails or refuses to proceed as provided in this Section, the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, after demand in writing, may proceed to protect and enforce the rights of the owners of the Bonds as hereinabove provided.

Section 28. Bonds Not Presented When Due. If any Bonds shall not be duly presented for payment when due at maturity, and if moneys sufficient to pay such Bonds are on deposit

with the Paying Agent for the benefit of the owners of such Bonds, all liability of the County to such owners for the payments of such Bonds shall be completely discharged, such Bonds shall not be deemed to be outstanding, and it shall be the duty of the Paying Agent to segregate and to hold such moneys in trust, without liability for interest thereon, for the benefit of the owners of such Bonds as may be provided in any agreement hereafter entered into between the Paying Agent and an officer of the County.

Section 29. Approval of Documents; Delegated Powers. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing, the publication of the summary of this Ordinance set out in Section 39 (with such changes, additions and deletions as they may determine). The Chairperson is authorized and directed to execute and the County Clerk is authorized and directed to affix the seal of the County to and attest, where applicable, the Related Documents and the final Official Statement, in substantially the form as hereby approved or with such changes therein as are not inconsistent with this Ordinance and as shall be approved by the Chairperson, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions thereof from the form presented to the Board. From and after adoption of this Ordinance and the execution and delivery of the Related Documents and the final Official Statement, the officers, agents and employees of the County are hereby authorized, empowered, and directed to do all such acts and to execute all such documents as may be necessary to carry out and comply with the provisions of the Related Documents and the final Official Statement as executed. Pursuant to Section 6-14-10.2, NMSA 1978, the County Manager are each hereby delegated authority to accept one or more binding bids and select the Purchasers, to execute the Pricing Certificate, and to determine any or all of the final terms of the Bonds, subject to the parameters and conditions contained in this Bond Ordinance. The County Manager or the Deputy County Manager shall present the Pricing Certificate to the Board in a timely manner, before or after delivery of the Bonds, at a regularly scheduled public meeting of the Board.

Section 30. Amendment of Ordinance. This Ordinance may be amended without the consent of the holder of any Bond to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision contained herein. Prior to the date of the initial delivery of the Bonds to the Purchaser, the provisions of this Ordinance may be supplemented with the written consent of the Purchaser with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. Except as provided above, this Ordinance may be amended without receipt by the County of any additional consideration, but with the written consent of the holders of three-fourths (3/4ths) of the Bonds then outstanding (not including Bonds which may be held for the account of the County); but no ordinance adopted without the written consent of the holders of all outstanding Bonds shall have the effect of permitting:

- A. An extension of the maturity of any Bond; or
- B. A reduction of the principal amount or interest rate of any Bond; or
- C. A reduction of the principal amount of Bonds required for consent to such amendatory ordinance; or

E. The establishment of priorities as between Bonds issued and outstanding under the provisions of this Ordinance; or

F. The modification of or otherwise affecting the rights of the holders of less than all the outstanding Bonds.

Section 31. Defeasance. When all principal and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien for the payment of the Bonds shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. Payment shall be deemed made with respect to any Bond or Bonds when the County has placed in escrow with a commercial bank exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities) to meet all requirements of principal and interest as the same become due to their final maturities. Any Federal Securities shall become due when needed in accordance with a schedule agreed upon between the County and such bank at the time of the creation of the escrow.

Section 32. Approval and Use of Preliminary Official Statement, Official Statement and Official Notice of Bond Sale. The Preliminary Official Statement and its use in the marketing and sale of the Bonds is hereby approved. The Chair of the Board of County Commissioners is authorized and directed to execute and deliver the Official Statement to the Purchaser. The County Manager, the County Treasurer, the County Finance Director, the County Assessor, and any other County officials and employees are hereby authorized to coordinate with the County's Bond Counsel and financial advisor in the preparation and distribution of the Preliminary Official Statement and the Official Notice of Bond Sale.

Section 33. Bond Insurance Provisions. If applicable, the Bond Insurer's provisions relating to the Bond Insurance Policy and the Reserve Insurance Policy shall be as set forth in the Pricing Certificate, which requirements and procedures set forth therein shall control and supersede any conflicting or inconsistent provision in this Ordinance. Any and all financial obligations of the County described in this Section 33 are limited to available Pledged Revenues.

Section 34. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled and discharged, as herein provided, or there has been defeasance as herein provided.

Section 35. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 36. Repealer Clause. All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution, or ordinance, or part thereof, heretofore repealed.

Section 37. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of ordinances of the County kept for that purpose, authenticated by the signatures of the Chairperson and County Clerk, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 38 below) shall be published in a newspaper which maintains an office and is of general circulation in the County, or posted in accordance with law, and said Ordinance shall be in full force and effect thirty days after recording.

Section 38. Limitation of Action Period. After the passage of thirty (30) days from the publication required by Section 39 hereof, any action attacking the validity of any proceedings had or taken by the County preliminary to and in the authorization and issuance of the Bonds shall be perpetually barred.

Section 39. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

[Form of Summary of Ordinance for Publication]

Santa Fe County, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in County Ordinance No. 2019-____, duly adopted and approved by the Board of County Commissioners of Santa Fe County, New Mexico, on January 29, 2019, relating to the authorization and issuance of the County's Gross Receipts Tax Improvement Revenue Bonds, Series 2019. Complete copies of the Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico.

The title of the Ordinance is:

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING, DESIGNING, ACQUIRING AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; DELEGATING

AUTHORITY TO THE COUNTY MANAGER TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE WHICH WILL SPECIFY THE EXACT PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE SERIES 2019 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE SERIES 2019 BONDS; PROVIDING THAT THE SERIES 2019 BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2019 BONDS FROM THE DISTRIBUTIONS TO THE COUNTY OF THE REVENUES OF THE FIRST ONE-EIGHTH INCREMENT, THE THIRD ONE-EIGHTH INCREMENT, AND THE ONE-SIXTEENTH INCREMENT OF THE COUNTY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-9 NMSA 1978, AND THE ONE-EIGHTH INCREMENT OF COUNTY HOLD HARMLESS GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-28 NMSA 1978, WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The title sets forth a general summary of the subject matter contained in the Ordinance. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

[End of Form of Summary for Publication]

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF JANUARY, 2019.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____,
Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.
as Bond Counsel to Santa Fe County

By: _____
Peter Franklin, Shareholder

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Commissioner _____ moved adoption of the foregoing ordinance, duly seconded by
Commissioner _____.

The motion to adopt said ordinance, as amended, upon being put to a vote, was passed
and adopted on the following recorded vote:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

____ () Commissioners having voted in favor of said motion, the Chairperson
declared said motion carried and said ordinance adopted, whereupon the Chairperson and County
Clerk signed the ordinance upon the records of the minutes of the Board.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____,
Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

SFC CLERK RECORDED 02/28/2019

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, Geraldine Salazar, the duly elected, qualified, and acting County Clerk of Santa Fe County, New Mexico (the “County”), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of Santa Fe County, New Mexico (the “Board”), constituting the governing board of the County, had and taken at a duly called regular, open meeting held in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 29th day of January, 2019, at the hour of 2:00 p.m. insofar as the same relate to the proposed bond issue, a copy of which is set forth in the official records of the proceedings of the County kept in my office.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of said meeting was given in accordance with the open meetings standards of the Board presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of January, 2019.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

