

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 31, 2017

Henry Roybal, Chair - District 1
Anna Hansen, Vice Chair - District 2
Robert A. Anaya - District 3
Anna Hamilton - District 4
Ed Moreno - District 5

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 31, 2017

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:30 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Henry Roybal, Chair
Commissioner Anna Hansen, Vice Chair
Commissioner Robert A. Anaya
Commissioner Anna Hamilton
Commissioner Ed Moreno

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Brittney Lovato, the State Pledge by Gary Perez and the Moment of Reflection by Amanda Lucero of the Assessor's Office.

I. F. Approval of Agenda

1. Amendments

2. Tabled or Withdrawn Items

CHAIR ROYBAL: Do we have any amendments, tabled or withdrawn items?

KATHERINE MILLER (County Manager): Mr. Chair, yes, we have a few changes from the agenda from when we originally posted it a week ago. The last amendments were posted on January 27th at 4:01 and those items that have been added to the agenda are on page 4, Matters from the County Manager. I listed some specific updates under Miscellaneous Updates.

Then under Matters from the County Attorney, for Executive Session, we have

added threatened or pending litigation and those four items. And then any possible actions with respect to those items discussed in executive session as well as an update on concluded litigation. And then additionally, under – on page 5, under Public Hearings, these items, the low income property tax rebate, that was listed on the agenda; we just reversed the order of that and the animal control ordinance. And those are the only – there are no currently tabled items or any withdrawn items. Those are the only amendments.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I had a request on the agenda under Presentations for the Stanley volunteer district. Mr. Chair, if you'd indulge us and let me do that as close to 3:00 as we can. We'll just look out for them when they come, if that's okay.

CHAIR ROYBAL: Sure. That'd be fine.

COMMISSIONER ANAYA: And Mr. Chair, I'd move for approval as amended.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay. We have a motion and a second.

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

MS. MILLER: Mr. Chair, can I interrupt. I'm sorry. I actually just noticed a little tab on my agenda that we need to withdraw. Item III. D. 1, a resolution adopting the schedule for the new water deliveries. So I just want to say that they'd like to take another look at that, so I need to withdraw that from this meeting and we'll have it on probably the next meeting.

COMMISSIONER ANAYA: I'd just move to withdraw that item, Mr. Chair.

CHAIR ROYBAL: Is there a second also?

COMMISSIONER MORENO: Yes.

CHAIR ROYBAL: Okay so we do have a motion and a second.

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

I. G. Approval of Minutes

1. Approval of December 13, 2016, Board of County Commissioners Meeting Minutes

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

COMMISSIONER HAMILTON: I would move to approve the minutes as they stand.

CHAIR ROYBAL: We have a motion for approval. Do we have a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: We have a motion and a second.

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

I. H. Employee Recognition

1. Recognition of New Santa Fe County Employees

MS. MILLER: Mr. Chair, the first recognition that we have is a recognition of new Santa Fe County employees. In your packet is a list of new hires from November and December. We do this at the end of the month for the previous month but we didn't have an end of the month meeting in December so that's why you have two months in there. I just wanted to go through those individuals and if any of the individuals that are new hires that I call their name if you would please stand up when I call your name so that the Board can recognize you and know who it is.

So in November we had Dolores De la Cruz, Administrative Services, Secretary Senior, John Tennyson in Finance, Accountant Senior – there's John. Glenn Berlin in the County Sheriff's Office, Animal Control, Stephanie Bernal, and James Brazier, Brandy Davis and Maria Hernandez Andrade, and those are all Sheriff deputy cadets. Darren Lopez in Housing and Joseph Montoya, as you know, took the executive director position for Housing. Roberta Cuella Chavez in Corrections, registered nurse, Remington Gilham, wildland urban interface specialist, Diego Gomez – Diego is actually a return to Santa Fe County. He was in our Public Works and he is back in Public Works as project engineer, and Robert Hollingsworth in Public Works, a truck driver.

And then in December we had Mark Murdock, Administrative Services systems analyst, Cody Lujan, Maria Rotunda – she is our constituent services liaison for Commissioner Hamilton. And Aaron Detter, a community planner – there's Aaron. And Chris Hyer, he's our new economic development manager. Christina Kelso, she's our GIS supervisor. Lawrence Herrera, Anthony Salazar and Eric Saucedo in life skills workers at our Corrections. We also have a new psychiatrist, Barbara Troje, I think, and Derek William. Derek, are you here? Derek is our new warden. Mark Caldwell retired at the end of the year and Derek started about a month ago.

Then we have the forestry technicians in the Fire Department. that's Robert Goeller, Matthew Herrera, Justin Naranjo, Abel Perez, Gabriel Quintana, Vincent Sanchez, Casey Trujillo, Darrell Vigil and Ryan Yoder-Soliz. And then the last couple ones in Public Works, we have a new project manager I, Steven Brito, a new custodian, William Pena, Max Suazo III in Public Works, heavy equipment operator.

So just – I know there was a lot of them but that's all November and December but I wanted to make sure that you had a chance to at least see some of the ones that work in this building and some of the new directors and welcome them to the County.

CHAIR ROYBAL: Thank you, Manager Miller and I'd like to say welcome and congratulations on picking the best county to work for. Do we have any other comments from the Commissioners? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, ditto your comments. Welcome to each and every one of you, those of you that are here and those of you that may not be here, it's a great place to work in Santa Fe County. Katherine, just to put you on the spot a little bit, Santa Fe County employs a lot of people and provides a lot to the economy of

the county. But could you just talk about the total number of employees we have, and also, let's just talk salary and benefits, what we have here in the County that contributes to those individual lives of those people that work here and the assistance they provide to the citizens but also to the economy.

MS. MILLER: Mr. Chair, yes, we have around 900 employees that are employed by Santa Fe County and it fluctuates with vacancies but around 850 to 900 employees at any given time. We have really good benefits. We are a part of the state's retirement system and we make the highest contribution an employer can make on the employer's side. Additionally we have health benefits and we just changed our health program to self-insured, so we've been able to add even that you can have a gym membership. We have a wellness program and we have a good percentage, depending on your salary range depending on your health and vision and dental and insurance benefits paid for by the County.

What we do also, just for new employees who maybe missed the timeframe we do this but once a year we put out a total compensation letter that is personalized to the employee that tells you everything that you've received in the previous year and it includes training and any kind of tuition assistance or tuition reimbursement that we've given and so it shows that while you have your salary you also have a great deal of benefits that come along with that and training and travel opportunities and it shows the value of that so that you can look at what truly the County invests in its employees. Personally, I agree with Chair Roybal that it's the best county in the state. So hopefully the employees feel that they're well treated and they're contributing to a good organization.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Ms. Miller. What's our total budget, just salary and benefits? Ballpark.

MS. MILLER: Now you are putting me on the spot. I know our total budget is \$225, \$2390 million but that includes all of our capital projects, so I'd have to back that out.

COMMISSIONER ANAYA: We can read that later but it's a huge contribution. Welcome to those new employees to Santa Fe County. Thank you, Mr. Chair.

CHAIR ROYBAL: Do we have any other comments from the Board?
Seeing none.