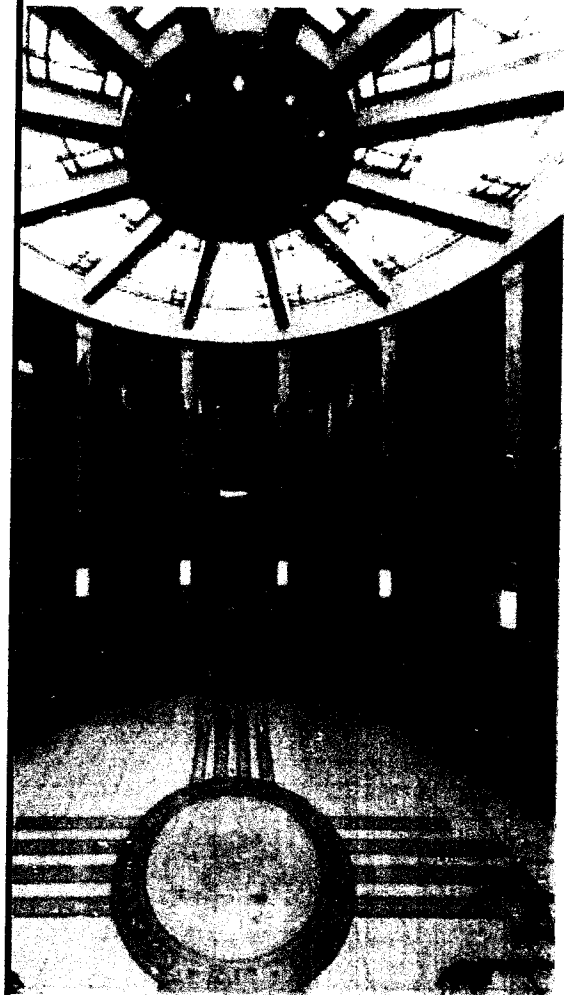
By: _____
County Clerk

2019

LEGISLATIVE SESSION REPORT

JANUARY 29, 2019

Santa Fe County
102 Grant Avenue, Santa Fe NM
www.santafecountynm.gov



SFC CLERK RECORDED 02/28/2019



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2019 REGULAR SESSION SCHEDULE (60-Day Session)

February 5

Santa Fe County Day, 2019 State Legislature

February 11, 2019

Capital outlay request and reauthorization request submission deadline (by 5:00 p.m. to the LCS)

February 14

Deadline for introduction

March 16

Session ends (noon)

April 5

Legislation not acted upon by governor is pocket vetoed

June 14

effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

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Bill Statistics

Current Statistics for All Bills (2019 Reg)	Total	Ratio
Bills Introduced	854	100.00%
Bills Passed in 1st House	55	6.44%
Bills Passed in 2nd House	1	0.12%
Bills Sent to Governor	1	0.12%
Bills Signed into Law	1	0.12%

Current Statistics for House Bills only (2019 Reg)	Total	Ratio
Bills Introduced	409	100.00%
Bills Passed in 1st House	24	5.87%
Bills Passed in 2nd House	1	0.24%
Bills Sent to Governor	1	0.24%
Bills Signed into Law	1	0.24%

Current Statistics for Senate Bills only (2019 Reg)	Total	Ratio
Bills Introduced	445	100.00%
Bills Passed in 1st House	31	6.97%
Bills Passed in 2nd House	0	0.00%
Bills Sent to Governor	0	0.00%
Bills Signed into Law	0	0.00%

SFC legislators

House Members

Representative Christine Chandler - (D)

District: 43
County: Los Alamos, Rio Arriba, Sandoval and Santa Fe
Service:
Occupation: Lawyer
Address: 1208 9th Street
Los Alamos, NM 87544
Capitol Phone: 986-4226
Capitol Room: 203B
Office Phone:
Home Phone: (505) 695-2646
Email: christine.chandler@nmlegis.gov

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Representative Brian Egolf - (D) - Speaker Of The House

District: 47
County: Santa Fe
Service: Representative since 2009
Occupation: Attorney
Address: 123 W. San Francisco 2nd Floor
Santa Fe, NM 87501
Capitol Phone: 986-4782
Capitol Room: 104
Office Phone: (505) 986-4782
Home Phone:
Email: brian.egolf@nmlegis.gov

Representative Susan K. Herrera - (D)

District: 41
County: Rio Arriba, Santa Fe & Taos
Service:
Occupation: Retired
Address: P.O. Box 189
Embudo, NM 87531

Capitol Phone: 986-4249
Capitol Room: 206A
Office Phone:
Home Phone: (505) 579-0092
Email: susan.herrera@nmlegis.gov

Representative Matthew McQueen - (D)

District: 50
County: Bernalillo, Santa Fe, Torrance and Valencia
Service: Representative since 2015
Occupation: Attorney
Address: 7 Avenida Vista Grande B7-120
Santa Fe, NM 87508
Capitol Phone: 986-4423
Capitol Room: 316A
Office Phone:
Home Phone:
Email: matthew.mcqueen@nmlegis.gov

Representative Andrea Romero - (D)

District: 46
County: Santa Fe
Service:
Occupation: Entrepreneur
Address: 1101 Hickox St.
Santa Fe, NM 87505
Capitol Phone: 986-4436
Capitol Room: 203CN
Office Phone: (505) 490-6155
Home Phone:
Email: andrea@andrearomero.com

Representative Gregg Schmedes - (R)

District: 22
County: Bernalillo, Sandoval & Santa Fe
Service:

Occupation: Surgeon
Address: 25 Calle Vallecitos
Tijeras, NM 87059
Capitol Phone: 986-4453
Capitol Room: 203HN
Office Phone:
Home Phone: (505) 506-6725
Email: gregg.schmedes@nmlegis.gov

Representative Jim R. Trujillo - (D)

District: 45
County: Santa Fe
Service: Representative since 2003
Occupation: Businessman
Address: 1901 Morris Place
Santa Fe, NM 87505
Capitol Phone: 986-4420
Capitol Room: 316B
Office Phone:
Home Phone: (505) 438-8890
Email: jimtrujillo@msn.com

Representative Linda M. Trujillo - (D)

District: 48
County: Santa Fe
Service:
Occupation: Attorney
Address: 1157 Vuelta de las Acequias
Santa Fe, NM 87507
Capitol Phone: 986-4436
Capitol Room: 413C
Office Phone:
Home Phone: (505) 795-4324
Email: linda.trujillo@nmlegis.gov

Senate Members

Senator Carlos R. Cisneros - (D)

District: 6

County: Los Alamos., Rio Arriba, Santa Fe and Taos

Service: Senator since 1985

Occupation: Insurance

Address: Box 1129

Questa, NM 87556

Capitol Phone: 986-4362

Capitol Room: 325A

Office Phone:

Home Phone: (505) 670-5610

Email: carlos.cisneros@nmlegis.gov

Senator Richard C. Martinez - (D)

District: 5

County: Los Alamos, Rio Arriba, Sandoval and Santa Fe

Service: Senator since 2001

Occupation: Retired Magistrate Judge

Address: Box 762

Espanola, NM 87532

Capitol Phone: 986-4487

Capitol Room: 319

Office Phone:

Home Phone: (505) 747-2337

Email: richard.martinez@nmlegis.gov

Senator Nancy Rodriguez - (D)

District: 24

County: Santa Fe

Service: Senator since 1996

Occupation: Consultant

Address: 1838 Camino La Canada

Santa Fe, NM 87501

Capitol Phone: 986-4264

Capitol Room: 301A

Office Phone:
Home Phone: (505) 983-8913
Email: nancy.rodriguez@nmlegis.gov

Senator Elizabeth "Liz" Stefanics - (D)

District: 39
County: Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance and Valencia
Service: Senator from 1993-1996; Senator since 2017
Occupation: Consultant
Address: P.O. Box 720
Cerrillos, NM 87010
Capitol Phone: 986-4377
Capitol Room: 416C
Office Phone: (505) 699-4808
Home Phone: (505) 471-7643
Email: liz.stefanics@nmlegis.gov

Senator James P. White - (R)

District: 19
County: Bernalillo, Sandoval, Santa Fe and Torrance
Service: Representative from 2009-2014; Senator from 2017
Occupation: Retired
Address: 1554 Catron Avenue SE
Albuquerque, NM 87123
Capitol Phone: 986-4395
Capitol Room: 415G
Office Phone:
Home Phone: (505) 271-4746
Email: james.white@nmlegis.gov

Senator Peter Wirth - (D) - Majority Floor Leader

District: 25
County: Santa Fe
Service: Representative from 2004-2008; Senator since 2008
Occupation: Attorney
Address: 708 Paseo de Peralta

Santa Fe, NM 87501

Capitol Phone: 986-4727

Capitol Room: 119

Office Phone: (505) 986-4727

Home Phone:

Email: peter.wirth@nmlegis.gov

SFC Legislative Related Resolutions

Resolution 2018-72

A Resolution Adopting Projects for Inclusion In Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2020-2024; Authorizing Submittal Of Plan To The New Mexico Department of Finance and Administration And Replacing Resolution 2017-86.

Resolution 2018-96

A Resolution Adopting Projects for Inclusion in Santa Fe County's Senior Services Infrastructure Capital Improvement Plan for Fiscal Years 2020-2024; and Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration.

Resolution 2018-110

A Resolution in Support of Legislation in the 2019 Legislative Session to Authorize the Practice of Dental Therapy and Govern the Training and Licensure of Dental Therapists in New Mexico.

Resolution 2018-118

A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for the "New Mexico Grown Fresh Fruits And Fresh Vegetables for School Meals Program" and Related Education Programs.

Resolution 2018-123

A Resolution in Support of Items on the New Mexico Mortgage Finance Authority's (MFA) Legislative Agenda for 2019 That May Directly Benefit Santa Fe County Residents.

Resolution 2018-124

A Resolution in Support of State of New Mexico Legislature Initiatives and Administrative Actions that Reduce Greenhouse Gas Emissions Through Energy Efficiency, Renewable Energy Production, Water Conservation and Watershed Management.

Resolution 2018-125

A Resolution Opposing any Legislation that Affects Santa Fe County Revenues, Programs or Services.

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Committees

Senate

Conservation Tuesday & Thursday 8:00AM Room 311

Cervantes, Joseph – Chair
Sedillo Lopez, Antoinette – Vice Chair
Woods, Pat – Ranking Member
Griggs, Ron
Martinez, Richard C.
Payne, William H.
Soules, William P.
Stefanics, Elizabeth
Wirth, Peter

Corporations & Transportations Monday, Wednesday, & Friday 2:00PM Room 311

Sanchez, Clemente – Chair
Shendo, Benny, Jr. – Vice Chair
Sharer, William E. – Ranking Member
Fulfer, Gregg
Padilla, Michael
Papen, Mary Kay
Tallman, Bill G.
Woods, Pat

Education Monday, Wednesday, & Friday 8:00AM Room 311

Soules, William P. – Chair
Padilla, Michael – Vice
Brandt, Craig W. – Ranking Member
Fulfer, Gregg
Gould, Candace R.
O'Neill, Bill B.
Pinto, John
Stewart, Mimi

Finance Monday Through Saturday 1:30PM Room 322

Smith, John Arthur – Chair
Cisneros, Carlos R. – Vice Chair
Neville, Steven P. – Ranking Member
Burt, William F.
Campos, Pete
Candelaria, Jacob R.
Kernan, Gay G.
Munoz, George K.
Rodriguez, Nancy
Rue, Sander
Sapien, John M.
White, James P.

Indian & Cultural Affairs Tuesday & Thursday 8:00AM Room 303

Pinto, John – Chair
Ramos, Gabriel – Vice Chair
Pirtle, Cliff R. – Ranking Member
Sharer, William E.
Shendo, Benny, Jr.

Judiciary Monday, Wednesday, & Friday 2:30PM Room 321

Martinez, Richard C. – Chair
Ivey-Soto, Daniel A. – Vice Chair
Payne, William H. – Ranking Member
Baca, Gregory A.
Cervantes, Joseph
Griggs, Ron
Lopez, Linda M.
Moores, Mark
O'Neill, Bill
Stewart, Mimi
Wirth, Peter

Public Affairs Tuesday & Thursday 2:30PM Room 321 Friday 2:30PM Room 326

Ortiz y Pino, Gerald – Chair
Stefanics, Elizabeth – Vice Chair
Gould, Candace R. – Ranking Member
Brandt, Craig W.

Ingle, Stuart
Sedillo Lopez, Antoinette
Steinborn, Jeff
Rules Monday, Wednesday, & Friday 8:00AM Room 321
Lopez, Linda M. – Chair
Steinborn, Jeff – Vice Chair
Moores, Mark
Baca, Gregory A.
Ingle, Stuart
Ivey-Soto, Daniel A.
Ortiz y Pino, Gerald
Papen, Mary Kay
Pirtle, Cliff R.
Sanchez, Clemente
Tallman, Bill G.

Committee's Committee Call of the Chair

Papen, Mary Kay – Chair
Wirth, Peter – Vice Chair
Campos, Pete
Cisneros, Carlos R.
Ingle, Stuart
Munoz, George K.
Payne, William H.
Sanchez, Clemente
Sharer, William E.
Smith, John Arthur
Stewart, Mimi

House

AGRICULTURE & WATER RESOURCES- Tuesday & Thursday - 8:30 a.m. (Room 315)

Lente, Derrick J. - Chair
Sweetser, Candie G. - Vice Chair
Allison, Anthony
Bandy, Paul C.
Cadena, Micaela Lara
Ezzell, Candy Spence

Lara, Raymundo
Zamora, Martin R.

APPROPRIATIONS & FINANCE- Monday - Friday - 1:30 p.m. (Room 307)

Lundstrom, Patricia A. - Chair
Gonzales, Roberto "Bobby" J. - Vice Chair
Allison, Anthony
Anderson, Phelps
Armstrong, Gail
Bandy, Paul C.
Brown, Cathrynn N.
Chatfield, Jack
Crowder, Randal S.
Garcia, Harry
Martínez, Javier
Martinez, Rodolpho "Rudy" S.
Salazar, Tomás E.
Sanchez, Joseph L.
Small, Nathan P.
Stansbury, Melanie A.
Sweetser, Candie G.
Trujillo, Christine

COMMERCE & ECONOMIC DEVELOPMENT- Monday, Wednesday & Friday - 1:30 p.m. (Room 305)

Maestas, Antonio - Chair
Figueroa, Natalie - Vice Chair
Baldonado, Alonzo
Dow, Rebecca
Fajardo, Kelly K.
Johnson, D. Wonda
Powdrell-Culbert, Jane E.
Roybal Caballero, Patricia
Ruiloba, Patricio
Trujillo, Jim R.

CONSUMER & PUBLIC AFFAIRS- Tuesday & Thursday - 1:30 p.m. (Room 317)

Thomson, Elizabeth "Liz" - Chair
Romero, Andrea - Vice Chair

Ezzell, Candy Spence
Rubio, Angelica
Schmedes, Gregg

EDUCATION- Monday, Wednesday & Friday - 8:00 a.m. (Room 309)

Romero, G. Andrés - Chair
Trujillo, Linda M. - Vice Chair
Baldonado, Alonzo
Chatfield, Jack
Dow, Rebecca
Figueroa, Natalie
Gallegos, David M.
Garratt, Joy
Lara, Raymundo
Madrid, Willie D.
Salazar, Tomás E.
Sariñana, Debra M.
Stapleton, Sheryl Williams
Trujillo, Christine

ENERGY, ENVIRONMENT & NATURAL RESOURCES- Tuesday & Thursday - 9:00 a.m. (Room 317)

McQueen, Matthew - Chair
Rubio, Angelica - Vice Chair
Akhil, Abbas
Anderson, Phelps
Ferrary, Joanne J.
Montoya, Rod
Romero, Andrea
Sariñana, Debra M.
Scott, Larry R.
Small, Nathan P.
Stansbury, Melanie A.
Strickler, James R.J.
Townsend, James G.

HEALTH & HUMAN SERVICES- Monday, Wednesday & Friday - 8:30 a.m. (Room 315)

Armstrong, Deborah A. - Chair
Ferrary, Joanne J. - Vice Chair
Armstrong, Gail

Bash, Karen C.
Cook, Zachary J.
Pratt, William B.
Schmedes, Gregg
Thomson, Elizabeth "Liz"

JUDICIARY- Monday, Wednesday & Friday - 1:30 p.m. (Room 309)

Chasey, Gail - Chair
Ely, Daymon - Vice Chair
Alcon, Eliseo Lee
Armstrong, Deborah A.
Cadena, Micaela Lara
Chandler, Christine
Cook, Zachary J.
Egolf, Brian
Hochman-Vigil, Dayan
Louis, Georgene
McQueen, Matthew
Nibert, Greg
Rehm, William "Bill" R.
Townsend, James G.

LABOR, VETERANS' AND MILITARY AFFAIRS- Tuesday & Thursday - 1:30 p.m. (Room 315)

Alcon, Eliseo Lee - Chair
Roybal Caballero, Patricia - Vice Chair
Bash, Karen C.
Black, Rachel A.
Gallegos, David M.
Garcia, Miguel P.
Lewis, Tim D.
Stapleton, Sheryl Williams
Trujillo, Linda M.