I. H. Recognition of Years of Service for Santa Fe County Employees

MS. MILLER: Mr. Chair, as I just said, we recognize new employees but we also really appreciate the tenured employees and those who make a commitment to stay at Santa Fe County and keep the investment that we have made into their skills and abilities here at Santa Fe County as well as hopefully they make a career here and enjoy it. So we recognize those employees who hit a five-year milestone in years of service and this also is for November and December but I'll quickly to through those.

Kimberly Martinez, who's a department administrator in Public Works hit her five-year mark in November Sammy Abeyta is a heavy equipment lead operator in Public Works, ten years of service. Deseray Gallegos in Corrections is a YPD shift supervisor

hit ten years in November and Jared Rivera in Public Works/Road Maintenance is a road maintenance foreman with 15 years of service at Santa Fe County. And I just want to point out it is a huge skill and benefit that the County gets from the heavy equipment operators and those who work in our Public Works and it's really nice to see we have a lot of them who've been here 10, 15, 20 years. That's something I think is really appreciated by the County.

Then in December we had another group of employees hit those milestones. Jeffrey Spiller, solid waste Adopt-a-Road coordinator has been five years at the County. Casey Arnold in Corrections, detention officer, five year. Hanna Padilla, emergency communications specialist III, Pablo Sedillo III, our Public Safety Director, he actually made it five years. Yessenia Ramirez, a detention officer of five years, Ida Lucero, a cook in Health and Human Services for five years. Timothy Sedillo – I don't think any relation to Pablo Sedillo either, a maintenance foreman, ten years. Chris Sena, Public Works heavy equipment operator lead, ten years.

And then two others, 15 years for Adela Montoya in our CSD Health and Human Services accountant, and Victor Gonzales in the Housing Department and I should have mentioned this in Housing. He hit 20 years as project manager as of December 9th. So I just want to thank those employees who've been with us five, ten, fifteen, twenty years and express our appreciation for their dedication to Santa Fe County.

CHAIR ROYBAL: Thank you, Manager Miller. I also want to say thank you for your dedication and your years of service. It's one thing when we have new employees that come in, that's great. But the years that you've spent here and the time that you allocate with this great service really makes a difference. Just having continuous employees and we hope that the new employees will stay for the duration and make this a career choice. Thank you. Do we have any other comments from the Board.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Ditto, Mr. Chair. Longevity and seniority matters and we value those employees that come and make a career and a commitment to stay. Not that many people want to leave when they get here and we greatly appreciate those that stay and dedicate themselves to the citizens that they serve every day. So thank you, Mr. Chair.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I just want to say as a new Commissioner I feel really welcome here and it's really nice to have such a professional staff who is friendly and helpful and I'm looking forward to working with all of you. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen.

I. H. Recognition of Santa Fe County Employee of the Quarter, 4th Quarter of 2016 Awards

MS. MILLER: Mr. Chair, I know I'm taking up the whole first part of the meeting but we had a lot happen over the last couple of months and because we didn't have our meeting at the end of the month in December there's quite a bit on here. But I

really wanted to bring forward to you Santa Fe County employees, the time of service they have here, whether it's one week or ten, twenty years. They really put a great deal of effort into doing and serving the constituents of Santa Fe County.

And one of the ways that we do try to recognize them is through a quarterly Employee of the Quarter every quarter and the last quarter, ended, the fourth quarter of 2016, and just to let the new Commissioners know this program is something that – the County's always had some kind of – or for many years had an employee recognition program but we really revised the Employee of the Quarter program a couple years ago and really focused on recognizing employees who make a significant contribution to the County during the previous three-month period. And that significant contribution may include providing excellent service to our constituents, developing and implementing new programs which benefit our organization, providing exemplary performance to Santa Fe County in their daily job performance, demonstrating a willingness to work above and beyond the call of duty, or another contribution which the nominator believes to be important to recognize.

The process for selecting Countywide Employee of the Quarter begins with the designated recognition teams selecting one employee, either from their department or elected office, and they select it from their group, so it's broken down and you'll see in the memo that there are six departments or elected office employees eligible for the quarter, and then they're considered for a Countywide Employee of the Quarter. In this last quarter we had only three employees selected by the departments or elected office Employee of the Quarter and it's not because there aren't employees probably deserving of a nomination but it does take someone to take the time and write up the nomination and put those forward.

The last quarter we did have three individuals who were nominated by their groups and from those employees there is a team that selects one out of – anywhere to six employees for the quarter and it needs to be somebody who is – that team makes a selection; they have no conflicts. They're not one of the nominators, in other words of the original six.

But this last quarter we had in the Public Safety/Corrections/Fire and RECC group Anthony Martinez. He's the auditing compliance manager and he's been with the County since August 29, 2005, and because of Mr. Martinez' attention to detail and meticulous recordkeeping, the Adult Detention Professional Standards Council voted unanimously to award Santa Fe County Adult Detention Center re-accreditation through January of 2020. It was noted that while this accreditation was a coordinated effort by all personnel, such award was achieved as a direct result of Mr. Martinez going above and beyond on a daily basis for a period of over three years.

Under the support services, which is the Manager's Office, Legal, HR, Finance and Administrative Services. Dolores Olivas, accounting tech senior, who has been with the County since October 7, 1996. Ms. Olivas always has a smile on her face, a kind word for everyone and the promise that whatever issue is being presented, she will resolve it. It was noted that Dolores' kindness, attention to detail, and determination ensure customer satisfaction on every level.

And then from the Community Services/Health, Growth Management and Housing Departments, Monica Acevedo. She's been with the County since July 9, 2007.

Monica consistently takes on additional challenges that benefit and improve her skill set as a DWI compliance monitor. Her efforts have helped her develop a greater understanding of her clients and equally as important, she shares this knowledge with her co-workers. It was noted that Monica recently received a full scholarship to attend a week-long probation officer training in Reno, Nevada. This is just another example of Monica improving her job knowledge and expanding her craft.

So if the three individuals who were nominated by their groups could come forward to the front. Are they here? Anthony Martinez, Dolores Olivas and Monica Acevedo, these are your three nominations for Employee of the Quarter for the last quarter of 2016. For the three individuals, they receive a certificate and a letter granting them two hours of administrative leave that they can take at their convenience, and then the individual winner of the Employee of the Quarter receives eight hours of administrative leave for the quarter. And the winner is Monica Acevedo, who gets the – and we have certificates for all of them as well as the really nice award for you Monica, if you want to come forward.

CHAIR ROYBAL: I'd like to see if we have any comments from the Board. Commissioner Anaya.

COMMISSIONER ANAYA: I have a few comments, but Mr. Chair, if we could give the three nominees an opportunity to say a few words I'd like to hear from them if we could, Mr. Chair.

CHAIR ROYBAL: Sure. Any other comments? I'd like to just say thank you for your hard work and dedication. To go above and beyond is something that I'm really glad to see that we do recognize and I hope that we have more employees striving to get to that position here soon and I'll give some time for all of you guys to make a comment as well. Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to comment that to be recognized by a group of incredible people which I have found in the short time I've been here so far, the County staff is just amazing in their talent and the effort they put into things and they way they work together, it's made it an incredibly fulfilling and happy place to work for me in this short time. To be nominated by great people is an accomplishment, so I think you all deserve congratulations.

CHAIR ROYBAL: Any other comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very, very much for your service to the County. I know that it's part of what makes this place function so well is to have such dedicated employees. Thank you.

CHAIR ROYBAL: We have a volunteer. I don't have to even call her up.