LOCAL GOVERNMENT, LAND GRANTS & CULTURAL AFFAIRS- Tuesday & Thursday - 8:30 a.m.
(Room 309)

Garcia, Miguel P. - Chair
Herrera, Susan K. - Vice Chair
Black, Rachel A.
Fajardo, Kelly K.

Gallegos, Doreen Y.
Pratt, William B.
Sanchez, Joseph L.

STATE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS- Monday, Wednesday & Friday - 8:30
a.m. (Room 305)

Louis, Georgene - Chair
Johnson, D. Wonda - Vice Chair
Chasey, Gail
Ely, Daymon
Hochman-Vigil, Dayan
Lente, Derrick J.
Nibert, Greg
Rehm, William "Bill" R.
Zamora, Martin R.

TAXATION & REVENUE- Monday, Wednesday & Friday - 8:30 a.m. (Room 317)

Trujillo, Jim R. - Chair
Martínez, Javier - Vice Chair
Akhil, Abbas
Chandler, Christine
Egolf, Brian
Gallegos, Doreen Y.
Harper, Jason C.
Herrera, Susan K.
Lewis, Tim D.
Maestas, Antonio
Montoya, Rod
Scott, Larry R.
Strickler, James R.J.

TRANSPORTATION, PUBLIC WORKS & CAPITAL IMPROVEMENTS- Tuesday & Thursday - 8:30
a.m. (Room 318)

Ruiloba, Patricio - Chair
Martinez, Rodolpho "Rudy" S. - Vice Chair
Brown, Cathrynn N.
Crowder, Randal S.
Garcia, Harry
Garratt, Joy

Gonzales, Roberto "Bobby" J.
Harper, Jason C.
Lundstrom, Patricia A.
Madrid, Willie D.
Powdrell-Culbert, Jane E.
Romero, G. Andrés

PRINTING & SUPPLIES- At the Call of the Chair

Gonzales, Roberto "Bobby" J. - Chair
Armstrong, Gail
Chasey, Gail
Crowder, Randal S.
Egolf, Brian
Gallegos, Doreen Y.
Montoya, Rod
Stansbury, Melanie A.
Stapleton, Sheryl Williams
Thomson, Elizabeth "Liz"
Townsend, James G.
Trujillo, Jim R.

RULES & ORDER OF BUSINESS- At the Call of the Chair

Ely, Daymon - Chair
Armstrong, Deborah A. - Vice Chair
Bandy, Paul C.
Chasey, Gail
Cook, Zachary J.
Egolf, Brian
Fajardo, Kelly K.
Gallegos, Doreen Y.
Johnson, D. Wonda
Louis, Georgene
Maestas, Antonio
Martínez, Javier
Montoya, Rod
Rehm, William "Bill" R.
Romero, G. Andrés
Roybal Caballero, Patricia
Stapleton, Sheryl Williams

Townsend, James G.

ENROLLING & ENGROSSING A- At the Call of the Chair

Bash, Karen C. - Chair

Black, Rachel A.

Chandler, Christine

Chatfield, Jack

Garratt, Joy

Hochman-Vigil, Dayan

Lara, Raymundo

Madrid, Willie D.

Romero, Andrea

Schmedes, Gregg

ENROLLING & ENGROSSING B- At the Call of the Chair

Abbas, Akhil - Chair

Allison, Anthony

Anderson, Phelps

Cadena, Micaela Lara

Figueroa, Natalie

Herrera, Susan K.

Pratt, William B.

Sanchez, Joseph L.

Stansbury, Melanie A.

Zamora, Martin R.

Senate Bills Tracked

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
SB6	<i>Wirth (D25)</i> CIT: APPORTIONMENT OF IN-STATE SALES OF INTANGIBLE PROPERTY AND SERVICES (2018 HB198, 2017 SB274, 2016 SB22, 2015 SB281) Amends the Uniform Division of Income for Tax Purposes Act to determine in-state sales of intangibles and services based on market sourcing rather than cost of performance. Applicable to 2019 and subsequent taxable years.	Ⓢ									01/16/2019	SCORC
SB7	<i>Wirth (D25)</i> OCCUPANCY TAX REVENUES MAY BE USED FOR AFFORDABLE HOUSING Allows a municipality or county imposing an occupancy tax to use up to 50 percent of the tax revenues from short-term occupancy rentals to defray the costs of affordable housing.	Ⓢ									01/16/2019	SPAC
SB11	<i>Cisneros (D6); Romero, A. (D46)</i> GROSS RECEIPTS TAX APPLICATION: LANL (Identical to 2018, SB 17 – vetoed by governor as tax increase, singling out of one nonprofit – LANL operator – and potential hardship to New Mexicans) Amends the Gross Receipts Tax Act to apply the tax to a prime contractor who operates a national laboratory in New Mexico, whether or not the prime contractor qualifies as a Section 501(c)(3) nonprofit organization. The bill does so by amending Sec. 7-9-29 relating to I.C. exemptions to specifically exclude a nonprofit prime contractor of a national lab from the exemption.	Ⓢ		Ⓢ							01/24/2019	SFC
SB12	<i>Cisneros (D6)</i> POST WATER RIGHTS NOTIFICATIONS ONLINE (For the Land Grant Committee) (Identical to 2017 SB86 as originally introduced; SJC substitute for SB86 passed both chambers unanimously but was vetoed by the Governor on the grounds the bill was unnecessary) Requires online posting by the State Engineer on the website of that office, concurrently with newspaper publication by an applicant, of notice of an application for a permit to appropriate water rights; for ground-water storage and recovery; to lease the use of water; to use underground water; or to withdraw water from any surface or underground source and transport it outside the state.	Ⓢ									01/16/2019	SCONC
SB19	<i>Griggs (R34)</i> RESTRICTION ON TRANSFER OF DISPENSER'S LICENSE Requires a licensee desiring to transfer a dispenser's license outside its local option district to choose, at the time of application for the	Ⓢ									01/16/2019	SCORC

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SB83	<p>purposes of establishing the maximum number of licenses permitted in the municipality.</p> <p><i>Stefanics (D39); Armstrong, G. (R49)</i></p> <p>SENIOR CENTER MEALS (For the Economic and Rural Development Committee, the Legislative Health and Human Services Committee and the Water and Natural Resources Committee) Directs the Department of Health to establish the Fresh Fruits and Vegetables for Senior Center Meals Pilot Program. Appropriates \$500,000 (GF) to the DOH for use in FY 2020 to purchase fresh produce and provide financial assistance to qualified seniors.</p>	01/28/2019	SFC
SB84	<p><i>Stefanics (D39)</i></p> <p>SENIOR CENTER FOOD GARDENS (For the Legislative Health and Human Services Committee) Permits food gardens at senior centers and directs the Aging and Long-Term Services Department to adopt rules addressing food safety and good agricultural practices for the gardens.</p>	01/28/2019	SCONC
SB88	<p><i>Tallman (D18)</i></p> <p>REORGANIZATION PROCUREMENT CONTRACTS: AUTHORITY TRANSFER FROM DFA TO GSD A structural and functional government reorganization bill that transfers authority over certain procurement functions from the Department of Finance and Administration to the General Services Department related to professional services contracts, small purchases under \$60,000, sole-source contracts, and emergency procurements. DFA's Financial Control Division is assigned the duty to collect and maintain contract information regarding in-state and out-of-state contract awards. Where protests are made to sole-source contract, the award shall be reconsidered.</p>	01/16/2019	SPAC
SB90	<p><i>Tallman (D18)</i></p> <p>PERSONAL LOAN BENEFIT FOR STATE EMPLOYEES (Identical to 2018 SB48). Provides for an Employee Loan Program through which state employees may have portions of their salaries or wages deducted and disbursed to repay personal loans to a loan company or other entity licensed in accordance with, or exempt from, the New Mexico Small Loan Act of 1955. (NMLR note: Although not detailed in the bill, "other type of entity" appears to mean a government-related unit that would lend money to a salaried employee similar to an existing program at the local-government level called TrueConnect that provides employees with short-term loans that are repaid from a portion of salary. The measure is designed to ensure state employees can borrow modest amounts of money without paying high-interest rates.)</p>	01/25/2019	SFC