DOLORES OLIVAS (Finance): Thank you, Commissioners. Welcome, Commissioners and thank you, Katherine. I appreciate this and I just want to say thank you for the nomination. This all belongs to the Finance Office because we're all really a family and we really do work hard, all of us. And I want to give an acknowledgement to my supervisor, Adamina Pino. She has been a good mentor and I have learned so much from her; she's a good boss. And Don Moya, I welcome him. He's our new Finance Director. Thank you so much. I appreciate the nomination and I just want to say thank you and I love working for the County and I retire in 4 ½ months and three weeks, so I'm

ready. But thank you. I really do appreciate it.

CHAIR ROYBAL: Thank you, Dolores. Next we have Anthony Martinez.

ANTHONY MARTINEZ (Corrections): Good afternoon there, Commissioners. Pablo Sedillo, thank you for giving me this opportunity to say a few words on behalf of the Santa Fe County Adult Facility. This is based on the accreditation accomplishment. Let me tell you we not only have a family but we have a team in Corrections and we work as a team. This accomplishment, three years, was a lot of work and it's due a lot to our Director Sedillo for being very supportive, providing the resources needed to accomplish this task.

For many years I played organized ball and we always had a captain on our team, and you know what? Our captain of this team is Director Sedillo and at this time I would like to present our accreditation award for the year 2014 to Director Sedillo. Director, thank you for everything you do every day for Corrections. It's a very difficult job. You have accomplished a lot in five years. I have been in Corrections 43 years and you know what? This has been the fastest accomplishment we have done. [inaudible]

CHAIR ROYBAL: Thank you, Anthony, and congratulations to Mr. Sedillo. Next we have Monica Acevedo.

MONICA ACEVEDO (DWI Program): I would just like to take this opportunity to thank everyone that took the time to nominate myself. It's been a pleasure and an honor working for Santa Fe County. This year will be ten years. I can truly say that when I come to work I'm very happy. I'm happy to get up and go to work because I love what I do and I care about our community. And like I said, I have great mentors as well and every day you learn something new and you're always looking for a new challenge to better yourself for ourselves and for our community. Thank you.

CHAIR ROYBAL: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: I didn't know I was going to be able to make up for lost ground this fast. I told Dolores that the last time she was – she got nominated two times in a row, so let's give her a round of applause. That says a lot. Dolores, congratulations. You did an awesome job. All of you have done an awesome job. Mr. Martinez, Mr. Chair, Commissioners, we bring somebody here. They've been – by their peers and the work of the Manager's committee. They get nominated by their peers and they come before us to get honored, and what does he do? Honors somebody else. That was classy. That's the kind of people our County is. All of you, all three of you, you always get up and you acknowledge those people that you work with and your team for everything you do, day in and day out for receiving this honor. We want to honor you today and we thank you so much for everything you do for the citizens and for your colleagues here at Santa Fe County. Thank you so much. Let's, if we could, Mr. Chair, let's give them another round of applause.

MS. MILLER: Mr. Chair, after everybody's comments I wanted to make sure that we get a picture with all of the individual Employee of the Quarter. We have more.

CHAIR ROYBAL: I would also like to say, in reflection of what Commissioner Anaya was saying I thought the same thing. I thought to myself, every

single individual that was nominated talked about their manager, their supervisor and their leadership to them. That's true leadership. I think every individual that works for Santa Fe County has that leadership potential and that is why these individuals came forward and were nominated. And I encourage everybody at Santa Fe County to strive for this type of achievement. Thank you. I think those are all the comments so if we could go down to take a photograph.

[Photographs were taken.]

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: See you next month, Dolores.

MS. MILLER: You're going to see her in about three minutes.

I. H. Recognition of Association of Counties Workers Compensation Risk Awareness Program, Safety Award, Adult Detention Professional Standards Council Accreditation, State Auditors Audit Accountability Award, and NM EDGE County College Graduates

MS. MILLER: Mr. Chair, so as you know, the Association of Counties has a mid-winter conference. It was – I guess it's been two weeks ago now, and during the conference, the Association of Counties provides several awards and recognitions to individual counties and I have to say, I was so proud of Santa Fe County. I don't think there was an award or recognition that we didn't get as far as when they were presenting the different counties with different awards. And I wanted to make sure – I know some of you were there but not all of you were able to be there, and I wanted to make sure that the Board actually saw how much the employees of Santa Fe County are doing to save tax dollars, to improve our services, and are just really proficient in what they do. So I'm going to put Mark Lujan – I think he's here. I'm going to put Mark on the spot to come forward.

Two awards that are really accredited to our risk management division on all of their work that they lead in the areas of safety and risk awareness and accident reductions, we received the risk awareness program award and also the safety award. So first off, thank you, Mark, but then if you would let the Commission know what those awards were for and how well we did in improving our scores.

MARK LUJAN (Risk Management): Good afternoon, Mr. Chair, Commissioners.

CHAIR ROYBAL: Can you hold on one second, Mark. I just want to recognize Representative Trujillo is here. How are you doing? Okay, Mark.

MR. LUJAN: We were awarded the safety award for the NMAC this year for 2016 and for the RAP. We had a reduction in auto claims up to 25 percent. We had a multiline reduction of 27 percent, and our workers' comp was reduced up to a 17 percent. I wanted to thank all Santa Fe County because it's not only a risk management or a safety division pushing the issue. It's been a pro-active approach by all Santa Fe County employees including our sheriffs, our adult detentions. We've been working on a lot of

claims. They've reduced a lot of claims by being pro-active.

So I want to thank all Santa Fe County. I want to thank our Safety Committee members who did attend. I want to thank our two safety coordinators who are out being pro-active doing bi-annual facility inspections. We're doing a monthly fire safety inspection. We're being real pro-active and we have come a long way since I took over safety in Risk Management from our administrative director, Jeff Trujillo. So I'd like to thank him as well and I'd like to thank all management because this has been a group effort. Thank you.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Commissioners, safety's a big deal and it's important for all of us as a Commission, as a County. Mr. Lujan, as you know, we've all been invested and the County Manager's been invested in making sure that you have the resources that you need and that you provide the training that you need to yourselves to help facilitate training to staff, and you've done that in sequence over multiple years. So we know it's important. It's a direct correlation. A savings of dollars, tax dollars in keeping our claims down, but most importantly keeping our employees and the citizens safe.

And so I can't emphasize how important it is and I also want to do a shout-out to you and your team, including Mr. Trujillo. Where's Jeff at? He's back there. Jeff's been involved in safety with you guys for a long time but the help we do to help other counties and other smaller counties throughout the state in reaching out to them and facilitating needs that they have where they don't have the resources that we do.

So it's important. I know we're active in the Association. It shows. Thank you so much for those efforts and that work. Thank you, Mr. Chair.

CHAIR ROYBAL: Do we have any other comments from the Board? I also would like to say thank you to Mr. Lujan and Mr. Trujillo for all of their work and effort. I know that it takes a lot of dedication and you guys – I just want to thank you for being passionate about your jobs and working hard. I know Mark and Jeff have both been here probably over 20 years, right? I think when I worked here over 20 years ago you guys were here already, 22, so great job you guys, and keep up the great work. And we also have County Clerk Geraldine Salazar that would like to make some comments.

GERALDINE SALAZAR (County Clerk): Chair Roybal and Commissioners, I also want to acknowledge this team. A few years ago I requested that the Risk provide training to the staff who are out in the field with our voting machines so that they can prevent injuries and they have always assisted us with training right on site at the warehouse. So I appreciate all the staff that work with my staff to ensure that they're safe, especially in the duties that they're performing. And I also want to acknowledge the director of ASD, Jeff Trujillo, because I think his leadership has proven for several years that it works and he's done a good job and he has a good team. And it's not easy work. They have a lot to do and I think we have a lot to appreciate. Thank you so much.

CHAIR ROYBAL: I couldn't agree with you more. Thank you.

MS. MILLER: Mr. Chair, if we could, I was hoping that we could get Mark and Jeff and any of the members of the Safety Committee that are here to have a picture with you. We don't have an award. They gave us – not only do we save money on

our actual insurance premium but they give us a \$7,000 check. Mark didn't bring the big cardboard check. So it is as Commissioner Anaya said, it's real money back to the County when we reduce our claims and they even award us a financial award of \$7,000. So if we could have them take a picture with you. There's about, as I said, about four different awards that we received and I would like to get a picture with the Board with everybody who was involved in each one individually.

CHAIR ROYBAL: Okay, great. If we could all come forward everybody that was involved.

MS. MILLER: I know that there's Safety Committee members in this room.

[Photographs were taken.]

MS. MILLER: The next item that we were awarded, it was already brought up earlier, but this is a big deal. The Association of Counties has an Adult Detention Professional Standards Council that provides accreditation to those adult detention facilities in the state that go through a very rigorous process of implementing and meeting certain standards. There's hundreds of them that they have to actually not only develop but then implement within the facility. It's a three-year accreditation and we had for the first time three years ago received accreditation but it's one thing to get it the first time; it's another thing to keep it. And this is a major accomplishment by the adult detention facility and they did receive re-accreditation and we're one of the few counties in the state that has our facility accredited by New Mexico Association of Counties and I just wanted to recognize the adult detention facility staff that participated in that and Director Sedillo and our new warden because he's got to keep it. So I wanted them to come forward and also have a photograph with the Board with the accreditation that has been awarded to Mr. Sedillo.

CHAIR ROYBAL: Great job and congratulations and let's take a picture.

[Photographs were taken.]

MS. MILLER: Mr. Chair, I wanted to point out as well, the accreditation also results in a reduction in our insurance premiums for the law enforcement. I want to say it's like a five percent reduction off of our insurance premiums for the jail. So it's not just having the professional standards but as I said on the previous one, it translates to real savings for the County.

The next item, Commissioner Anaya, we'll have Dolores Olivas back up here. This is really a major accomplishment. This is the State Auditor's audit accountability award and Santa Fe County received the award from the State Auditor in the large county category or Class A county category and we have never received this before, even though I think we have an outstanding Finance staff and staff throughout the County who really make sure that we have clean audits. And we've had clean audits for several years in a row, and unqualified audits for the last six years, maybe even more than that. That was just I think since they started giving this award we have always had a clean audit but we have not received this award.

So I was really ecstatic to hear and very proud of the Finance Department, all of

SFC CLERK RECORDED 03/07/2017

the previous Finance Directors, Teresa Martinez, Carole Jaramillo, and our current Finance Director, Don Moya, Lynnette Kennard, our accounting supervisor, and all the individuals who work within the Finance Department who work so hard and making sure our audit is done on time and that our financial statements are clean and accurate. And it really does take – when I say this is not just the Finance Department, it’s employees throughout the County making sure that we adhere to our internal controls and our policies and procedures because the auditors go out and field test every department – Housing, it requires Housing, the Treasurer’s, the Assessor’s – everybody to do their job well and correctly.

And so this is a really distinguished award and the State Auditor presented it to Santa Fe County at the Association of Counties conference and I would like to present it to our Finance Department again with the Board of County Commissioners.

CHAIR ROYBAL: Okay, great and I would like to say although it doesn’t surprise me, I’ve seen the Finance Department up here several times here for awards since I’ve been here in the short time of two years. It’s really nice to see the outstanding work you guys do and how serious you take your jobs. Just to even keep going and attain these higher recognitions and these awards. Words can’t express how appreciative I am and how proud I am to be a part of Santa Fe County and of course the Finance Department. You guys do a great job. Thank you. Any other comments? Commissioner Hansen.

COMMISSIONER HANSEN: I just wanted to say I had the pleasure of being at the award ceremony and I got to see Katherine accept that on behalf of Santa Fe County and it made me feel really proud to be part of this community and thank you for all your really hard work. Because it’s not an easy thing to achieve a clean audit and get such great recognition. So thank you.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, ditto all the comments that have been made thus far and to the taxpayers that we serve on a daily basis, all of us, it’s making sure we’re tracking the bottom line and we have complete accountability for everything we do, how we do it, and how we account for it. So it’s a testament to your work that we’re doing that and so congratulations to all of you on receiving this award. Thank you, Mr. Chair.

CHAIR ROYBAL: Any other comments from the Board? We’ll go down and take a picture. Congratulations to you guys. Let’s give them one more round of applause, please.

[Photographs were taken.]

MS. MILLER: Mr. Chair, I promise this is the last item of employee recognitions and awards. But this is more of an individual item. I don’t know if you’re aware but Santa Fe County really participates heavily at the encouragement of the Board of County Commission in continuing education or training in your field that you work in. And one of the programs that the Association of Counties and New Mexico State University put together is the EDGE program. And we have really committed to having employees who want to go and get additional training relative to being a public servant or

relative to their specific field, we encourage them to go to the EDGE classes.

These are classes that New Mexico State offers throughout the year. They do about four groups of classes, four times a year and you can get different levels of certification. They call it the New Mexico EDGE program. It's education designed to generate excellence in the public sector. And it's a service of New Mexico State University's cooperative extension service, and it's designed to provide a comprehensive course of study to administrators, managers, elected officials and staff in local, state, tribal and national government through which participants can acquire and apply the best practices and theory to their management behaviors and strategies using the highest professional standards.

And it's under a program with County College, which was founded by the New Mexico Association of Counties and then the New Mexico Certified Public Manager program and other continuing education certification programs. And the idea behind the EDGE program is to expand training programs beyond local county government into other areas of the public sector, such as municipal entities, state agencies and other public oriented organizations that have need for specialized training.

To date, over 45 Santa Fe County employees have graduated from one of the certification programs or more and during the New Mexico Association of Counties conference what they call the graduating class of January 19, 2017 consisted of the county employees listed in your packet. And I just wanted to recognize those individuals and if any of them are here, if they would stand up and be recognized by the Commissioners and the rest of the room. Ashley Bravo, in the Treasurer's Office. Is Ashley here? She received the certified treasury official designation. Rob Jackson – I saw Rob – in the Growth Management Department. He received the New Mexico certified public officer.

George Gurule in the Assessor's Office received the New Mexico certified GIS specialist. Johnny Baca in our Public Works Department received the New Mexico certified advocate for public ethics designation. Deborah Garcia – is Deborah here? Deborah Garcia in our Growth Management Department received the New Mexico certified public supervisor and the New Mexico certified advocate for public ethics. Kimberly Martinez in our Public Works Department received the New Mexico certified public officer. Socorro Ojeda in our Growth Management Department received the New Mexico certified public officer, and Matthew Roybal – there he is – Matthew in our Public Works Department received the New Mexico certified GIS specialist and I even received the New Mexico certified public supervisor.