SB93	Tallman (D18) STATUTE OF LIMITATIONS ON MUNICIPAL LIENS Removes the statute of limitations for a cause of action regarding a municipal lien.						01/16/2019	SPAC
SB106	Sapien (D9) DELETES AN OCCUPANCY TAX EXEMPTION (Identical to 2015 SB402; 2017 HB266 and SB254) Removes the occupancy tax exemption for vendors offering fewer than three rooms attached to a taxable premises or three other taxable premises for lodging. Effective July 1, 2019.						01/25/2019	HTRC
SB113	Stefanics (D39) LOCAL INFRASTRUCTURE GRT RATE INCREASE Increases the maximum rate of the municipal infrastructure gross receipts tax and the county infrastructure gross receipts tax from 0.25 to 0.625 percent. Allows county commissions to impose the first one-eighth percent increment and any increment dedicated to economic development purposes without referendum, to mirror similar provisions of the municipal tax. Also raises the existing limit on the amount of tax money that may be spent on promotion and administration from the greater of \$50,000 or ten percent of the revenue collected to \$250,000 or 20 percent. Effective July 1, 2019.						01/16/2019	SCORC
SB115	Woods (R7) NEW MEXICO-GROWN PRODUCE FOR SCHOOL MEALS (2016, HB189, SB82; 2017, HB208, SB379; 2018, HB62, SB106) (For the Economic and Rural Development Committee and Water and Natural Resources Committee) Appropriates \$350,000 from the General Fund to Public Education Department for expenditure in the 2019 and subsequent fiscal years to purchase and distribute New Mexico-grown fresh fruits and vegetables to school districts, charter schools and juvenile detention centers through the school lunch program.						01/16/2019	SCONC
SB116	Woods (R7) OPTIONAL PUBLIC HEARING FOR CERTAIN PROPERTY TAX REBATE Existing law permits counties to rebate part of the property tax due on residences of low income taxpayers (those with modified gross incomes of \$24,000 or less). Since 1994, only two counties have ever adopted this rebate. If a county has not adopted an ordinance to provide the rebate, the county must hold a public hearing in January of every odd-numbered year on whether or not it should. This bill allows the county to make the hearing optional.						01/16/2019	SCORC
SB165	Sanchez, C. (D30); Powdrell-Culbert (R44) MUNICIPALITY AUTHORITY: PLEDGE ANY REVENUE TO REPAY REFUNDING BONDS (For the New Mexico Finance Authority Oversight						01/17/2019	SPAC

[illegible]

SB348	<p><i>Tallman (D18)</i></p> <p>EXPANSION OF TAX REVENUE DISTRIBUTION TO MUNICIPALITIES</p> <p>Changes the distribution to municipalities of a portion of the state's revenue from gross receipts reported to that municipality. Currently the state distributes 1.225 percent of the state's 5.125 percent to municipalities. Bill proposes lowering that rate to 1 percent and then distributing the greater of the amount represented by a gross receipts distribution of 0.225 percent or a portion of income tax revenues derived from taxpayers in the municipality.</p>	01/25/2019	SCORC
SB358	<p><i>Sharer (R1)</i></p> <p>TAX REFORM PACKAGE</p> <p>(Related to HB6; similar to 2018 SB49, 2017 SB123, 2016 SB145, 2015 SB346 and 2013 SB365) 246-page bill continues the sponsor's effort to reform the state tax system by greatly expanding the gross receipts base to replace the personal and corporate income taxes, motor vehicle excise, leased vehicle gross receipts and boat excise taxes (which are repealed); lower the rate of state gross receipts and compensating taxes tax rate from 5.125% to one percent and the governmental gross receipts from five to one percent; repeal several tax credits; consolidate local option taxes, reducing their maximum permissible rates to 0.5% for municipalities and 0.5% for counties; revise statutes dealing with revenues local governments may pledge to repay indebtedness. All this is effective January 1, 2020.</p>	01/25/2019	SCORC
SB369	<p><i>Cervantes (D31)</i></p> <p>WATER TRUST BOARD</p> <p>Amends the membership and appointing authority of the Water Trust Board. Shifts appointing authority for the six public members from the Governor, as confirmed by the Senate, to the Legislative Council. Reduces number of members from 16 to 15; removes the executive director of the N.M. Finance Authority and the director of the Department of Game and Fish; adds a member from water associations organized under the Sanitary Projects Act; replaces first member from an irrigation or conservancy district that uses ground water with a member of the agricultural community, but leaves second irrigation or conservancy district member in place; adds requirement that member appointed by president of the Navajo Nation be a Navajo who lives in New Mexico.</p>	01/25/2019	SRC

House Bills Tracked

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
HB6	<i>Trujillo, J. (D45)</i> TAX PACKAGE: MAJOR TAX PROGRAM CHANGES A 139 page House version of the tax package assembled by the Revenue Stabilization and Tax Policy Committee. Substantial changes to most major tax programs. It is a blend of new ideas with proposals advanced in prior sessions.	Ⓢ									01/17/2019	HTRC
HB43	<i>Stapleton (D19)</i> HSD: BEHAVIORAL HEALTH INTERVENTIONS FOR INCARCERATED PERSONS (Related to 2018 HB160) Appropriates \$1.5 million (GF) to Human Services Department for use in FY 2020 to fund awards to counties that apply for behavioral health services funding. Adds a duty to the Behavioral Health Services Division of HSD to provide for interventions for nonviolent adult and juvenile offenders with behavioral health diagnoses	Ⓢ		Ⓢ							01/24/2019	HAFC
HB65	<i>Trujillo, Christine (D25)</i> PATIENT SAFE STAFFING ACT (Updated: 01/05/2019, minor revisions) (Duplicate of 2019 HB 178) (Very similar to 2017 HB178, 2016 HB179, 2015 HB81, SB284, 2014 HB83, SB151) Proposes the Patient Safe Staffing Act to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit and adopt rules. Provides whistleblower protection and enforcement by the Attorney General or aggrieved parties.	Ⓢ		Ⓢ							01/16/2019	HTABIND
HB97	<i>Salazar, T. (D70)</i> ERB, PERA, SIC IN LOCAL GOVERNMENT INVESTMENT POOL (Identical to 2017 HB215, passed by both chambers but vetoed by the Governor on the grounds that it is unnecessary) Clarifies that the Educational Retirement Board, the Public Employees Retirement Association, and the State Investment Council may participate in the Local Government Investment Pool.	Ⓢ		Ⓢ	Ⓢ	Ⓢ					01/24/2019	SPAC
HB100	<i>Lente (D65)</i> REPLACE COLUMBUS DAY WITH INDIGENOUS PEOPLE'S DAY Renames the public holiday on the second Monday in October as Indigenous People's Day.	Ⓢ									01/16/2019	HCPAC
HB139	<i>Thomson (D24)</i> PANIC BUTTONS FOR HOTEL EMPLOYEES (Essentially identical to 2018, HB 305) Requires hotel employers to provide employees who	Ⓢ									01/16/2019	HCPAC

SFC CLERK RECORDED 02/28/2019

HB201	Brown (R55) TAX INCENTIVES FOR DONATING TO COUNTY ROAD FUNDS Allows both personal and corporate income taxpayers to claim a nonrefundable credit for donations to a county road fund up to \$1 million. Also permits personal income taxpayers to donate any part of a tax refund to the county road fund of a specific county.	10						01/17/2019	HTPWC
HB210	Roybal Caballero (D13) COMMUNITY SOLAR ACT (Related to 2017 HB 338 and SB 342) Creates the Community Solar Act; establishes technical and subscriber requirements for community solar facilities and options for ownership and operations, establishes principles for purchases and sales of power; ensures participation by low-income residential customers or agencies; provides for Public Regulation Commission rule-making.	10	10					01/24/2019	HJC
HB216	Trujillo, L. (D48) COUNTY SUBDIVISION REGULATION RECORDATION REQUIREMENTS Relates to county government; removes requirement that county subdivision ordinances be filed with the State Records Administrator.	10	10	10	10			01/24/2019	SPAC
HB217	Trujillo, L. (D48) INFRASTRUCTURE DEVELOPMENT ZONE ACT NOTICES Relates to the special districts called Infrastructure Development Zones and the method of notice required for public hearings and the inclusion of territory within the zone.	10	10	10	10			01/24/2019	SPAC
HB221	McQueen (D50) HOME ENERGY EFFICIENCY INCOME TAX CREDIT For tax years 2019 through 2024, taxpayers may claim a refundable one-time home energy efficiency income tax credit provided the taxpayer does not claim a solar market development tax credit in the same year. Amount of tax credit ranges from \$2,000 to \$4,000 depending on the percentage of energy efficiency increase.	10						01/17/2019	HENRC
HB328	Bandy (R3) FUNDS FOR NEW MEXICO PRODUCE FOR SCHOOL MEALS Appropriates \$350,000 (GF, nonreverting) to the Public Education Department for use in FY 2020 and subsequent years for the purchase and distribution of New Mexico-grown fresh fruits and vegetables to school districts, charter schools and juvenile detention centers through PED's school meal programs.	10						01/24/2019	HAWC
HB332	Gonzales (D42); Cisneros (D6) VALUATION OF AGRICULTURAL PROPERTY AND CONSERVATION OF UNIMPROVED LAND (Related to 2018 HB163) Adds to the definition	10						01/24/2019	HAWC

Rocket Docket Bills

BILL	DESCRIPTION	House 1				House 2				PL/Chap	Last Action	Status
		I	C	RC	P	C	RC	P	G			
HB44	<i>Stapleton (D19)</i> TECHNICAL TEACHER & EDUCATION ASSISTANT DEVELOPMENT FUNDS (Identical to 2017 HB307, unanimously passed by both chambers and vetoed by the Governor as unnecessary) Amends the School Personnel Act to require the Public Education Department to provide development training for career-technical teachers and educational assistants.	10		10	10	10					01/24/2019	SEC
HB45	<i>Stapleton (D19)</i> INSTRUCTIONAL MATERIALS DEFINITION AND ALLOCATION (Almost identical to 2017 HB42) (Related to 2015 HB146, passed by both chambers and vetoed by the Governor) Eliminates the application of the Instructional Materials Law to all private schools and their students. Broadens the definition of "instructional materials." Makes development of a multiple list by PED permissive rather than mandatory. Changes the way districts and state institutions may spend their instructional materials fund allocation and eliminates the need for local superintendents to apply for waivers for the use of funds. Changes the date for determining total student enrollment for purposes of calculating funds allocations.	10		10							01/23/2019	HCAL
HB50	<i>Martinez, R. (D39)</i> FINANCIAL AGENCIES MUST REPORT FINANCIAL AUDITS Mandates Educational Retirement Board, State Treasurer, Public Employees Retirement Association and State Investment Council to present the agency's current annual financial audit to the State Board of Finance within six months after the report is due to the State Auditor.	10		10	10	10					01/24/2019	SFC
HB66	<i>Thomson (D24)</i> PATIENT ACCESS TO MAMMOGRAPHY INFORMATION (Almost identical to 2017 HB243, passed unanimously by both chambers but pocket vetoed by the Governor) Requires facilities that perform mammograms to include information about the patient's breast density in the federally required summary report that is required to be provided to a patient, and in certain cases also to include specific language about attendant risks.	10		10	10	10					01/24/2019	SPAC
HB72	<i>Thomson (D24)</i> OCCUPATIONAL THERAPY DEFINITION AND SCOPE OF PRACTICE (For the Legislative Health and Human Services	10		10	10	10					01/24/2019	SJC

[illegible]

HB226	Harper (R57) REGISTERED LAY MIDWIVES AS PRACTITIONERS (Essentially identical to 2017 HB299 as amended and passed/pocket vetoed) Amends the New Mexico Drug, Device and Cosmetic Act to add Registered Lay Midwives licensed by DOH as practitioners who can procure, carry and administer drugs.	10	10	10	10	01/24/2019	SPAC
HB227	Harper (R57) USE OF ATTENDANCE IN TEACHER EVALUATIONS (Virtually identical to 2017 HB241 as HEC amended, passed by large margins in both chambers but vetoed by the Governor) Amends the School Personnel Act to ensure that a teacher's use of personal leave and up to ten days of sick leave annually, consistent with board policy, shall not affect the teacher's annual performance evaluation. Permits a performance evaluation to reflect the lowest score as to attendance if sick leave use contravenes board policy, PED rules, or terms of a collective bargaining agreement.	10	10	10	10	01/24/2019	SEC
HB229	Ezzell (R58) REGIONAL AIR CENTER SPECIAL ECONOMIC DISTRICT ACT Empowers a municipality (Roswell), together with the county (Chaves) in which the municipality is situated, to create an industrial air center special economic district governed by an authority. Main purpose is to construct and maintain airport facilities. Declares authority to be a political subdivision which may issue bonds against its revenues. These bonds are tax-exempt. Authority may impose charges and fees for use of its property and land.	10	10	10	10	01/24/2019	SJC
HB237	Ruiloba (D12) UNIVERSITY POLICE OFFICERS AUTHORITY BOUNDARIES (Identical to 2017 HB233 as amended and passed, pocket vetoed) Extends the authority of university police officers on campuses at institutions of higher learning to include public streets and highways that are immediately adjacent to a campus where students are educated.	10	10	10	10	01/24/2019	SJC
HB242	Gallegos, Doreen (D52) REGULATION OF CONTACT LENS AND SPECTACLES EXAMS AND PRESCRIPTIONS (Identical to 2017 HB64 as passed but vetoed by Governor on grounds the bill limits the availability of ocular health services through new technologies such as phone and internet apps) Prohibits unlicensed persons from performing an eye exam on an individual physically present in the state or from writing a prescription for contact lenses or spectacles. Prohibits writing a prescription for contact lenses or spectacles	10	10	10	10	01/24/2019	SJC

[illegible]

SB21	Kernan (R42) HEALTH PROFESSIONAL LOAN REPAYMENT THROUGH PHYSICIAN FEES (Essentially identical to 2018 SB10 and 2017 SB152). Establishes a Physician Excellence Fund and authorizes the Higher Education Department to apply appropriated funds for health professional loan repayment to assist licensed allopathic and osteopathic primary care physicians trained in family medicine, general internal medicine, obstetrics, gynecology or general pediatrics, and who practice in designated underserved areas.	10	10							01/25/2019	SCAL
SB28	Padilla (D14) FOSTER CARE BY RELATIVES (Related to 2017, SB 18, vetoed by governor as unnecessary) Requires a child in need of services be placed in the home of a relative in preference to any other shelter care facility.	10	10	10	10					01/25/2019	HHHSC
SB48	Stewart (D17) STUDENT DIABETES MANAGEMENT ACT (Very similar to final version of 2017 SB148, passed by both chambers but vetoed by the Governor as an unfunded mandate, among other reasons). Creates the Student Diabetes Management Act to mandate that by December 31, 2019, the Secretary of Health shall adopt rules for school boards to provide diabetes care training for nurses and diabetes care personnel. Mandates parents who seek diabetes care at school to submit a diabetes medical management plan, and school boards to ensure the student gets the care laid out in the plan. Provides for diabetes self-management by students while at school or school functions.	10	10	10	10					01/25/2019	HHHSC
SB58	Rue (R23) ACCOUNTABILITY IN GOVERNMENT ACT, NEW REQUIREMENTS Requires the annual proposed budgets submitted by the Governor and the LFC to contain the amount of the budget recommendation intended for evidence-based, research-based and promising sub-programs. The portion concerning an agency may contain recommendations for implementation of evidence-based, research-based and promising sub-programs.	10	10	10	10	10				01/28/2019	HCAL
SB77	Soules (D37) LIMIT LANDOWNER LIABILITY FOR CAVE EXPLORING RECREATION (Identical to 2017 SB17, passed by both chambers but vetoed by the Governor). Relates to landowner liability; limits liability of landowners permitting persons, without charge or other consideration, to explore caves on private property.	10	10	10	10					01/25/2019	HJC
SB106	Sapien (D9) DELETES AN OCCUPANCY TAX EXEMPTION (Identical to 2015 SB402; 2017 HB266 and	10	10	10	10					01/25/2019	HTRC

[illegible]

[illegible]

	<p>Waiver Program to provide attorney services for acequias, land grants, and low-income residents of colonias. Establishes two mechanisms to achieve its purpose: contracting with nonprofits that provide free legal services to low-income New Mexicans and tuition waivers and stipends for third-year law students who will work for at least two years as community governance attorneys. Establishes a five-member commission and a nonreverting fund.</p>													
SB252	<p>Munoz (D4) ALLOWABLE USES OF INVESTMENT POOL CHARGES (Similar to 2018 SB262) Expands permitted use of the income from charges authorized by Section 6-10-10.1 for the Local Government Investment Pool to be used not only for administration and management of the pool but also for operation of the Office of the State Treasurer. Appropriates the income for these purposes.</p>	10	10	10	10						01/28/2019		HCAL	

SFC CLERK RECORDED 02/28/2019

January 25, 2019

Santa Fe Board of County Commissioners
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Santa Fe County Lodgers' Tax Advisory Board's Letter of Support for the 2019 Legislative Priorities

Dear Honorable Board of County Commissioners of Santa Fe County:

On behalf of the Santa Fe County Lodgers' Tax Advisory Board (LTAB), I am writing this letter to voice our support for several legislative initiatives being pursued by the New Mexico Hospitality Association during the 2019 Legislative Session.