So those are all the individuals at Santa Fe County that just recently graduated with one of the certifications and I just wanted to congratulate them and thank them for continuing to improve their skills and knowledge in their respective professions.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, to my colleagues, new Commissioners, I think you've already found out from the short time that you've been here that Santa Fe County is all about training and education and taking care of our employees and so I know that all of you are going to continue that. I'm excited about it. But just the respect that we get from a statewide basis and the assistance that they provide in their offices with these extra skills, I'm a staunch supporter of what we do with

education at all levels, with County EDGE, with higher ed, and whatever we can do to increase the skills of our employees.

So I just want to congratulate you for taking on these tasks. It takes a dedication and a commitment to do what you've done in achieving this and we greatly appreciate it and thank you for taking that extra effort and congratulate you on your success. Thank you, Katherine and well and congratulations. I know you've been through several of the courses. Robert Martinez – if we could get others who have gone through the EDGE to raise their hand as well. Gary Perez. We've got a lot. Ed Wright [sic] back there. So good deal. Congratulations to everyone. Thank you, Mr. Chair.

CHAIR ROYBAL: Congratulations to everybody again and one more round of applause please.

MS. MILLER: Mr. Chair, could we get a picture with the Commissioners? It's just a picture taking day.

COMMISSIONER ANAYA: If those EDGE graduates could come forward.

[Photographs were taken.]

VI. B. Presentations

1. Presentation on and Recognition of the Stanley Volunteer Fire District

COMMISSIONER ANAYA: Thank you, Mr. Chair. I'm going to go ahead and have Mr. Moya step up. Assistant Chief Moya, if you would. We've been, Mr. Chair and Commissioners, we've been acknowledging our fire districts. We have the privilege of doing the Glorieta and Galisteo and others but we're continuing that today. So Mr. Moya, the floor is yours.

STEVE MOYA (Assistant Fire Chief): Thank you, Commissioner Anaya. Chairman Roybal, Commissioners, at this time I'd like to introduce the district chief of the Stanley Fire District. She is one of four chiefs that Santa Fe County does have that leads our fine volunteer staff. The other three are from Glorieta, Galisteo and Eldorado. District Chief Anaya started off back in 1992 back in Galisteo along with myself, Commissioner Anaya, Commissioner Mike Anaya, my wife Jean, who's now currently the district chief of Galisteo. Linda also did dual roles back when she moved to Stanley and did Stanley and Galisteo as a volunteer.

Back in 2012 she decided Stanley needed to have some leadership. She took on the role as district chief. She's done a fabulous job for them. She has one of the larger fire districts in Santa Fe County. I'm not going to steal her thunder her so I'm going to let her talk about that, but it gives me a great privilege to introduce Linda Anaya, district chief of Stanley. I know she'd like to say a few words, so Linda. Thank you.

CHIEF LINDA ANAYA: Good afternoon, Mr. Chair, members of the Commission. I just want to welcome the new Commissioners to the Board and I want to thank County Manager Miller for attending our chiefs' meeting last year and for listening to our concerns. We really appreciated your being there.

I'd like to start off by introducing our members. Fire Captain James Morris – he

has 18 years of service; EMS Captain June Morris, 18 years of service; Tom Ulick, wildland firefighter, just under one year And members that weren't able to be here today – Assistant District Chief Sean Glackman, 11 years; Alan Weingarten, 9 years; Nancy Adamson, combined service with Cal State and Santa Fe County Fire, 23 years; Mike Studzinski, combined service with Bernalillo County and Santa Fe County Fire, 25 years; Maryann Ulick, just under one year; Dora Anaya, four years, and myself, 25 years. A total of 126 years of combined fire service and experience.

I asked our members why they volunteered and the general consensus across the board was they volunteered because they want to serve the community and help their neighbors. And I too feel the same, but I have other reasons why I have continued to volunteer. Commissioner Anaya and I share two – we don't share but we're blessed with two beautiful daughters. We share them. We're blessed with two beautiful daughters and I want to teach them how to be strong, compassionate women and I want to teach them the importance of giving back to their community and helping others without expecting anything in return. So it's been very rewarding for me.

Without the support of my daughters, and our families we wouldn't be able to do what we do. I want to express my sincere gratitude to the current members and to past members of our district for everything that they have done. They have given of themselves effortlessly and everything that they do is greatly appreciated so thank you so much.

Regarding our district, we have three stations and ten vehicles that we maintain and as Chief Moya, he didn't want to steal my thunder but we are the largest district in Santa Fe County. Territory-wise we cover approximately 420 square miles. We provide mutual aid to the Edgewood Fire District and also to Tarrant County and Bernalillo County. Over the past ten years we've upgraded our vehicles and equipment to include a new tender, a new light rescue. We're in the process of purchasing a new brush truck. We just received a new burn building for training purposes, a 20,000-gallon water storage tank. We were able to replace our bunker gear and SCBA packs and we added new wildland gear and equipment.

We were able to accomplish this with the assistance of fire protection grants. I heard recently, actually just last week from Chief Sperling that the fire protection fund, the state fire fund and the fire protection grants were drastically impacted by the legislature and without the funding that we received over the years we wouldn't have been able to accomplish the improvements. We just wouldn't have been able to do it.

So I would like to say that Commissioner Anaya has always been very supportive of the Fire Department. Thank you for that, and I would like to ask the Commissioners to please continue to support the Fire Department during this challenging time. I was prepared to speak for an hour but Chief Sperling asked me to cut it back a little bit, so that's all I have and so I do want to actually express my gratitude to Chief Sperling as well for his leadership and Chief Moya and I will stand for any questions.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Chief Anaya, you did an awesome job and you continue to do an awesome job with your two girls, with our two beautiful girls and with the community in the service that you provide. Just a funny story, when we started out in the Galisteo Volunteer Fire Department we were all issued our

paggers and our radios, brand new to the fire service in 92 we had the mike on open mike so essentially what that means is you get every page for every fire district. That went on for quite some time before we figured out how to turn it to just the Galisteo district at the time.

But I thank you very much for your services as the chief, not only in Stanley but in Galisteo and the entire team. You see just a few people sitting here in the front row and a few other members but it takes a handful of dedicated people working collaboratively together across districts in the whole county – Edgewood and the mutual aid from Galisteo and Torraine County and all the things that you guys do day in and day out. I say it a lot but I'm going to keep saying it. It's those pages that you take at 1:00, 2:00, 3:00, 4:00 in the morning when everyone else is asleep and you're out there helping people in their time of most need. And so thank you, thank you, thank you for those efforts and the work that you do day in and day out and please extend that to all of your volunteers and even your auxiliary members that help you as well. Thank you, Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So as some of you may have figured out I'm also a volunteer firefighter with Glorieta Pass and so I can only tell you how important what all you guys do is. I know that from personal experience. It adds to the community so much. I want to add a couple of things. One is that without leadership a department does not grow in the way that Stanley has grown and developed. You guys contribute to all of us. Chief Anaya has reached out and helped not just her own district but other districts, even for simple things, process and working together. I know that is a hallmark of the County but I think it's something incredible.

And on a personal note, when I first started volunteering and I was a woman showing up at fire meetings and at trainings and what not, Chief Anaya really reached out and was so encouraging and it's things like that that really, really help and make a family. And so I really want to recognize that and thank you all of you and congratulate this on this well deserved recognition.