The first bill, Senate Bill 106, Short-Term Occupancy Rentals Tax Sponsored by Senator John Sapien, is legislation aimed at removing Exemption (G) from 3-38-16 NMSA 1978, commonly known as the Lodgers' Tax, without expanding the focused statutory use requirements of the tax beyond existing tourism focused expenditures (i.e. tourism marketing and tourism related infrastructure). There is also proposed legislation aimed at reforming the State's Gross Receipts Tax (GRT) in a manner that would impose a collection requirement on internet booking platforms, like Airbnb and VRBO, when a private property is rented to a consumer through such a platform.

With respect to the first initiative, Exemption G allows a very narrow group of private property rentals that have two (2) rooms or less to avoid paying the Lodgers' Tax when the properties are rented out for 30 days or less. However, what qualifies as a "room" is not defined in the statute, thus, very few properties actually qualify for the exemption and the existence of the exemption creates major collection issues for local governmental entities related to private property rentals booked on the above-mentioned online platforms.

With the expanding popularity of private vacation rental websites like Airbnb and VRBO, this antiquated and seldom used exemption has effectively created a significant tax loop-hole that allows many owners of private multifamily homes to avoid paying Lodgers' Tax on revenue generated by the short-term rental of these properties. Though some local governmental entities have entered into Voluntary Collection Agreements (VCAs) with online-booking platforms, Exemption G makes negotiating and administering those VCAs difficult. Given the fact that revenue generated by the Lodgers' Tax is essential to adequately promote tourism in local communities, collecting Lodgers' Tax from the short-term rental of private properties in an efficient manner is key to the continued diversification of local economies throughout the state.

The Santa Fe County Lodgers' Tax Advisory Board does not oppose using private residential properties as vacation rentals; however, the Santa Fe County Lodgers' Tax Advisory Board feels very strongly that when a private home is used as a vacation rental, the Lodgers' Tax should apply just as

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it does to resorts, hotels, motels and other lodging facilities. To continue to allow traditional lodging facilities to shoulder the burden of a tax that promotes tourism and drives potential consumers to the private vacation rentals, is unfair and results in significant erosion of this essential tax. While some short-term rental platforms have already agreed to VCAs with some local governmental entities throughout the state, Exemption G still makes it more cumbersome than necessary to collect the tax per the terms of these negotiated VCAs.

With the above in mind, the Santa Fe County Lodgers' Tax Advisory Board strongly supports the contemplated legislation, which was previously passed with broad bi-partisan support during the 2017 Legislative Session in SB 254 and HB 266. Not only would the suggested change level the playing field for traditional hospitality businesses that generate a huge amount of revenue for the state, but it would also lead to the collection of additional monies from a growing segment of the hospitality industry.

Although private property owners that rent multi-family homes through internet booking platforms like Airbnb and VRBO are currently subject to GRT, in most cases, GRT is not being collected from those property owners. With the increased prominence and use of these internet-based booking platforms, the short-term private property market has exploded in the state. As a result, New Mexico is losing millions of dollars in uncollected GRT which creates a growing inequity between short-term rental properties and traditional lodging facilities.

As a result, the New Mexico Hospitality Association is also pursuing legislation that would amend the state's GRT statute to require that, when a private property owner uses an internet booking platform (like Airbnb or VRBO) to rent their property to a tenant, the platform is obligated to collect the relevant GRT associated with the rental. This would not only modernize the state's GRT statute and close a collection loop-hole created by recent technological advancements, but it would lead to the collection of millions of dollars in GRT that could be used to improve roads, increase the state's marketing budget, expand broadband, etc.

Similar taxes are currently being imposed against short-term private rentals in other states and the internet booking platforms are often required to collect those taxes. As a result, collection of the requisite GRT through these internet booking platforms can be accomplished without significant effort in New Mexico as well. With the significant equity issues and revenue associated with closing this GRT loop-hole in mind, the Santa Fe County Lodgers' Tax Board strongly supports the New Mexico Hospitality Association's effort to update the states GRT statute in the above-proposed manner.

As in any industry, when technology advances to modernize existing operations, laws must change to ensure that all entities operating in these industries are subject to the same regulatory requirements and state taxes. As a result, the Santa Fe County Lodgers' Tax Advisory Board supports the New Mexico Hospitality Association's efforts to update the Lodgers' Tax and GRT so that the state as well as local governments can efficiently and effectively collect the requisite taxes generated by the ever evolving and growing lodging and hospitality industries.

The Santa Fe County Lodgers' Tax Advisory Board advocates along with the New Mexico Hospitality Association in opposing Senate Bill 7, Usage of Lodgers' Tax from short-term rentals on affordable housing projects, Sponsored by Senator Peter Wirth. Senate Bill 7 proposes an amendment to Section 3-38-21 NMSA 1978 (Lodgers' Tax statute) that will allow for up to 50% of

lodgers' tax collected from short-term rentals to be used for affordable housing projects by the collecting municipality or county. This proposed legislation violates the purpose of the Lodgers' Tax, which assigns the revenue from the tax exclusively to the advertising, promotion and/or publicity of tourism assets and facilities in a specific community.

In addition to advocating on some of these key legislative initiatives of the New Mexico Hospitality Association, the Santa Fe County Lodgers' Tax Advisory Board (LTAB) also supports and advocates for an increase to the New Mexico Department of Tourism FY 20 Budget to support the New Mexico Department of Tourism's efforts in the expansion of the New Mexico TRUE campaign; which includes an additional \$6 million in funding for tourism marketing with an emphasis on promoting the outdoor economy.

The NM True Brand is built on research and the reason why people visit New Mexico. It Speaks to the Authentic Experience, the Site Doing, and the Rich Culture, Activities and Outdoor Adventures. The NM True advertising delivers a 7:1 Return on Investment.

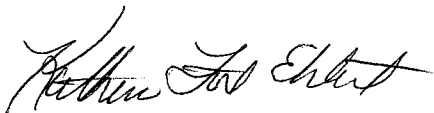
New Mexico Tourism continues to increase. There was a Record Breaking 35.4 million trips that were taken in New Mexico in 2017; 19% increase since 2011; and 65% of all the trips were from out of state; and New Mexicans traveled more within the state in 2017.

The Santa Fe County Lodgers' Tax Advisory Board also supports initiatives that support the film industry and film related tourism. By advocating in support of the efforts to restructure the New Mexico Film Production Tax Credit Incentive Program to raise the cap/ or remove it entirely from the program, would provide continued success in attraction projects to New Mexico and provide economic growth for the state.

New Mexico has long attracted film and TV productions to the State. The New Mexico Film Industry is a contributor to New Mexico's Tourism Industry. New Mexico continues to offer one of the most competitive incentives package in the industry which includes a 25%-30% Refundable Film Production Tax Credit and the Film Crew Advancement Program.

The Santa Fe County Lodgers' Tax Advisory Board (LTAB) requests the Board of County Commissioners of Santa Fe County to support legislation related to these priorities during the 2019 New Mexico Legislative Session.

Respectfully,



Katherine Fox Ehlert,
Lodgers' Tax Advisory Board Chair

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January 28, 2019

Santa Fe Board of County Commissioners
 102 Grant Ave
 Santa Fe, NM 87501

Re: Recommendations of the Santa Fe River Commission regarding the Definition of "Waters of the United States" - Recodification of Pre-existing Rule under the Clean Water Act

Dear Board of County Commissioners:

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This letter is to bring your attention to a major threat facing the Santa Fe River and watershed and makes recommendations on how it should be addressed. The Trump Administration through the Environmental Protection Agency (USEPA) has proposed a new rule which will roll back key protections of the federal Clean Water Act (CWA) with detrimental effects on the nation's rivers and streams, and closer to home – the Santa Fe River and the Rio Grande. The proposed rule redefines "Waters of the United States" to remove Clean Water Act protection from all ephemeral waters, such as the vast network of arroyos and ephemeral rivers and streams that we have in New Mexico. Ephemeral streams are estimated to make up 90 percent of all surface waters in New Mexico.

The proposed rule reverses the 2015 definition of Waters of the United States (WOTUS) and eliminates pre-2015 protections for ephemeral waters and certain pristine "isolated waters" including those perennial and intermittent stretches of stream and rivers in higher elevations throughout New Mexico, including the Santa Fe River. This is contrary to published scientific studies which document that ephemeral tributaries contribute to the health and quality of downstream waters and the watershed. The proposed rule was prompted by President Trump's Executive Order 13778, which urged the USEPA to protect only those waters that have "a relatively permanent surface connection" to a traditionally navigable body of water such as a major river.

As a leader in sustainability and watershed restoration in New Mexico, the Santa Fe County needs to strongly oppose this proposed revision to the CWA WOTUS definition. The County's comments are critical to support the preservation of Clean Water Act protections for all of our streams and tributaries and protection of the quality of the County's primary sources of drinking water. Submittal of formal comments on the proposed rule will also help to establish the County's position in the rulemaking process.

Potential consequences of this proposed weakening of the definition of Waters of the United States (WOTUS) include:

1. **Loss of protection for the Santa Fe watershed:** The Santa Fe River watershed will no longer be protected under the CWA. The ephemeral reach of the Santa Fe River (10 miles segment from Guadalupe Street downstream to the Waste Water Treatment Plant (WWTP)) will be excluded from coverage. Under the proposal, an ephemeral reach severs jurisdiction for upstream waters, therefore, perennial reaches of the river upstream from the WWTP will also lose protection. This means perennial reaches of the river upstream of our reservoirs, as well as the reservoirs themselves, will likely also lose protection.

2. **Increased operational and treatment costs:** Ephemeral tributaries that flow to the Santa Fe River and the Rio Grande will lose protections under the CWA. Ephemeral tributaries are the source of much of the sediment in downstream waters such as the Rio Grande. Loss of controls on sediment and pollutant loads in upstream tributaries and arroyos will result in increased treatment and operational costs for the Buckman Direct Diversion and the Buckman Water Treatment Plant. Additionally, increased sediment in tributaries within the Santa Fe urbanized area will ultimately lead to damage to stormwater infrastructure and increased maintenance costs.
3. **Increased risk of contamination to water supplies:** Our sources of drinking water and acequias already face incredible stress from the impacts of climate change, toxic chemicals, stormwater runoff, waste, and illegal dumping. We should be looking for ways to improve protections; instead the administration's proposal will put our water supplies at increased risk of pollution.
4. **Increased pollution of the Rio Grande and its tributaries:** Removal of the CWA's safeguards from tributaries and wetlands could imperil our drinking water supply from the Buckman Direct Diversion. All of the ephemeral streams within the boundaries of Los Alamos National Laboratory drain directly or indirectly to the Rio Grande above the Buckman Direct Diversion. Under the proposed rule, discharges of pollutants from Los Alamos National Laboratory to these watercourses, including active outfalls and runoff from legacy contamination, will not be regulated under the CWA. This includes the Individual Permit for storm water recently issued to Los Alamos by the USEPA.
5. **Economic Impacts:** The Santa Fe River and the Rio Grande also provide water for wildlife habitat, irrigation, recreation, tourism and cultural uses. Our thriving outdoor recreation economy depends on clean rivers and streams to support wildlife habitats and safe recreational opportunities.
6. **Unregulated Pollutant Discharges:** Section 402 of the Clean Water Act regulates the direct discharge of pollutants to a WOTUS from sources such as wastewater treatment plants, industry, and commercial activities, including construction activities. If this rule is adopted, as written, it may remove all protections of the Santa Fe River under Section 402 of the CWA, including pollutants originating in stormwater runoff.
7. **Unregulated dredge and fill projects:** Section 404 of the CWA regulates dredge and fill activities within WOTUS including the placement of fill within a watercourse, the dredging of watercourses, and the development or alteration of stream channels. Any such activities must now be authorized by the US Army Corps of Engineers under the Section 404 Permit Program. Such activities add large amounts of sediment, fill and other pollutants to rivers, streams and wetlands. The protections provided to the Santa Fe River under this federal program will be lost if this rule is adopted.
8. **Risks to river restoration and stormwater management:** In recent years the City of Santa Fe and Santa Fe County have expended significant resources on restoring the river ecosystem and water quality. Stormwater management and erosion control have been a focus of City and County efforts and several large restoration projects have been implemented to increase stream channel stability during flash floods. The proposed rule

may undermine efforts to restore the Santa Fe River, including reducing the scope of the MS4 stormwater program, eliminating dredge and fill permit requirements under the 404 program, and potentially making it difficult for the City and County to obtain Clean Water Act watershed restoration and other funding.

9. **Loss of federal enforcement for unpermitted discharges:** New Mexico doesn't have primacy for the main Clean Water Act programs which protect water quality. These include the National Pollution Discharge Elimination System (NPDES) program, as well as the Section 404 Dredge and Fill permit program. Therefore, we rely on the USEPA and the U.S. Army Corps of Engineers (USACE) to protect our surface water quality based on federal definitions of what waters should be protected. Thus, the City and County will lose federal and state support in addressing contamination and unpermitted discharges in unprotected waters under their limited authority.
10. **Loss and damage to riparian areas:** In a broader context, fewer lakes, ponds, riparian areas, wetlands and headwaters in Santa Fe and across NM would be protected waters due to the lack of a contiguous nexus to a protected perennial waterbody. These include the City's drinking water reservoirs and their associated wetland and riparian areas, the Nature Conservancy Preserve, and both wetlands and riparian areas within the County's boundaries.
11. **Loss of stormwater and watershed funding:** Federal and State grants to address stormwater watershed restoration projects for the Santa Fe River will be jeopardized if the Santa Fe River loses its classification as a protected water under the CWA. Additionally, Santa Fe will no longer be eligible for Clean Water Act State Revolving Fund loans, which can also be used for watershed restoration projects, wastewater construction projects and stormwater infrastructure.

It is the consensus of the Santa Fe River Commission to request that you direct, by way of County Resolution, the appropriate County staff from the Public Works Department, and the Public Utilities Department to prepare and submit official comments from the County to the USEPA on this rule proposal. The Commission further respectfully requests that these comments incorporate the concerns compiled by the Commission and presented herein.

Due to the government shutdown the proposed rule has not been formally published in the Federal Register. However, now that federal government agencies have opened, it is anticipated that rule will be published in the very near future. Once the rule is published comments will be due within 60 days. A pre-publication of the proposed rule can be found here:

https://www.epa.gov/sites/production/files/2018-12/documents/wotus_2040-af75_nprm_frn_2018-12-11_prepublication2_1.pdf

The Santa Fe River Commissioners will be submitting individual comments on the proposed rule and distributing this information regarding the potential effects of the rule with the larger community. We appreciate your interest in the concerns of the Santa Fe River Commission and your consideration in developing an official response from the Santa Fe County in this federal rulemaking process. We feel it is important for the County to comment in light of both its progressive stance on environmental protection and sustainability and its reliance on ephemeral waters in the region.

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The Commission invites the opportunity to speak with you on the issues and concerns we have presented in this letter. Should you have any questions or would like to set up a meeting, please contact Dale Doremus at (505) 795-5987.

Respectively Submitted,

The Santa Fe River Commission:

Zoe Isaacson, Chair
John Buchser
Jerry Jacobi
Dale M. Doremus
Phil Bove
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