CHAIR ROYBAL: Do we have any other comments from the Board? I do have a comment and I've said this a lot of times before in the past is we can't thank our volunteers enough. I've been to meetings where the Fire Department has had to go through different stages in order to get their ISO rating reduced and I sat through those and I'm just amazed to see the amount of work that is needed in order to bring that ISO rating down and it's just amazing the amount of time and effort that the volunteers have to put in and we can't thank you guys enough. You are the true leaders in our communities. So thank you.

CHIEF ANAYA: And Mr. Chair, if I could just add to that, last year we completed our ISO inspection and we improved our rating from a 6 to a 5. So thank you all very much.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just want to also commend people like Chief Sperling and Assistant Chief Moya that work their way through the volunteer service before they got into the paid service. It takes a combination of effort between the paid staff and the volunteer staff to make it all work. And so we want to continue to do whatever we can. I know we've been down in volunteerism, not just with

the fire service but with everyone across the country and we're always looking for creative ways to try and help our fire districts as we've heard from all of the fire districts that have come that it's a challenge but we'll do whatever we can to help them as well. Thank you, Mr. Chair.

CHAIR ROYBAL: Any other comments from the Board? Okay, seeing none, thank you and I appreciate you guys being here today. Do we have Jennifer here for a picture? Thank you. If you guys could come forward. One more round of applause please.

[Photographs were taken.]

II. CONSENT AGENDA

A. Final Orders

1. **CASE #CP/S 16-5090 Turquoise Trail North Conceptual Plan, RCS-Turquoise Trail South I, LLC, Applicant, Sommer Karnes & Associates, LLP, Agent, Requested Conceptual Plan Approval to Phase the Previously Approved Turquoise Trail North Residential Subdivision (290 Dwelling Units on 101.49 acres) into 8 phases, to Modify the Approved Housing Types, and to Re-Designate the Commercial Lot into a Multi-Family Lot (23 Dwelling Units). The Application Also Included a Request for Preliminary Plat Approval for All 8 Phases and Final Plat Approval for Phase 1, Which Consists of 30 Residential Lots. The Property is Located in the Community College District, Which is a Planned Development District, East of State Road 14 and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5) Vicente Archuleta, Case Manager (APPROVED 5-0)**
2. **CASE #CP/S 16-5250 High Summit III Conceptual Plan, Preliminary Plat for Phases 3, 4, 5, and 6 and Final Plat for Phase 3. White Bear Properties, LLC, Applicant, Sommer Karnes & Associates LLP, Agent, Requested Conceptual Plan Approval to Modify the Previously Approved High Summit III Phased Residential Subdivision to Reduce the Amount of Lots from 55 Lots to 12 Lots with No More Than 20 Dwelling Units. The Application also Included a Request for Preliminary Plat Approval for Phases 3, 4, 5 and 6 (Consisting of 12 Lots on 87.34 acres), and a Request for Final Plat Approval for Phase 3 (Consisting of 3 Lots on 15.96 Acres). The Property is Located Within the Residential Community Zoning District, Off Hyde Park Road (NM 475), Just South of the South Summit, Within Sections 15, 16, 21 and 22, Township 17 North, Range 10 East (Commission District 4) Vicente Archuleta, Case Manager (APPROVED 5-0) [Exhibit 1: Correction to Findings]**

B. Resolutions

1. **Resolution No. 2017-10, a Resolution Requesting an Increase to the Project Funding Allocation for Antonio Lane, and Requesting a Budget Increase in the State Special Appropriation Fund (318) to Budget a Grant Received for the Project / \$50,000 (Finance Division/Don Moya)**
2. **Resolution No. 2017-11, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Grant Funds From the New Mexico Department of Transportation (NMDOT) / \$17,690 (Finance Division/Don Moya)**

C. Miscellaneous

1. **Approval of Notice of Federal Interest for Improvements to the La Familia Medical Center Southside Clinic as Required Prior to La Familia Medical Center, Inc. Accepting a Federal Grant for Improvements to the County Owned Building Located at 2145 Caja del Oro Grant Road (Public Works Department/ Terry Lease)**
2. **Approval of Assignment of Bureau of Land Management (BLM) Right-of-Way Grant No. NMNM131733 to John T. Morris on Horcado Ranch Road (Public Works Department/ Terry Lease)**

MS. MILLER: Mr. Chair, could I make one point that on your dais in front of you there is a memo correcting a mistake in one of the final orders in the packet. There was a sentence that had two lots but it should have been 12. Throughout the rest of the memo I do believe it was 12 but there was – and I just wanted to make sure that this is added in as part of the record when you approve that final order.

CHAIR ROYBAL: Okay. Thank you. Do we have any other questions on the Consent Agenda? If now, what is the pleasure of the Board?

COMMISSIONER HANSEN: Manager Miller, do we need to make this note when we make the motion?

MS. MILLER: Mr. Chair, Commissioner Hansen, yes. It would be good if you'd just say – if you make a motion to approve the Consent Agenda and to include the correction for item II. A. 2.

COMMISSIONER HANSEN: So I move to approve the Consent Agenda with the correction to II. A. 2, making sure that in paragraph 1, line 5 that two lots should be 12 lots.

CHAIR ROYBAL: Okay. I have a motion. Is there a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: I have a motion and a second.

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

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

III. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. **Appointment of Three Members to the Arts, Culture, Cultural Tourism Committee**

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. Just for a brief background for the new Commissioners. The Board of County Commissioners adopted Resolution 2014-35 creating the Arts, Culture and Cultural Tourism Committee which called for seven members to be appointed representing different categories: the craft cottage industry, cultural tourism industry, general arts organizations, film and digital media industry and economic development organizations. That original resolution sunsetted within a time period and staff felt that in order to complete the work of the ACCT they brought back Resolution 2016-45 which basically extended the sunset of that committee through April 29th of next year.

Based upon the current makeup of the committee we have three vacancies and we have called for applicants to fill those vacancies. We had an additional four individuals with the three that requested reappointment apply for consideration by the Board of County Commissioners. Staff is recommending at this time in order to complete the work of the ACCT that we reappoint the three members with terms expired to allow the continuity of the work plan that the ACCT has undertaken. So with that, Mr. Chair, staff is recommending the reappointment of Ramona Sakiestewa, Michelle Laflamme-Childs and Ms. Jayne Levant to the ACCT Committee and I stand for questions.

CHAIR ROYBAL: Are there any questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: I just want to make a note that Vaughn Irving who applied is from the performing arts in our community and we have a lot of actors and actresses in our community who are participating in the playhouses around town and I feel it is an extremely important part of our film community to train people to become better actors and to participate and so in the future I hope that we can include that in the Arts and Culture and make sure that our actors and actresses are represented in some way in our Arts and Culture because the playhouses in town need our support, and I just want to express that as a concern.

MR. FLORES: Duly noted, Mr. Chair, Commissioner Hansen.

COMMISSIONER HANSEN: And with that I will move to approve the three re-appointed Commissioners.

COMMISSIONER MORENO: Second.

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

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

II. B. 2. Appointment of One Member to the Santa Fe County Ethics Board

MR. FLORES: Thank you, Mr. Chair. Again, just for a little bit of background information, Ordinance 2010-12 and 2011-9 set for the Code of Conduct and Ethics Board responsibilities for Santa Fe County. That committee originally was three members and in 2011 we increased the number to five. It is a board that is appointed by representatives by the Commission but not by a specific Commission district or by a specific discipline. There has been some missed communication or missed perception of what the board does and doesn't do and for clarification purposes I'd like to put on the record the Ethics Board is charged with the review of ethics complaints or potential violations of elected officials, appointed officials and volunteers. The Ethics Board does not review personnel matters that team members are under for the personnel handbook or those policies. They are strictly for those matters.

And there's also been some questions about the frequency of meetings of the Ethics Board. Because the ethics ordinance is set up for that purpose of investigating valid and certified complaints of elected officials, appointed officials and volunteers, we have not had any of those types of complaints arise to the level of having the Ethics Board review that. And that's an important factor because of the nine potential candidates that we interviewed they had a misperception of what they were supposed to be doing.

Part of the other role of the Ethics and I would say it's a secondary role is to actually take a look at the ethics ordinance and provide recommendations to you as Commissioners for potential changes or amendments I should say to that ordinance. There was an effort that was undertaken a little over a year ago and rose to some discussion levels but it has not been acted upon fully by the Commission as reflected in the minutes.

Once we complete the appointment of this vacant position then my first charge then would be to sit down and take a look at the ordinance again and pick up potentially the work that was discussed a year ago or so. With that, Mr. Chair, the Ethics Board is a five-member board and we currently have one member. Of that position we received nine applicants which in my tenure back at the Santa Fe County Manager's Office we have never had that large a complement of people that are interested. But again, I think there's been some misconception or misperception of what the board is.

After reviewing each of the applicants and conducting one-on-one interviews with them to see what their idea of the board is, what their intent was, I'm recommending the appointment of Mr. Mackenzie Allen for the fifth position on the Ethics Board. Mr. Allen brings a different set of skills that the current board members do not have. We have an attorney, a retired attorney and two what I call lay public members. Mr. Allen has served time with both the Los Angeles County Sheriff's Office and the King County Sheriff's Office serving on their ethics commissions and also has I would say his professional experience in reporting and investigation type work which is a charge of the Ethics Board if we were ever having them seated for an investigation. So with that, Mr. Chair, I stand for any questions.

CHAIR ROYBAL: Do we have any questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: Yes. So I am concerned about having the ethics ordinance rewritten. There are certain sections of it that are very unclear and need attention. And so I would hope that as a new Commission that we can work with the Ethics Commission and request certain changes so that it's clearer when somebody reads it. My main concern is that it's very clear for anybody to read what the charges are going to be or how they can conduct business or when a campaign ends and how they can collect money. It's a little unclear in this ordinance and so I want to make sure that those things are addressed. And it was impressive to read all of these résumés. There were many, many people who had a really great skill set and I do understand that ethics investigation is part of that so with that I will accept your recommendation and move to approve Mackenzie Allen for the Ethics Board.

CHAIR ROYBAL: We have a motion. Do we have a second?

COMMISSIONER HAMILTON: I'll second that.

CHAIR ROYBAL: We have a motion and a second.

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

III. B. 3. Appointment of Two Members to the DWI Planning Council

LUPE SANCHEZ (DWI Coordinator): Good afternoon, Mr. Chair, members of the Commission. Just to provide a little historical background for the new Commissioners. A resolution adopted in 1997 established the DWI Planning Council. The DWI Planning Council serves as an advisory group to the DWI program, providing recommendations and oversight for the program. Today we have two qualified individuals: Tamara Zawistowki and Erica Abeyta for approval. And with that I'll stand for questions.

CHAIR ROYBAL: Questions from the Board? Seeing none, what's the pleasure of the Board? One question, Commissioner Hamilton.

COMMISSIONER HAMILTON: Just briefly, can you tell just a little bit about the criteria you used in terms of what you're looking for in skill sets and diversity? Just very briefly.

MR. SANCHEZ: Sure. Mr. Chair, Commissioner Hamilton, the resolution identified certain areas that the program needed to seek for members to fill. For example, such as education, law enforcement, treatment, even consumers of services. So those are identified in the resolution. The two individuals today, one of them is actually a consumer of services and the other is currently in the prevention field working at the Santa Fe Community College leading their prevention efforts and will represent the education field.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you. Any other questions? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: I make a motion to accept these recommendations for appointment to the DWI Board.

CHAIR ROYBAL: Okay, we have a motion.

COMMISSIONER HANSEN: Second.
CHAIR ROYBAL: We have a motion and a second.

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

- III. B. 4. Appointment of Trustees for the following Community Centers**
- a. El Rancho Community Center**
 - b. Rio en Medio Community Center**
 - c. Max Coll Corridor Community Center**

ANNA BRANSFORD (Community Services): Good afternoon, Mr. Chair, fellow Commissioners. Just to provide some background for the new Commissioners, Santa Fe County Resolution 2015-61, Exhibit A, Section 2 states that the Commission shall appoint one or more trustees for each of our community centers to assist our Community Services Department with the operation of the centers. These are volunteer positions. They help out with the calendars. People can go to them if they want to rent or use the community centers for private parties, for meetings and other types of events. They also are responsible for opening and closing the centers, sometimes showing the centers to potential renters as well as insuring that the community centers are cleaned after an event and letting us know if there's any issues such as water leaks or anything like that.

For these trustees we did put out three ads in May, June and October to try to get new trustees for the centers that currently didn't have any and we had five individuals who responded to these ads. So first, El Rancho Community Center, Gerald Castañeda is a 40-year resident in El Rancho. He previous served as a trustee at this center. He is a very active resident of the community. He does youth work with the church and currently coaches middle school football, so we feel he would be a great addition to serve as trustee at that center.

The next center is Rio en Medio Community Center. John Kadluczek is currently the mayordomo for water in the village. He has done other work with Santa Fe County including helping us choose the mural at Rio en Medio with our Teen Court program. And then our newest center is the Max Coll Corridor Community Center, which is actually attached to our Eldorado Senior Center, the Ken and Patty Adam Senior Center. We had three individuals respond to this: Lisa Lincoln who is a resident of Eldorado. She is a school teacher and she has actually been involved with the senior center teaching square dancing classes for the seniors.

Janice Abrams is a member of that square dancing club, and Joan Mitchell, who is also a member of square dance club. They are all very interested in getting involved with the newest community center. We do have trustees at some of our other community centers. We do still have vacancies at our La Cienega Community Center, Cundiyo Community Center and Bennie J. Chavez Community Center.

With that I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: Once again, where is the Max Coll Community Center?

MS. BRANSFORD: Mr. Chair, Commissioner Hansen, it is located – it is in the back of the Ken and Patti Adam Senior Center in Eldorado. It was an addition that we just finished. I think we had the ribbon cutting in May.

COMMISSIONER HANSEN: So you'll appoint all three people as trustees?

MS. BRANSFORD: Mr. Chair, Commissioner Hansen, yes. That is correct.

COMMISSIONER HANSEN: With that I move to accept these trustees.

CHAIR ROYBAL: We have a motion. Do we have a second?

COMMISSIONER HAMILTON: Yes, I'll second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Okay, we have a motion and multiple seconds.

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

III. C. Miscellaneous

1. Approval of County Health Care Assistance Claims in the Amount of \$292,162.67

KYRA OCHOA (Health Care Assistance Manager): Good afternoon, Commissioners. I'm here this afternoon to ask for your approval of the health care assistance claims in the amount, as you say, of \$292,162.67 which represents two months worth of claims in the health care assistance program.

I would also like to take the opportunity to give you just a little bit of background on the program. The program began its life as the indigent program. Originally it was really about helping people with large hospital bills. The program shifted quite a bit and really right now the program assists all Santa Fe County residents of lower income to resolve barriers to health care and health. And we do that through a combination of reimbursing fee-for-service claims at local clinics and treatment providers and community service organizations, and also through a series of contracts that are devoted to targeting *Health Action Plan* goals, such as reducing suicide, the rate of low birth weight, increasing access to healthy food, reducing overdose, reducing alcohol abuse.

And so that's the program. Each month we normally present claims and we are moving away as a lot of health care is from a claims-based reimbursement to focusing on these contracts which will target outcomes and allow us to track outcomes for the residents with greater accountability. So you may note that this year already, half of the year in we're down to only 23 percent remaining in our claims budget. I just want to bring that to your attention. All of the providers are pretty much on track with their allocation, which is very much similar to what it was last year. I don't want to take up too much time but with that I'll stand for questions.

CHAIR ROYBAL: Questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I know you don't appreciate it and you

want to be brief but would you want to take just a minute to say something about what happens when we get to the end of the claims budget and how you see that going? To the extent that it impacts indirectly this decision and the decision of the next couple of months.

MS. OCHOA: Mr. Chair, Commissioner Hamilton, yes, thank you. I believe that it's important to understand what this program – typically we don't have individuals coming into our office to qualify for the program. We have relationships with area providers and at the beginning of the fiscal year we tell them what their allocation will be so they pretty much budget that for the year. These are primarily the federally qualified health centers, such as La Familia, El Centro, First Choice and Edgewood Southwest Care Center, and Pecos Valley Medical Center. And so they have other funding sources and they do have a mandate to serve all of the people who come to those clinics and do continue to do so. They simply budget for what the County will give them for individuals who don't have insurance at the beginning of the year.

So we don't anticipate that this will result in a loss of service. Some of the extra services that are covered, such as dental care, which in Santa Fe County, unlike many other counties in New Mexico, we're fortunate because this revenue is fairly healthy to be able to support things that other counties don't, such as dentures, crowns, and so those things you may see reduced availability for people and La Familia typically puts people on a waiting list and has them start again in the new fiscal year. So it is a consideration that we're not sort of spending it down to zero with claims similar to a program like the energy assistance on LIHEAP that the state runs or something like that. It's a little bit different. But it is a consideration.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Any other questions from the Board?

COMMISSIONER MORENO: Yes, Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Give us an idea of how this will play out in future years with the specter of less money and other complications that may come down.

MS. OCHOA: Mr. Chair, Commissioner Moreno, I don't know. But we are looking very closely at how federal trends with Medicaid and state trends with Medicaid will impact our program. We know that really because of the expansion of Medicaid and health insurance generally in our state where 50 percent of people are now on Medicaid, roughly, that has allowed us to do many of these more targeted contracts that we weren't able to do previously. We hope that in doing so and infusing the system with greater provider alignment, connectivity and several other projects we're working on we're building up the system so that even if we return to a state where fewer people are insured they'll hopefully be better served by a better quality health care system.

But we're watching it very closely. The number one goal in our *Health Action Plan* is to increase access to insurance. And so we continue to try to stay ahead of that with whatever innovative solutions we can find given what happens at the federal and state level.

COMMISSIONER MORENO: Thank you.

MS. OCHOA: Thank you.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: With that I move to approve the County health care assistance claims in the amount of \$292,162.67.

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

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion and a second.

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

III. C. 2. Request Board of County Commissioners Approval to Utilize the Houston Galveston Area Council Cooperative Purchase Agreement Pursuant to Ordinance No. 2012-5 Section 1, Outside Contracts, to Purchase Thirteen (13) Fire Department Apparatus In An Amount Not to Exceed \$3,700,000 and Authorization for the County Manager to Sign the Purchase Orders

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair and Commissioners. The Houston Galveston Area Council cooperative agreement is exactly that – a cooperative agreement that the state procurement code allows local public bodies to utilize for such purchases as custom apparatus such as this for the Fire Department. The reason this is before you is because our purchasing regulations and policies require Board approval to use outside existing contracts and also because of the amount. And what we're asking for you is authorization be provided to the County Manager to see the completion through the final procurement and purchase order of these vehicles for the 14 districts of the Fire Department. With that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Do we have any questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: So one of my big concerns for the firefighters is I believe they're call wash tenders, where they clean their equipment, and I believe that we have some but they all haven't been installed and I want to make sure that they're being installed and I want to see all of the fire districts have the washing machines to clean their equipment as soon as possible.

MR. TAYLOR: Mr. Chair, Commissioner Hansen, I'll defer to Chief Moya to maybe address that, if he has any comments regarding that equipment.

ASST. CHIEF MOYA: Commissioners, as of today, all five extractors have been installed at the regional fire stations. It's my understanding that the detergent that we need will be delivered tomorrow and it will be distributed to the five regional stations. So we will start cleaning the bunker gear as soon as – we've had a fire in Chimayo last week so we had a mass cleaning that goes to Albuquerque to a contractor that we have but the individual bunker gear will be washed in those extractors at the regional stations. But they are installed.

COMMISSIONER HANSEN: So each fire station will now be able to wash their own equipment or use these extractors to clean their equipment?

ASST. CHIEF MOYA: Yes, ma'am. And it's just for bunker gear cleaning. The apparel that we wear during a fire. So they're 20 pound capacity washers that we purchased through a grant and they will be used by paid firefighters. Also by the volunteer firefighters as needed. They are at our Pojoaque fire station, our Hondo Station 2 off of exit 290, the Rancho Viejo fire station, the Edgewood fire station and the Agua Fria fire station.

COMMISSIONER HANSEN: So that brings up another question. So all this equipment that we're using will be able to be used by both volunteer and paid staff?

ASST. CHIEF MOYA: Yes, ma'am.

COMMISSIONER HANSEN: Okay.

CHAIR ROYBAL: Thank you for that, sir.

COMMISSIONER MORENO: Mr. Chair.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: Mr. Taylor, the number to be purchased, did you say 13 or 14?

MR. TAYLOR: Mr. Chair and Commissioner Moreno, this is for all 14 districts for different various fire apparatus. There is a spreadsheet that was provided that I think you're referring to.

COMMISSIONER MORENO: Thanks.

CHAIR ROYBAL: Okay, is there any other questions from the Board? Seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: I'd like to make a motion to accept this as written.

COMMISSIONER MORENO: Second.

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

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

III. C. 3. Request Approval of Agreement No. 2017-0154-CORR/IC to GSA Contract GS-07F-0518N with BI Technologies, Inc. to Provide Electronic Monitoring Services for a Total Contract Amount of \$420,000 and Authorization for the County Manger to Sign the Purchase Order

MR. TAYLOR: Thank you, Mr. Chair. The Santa Fe County Corrections Department has been under contract with BI Technologies for several years, six years, approximately. We have found that there is existing federal supply contractor, GSA contract, that will provide these services. This is electronic monitoring equipment that is mandated by the courts the Corrections needs this service for. And so we were able to find some of these electronic devices slightly cheaper on the GSA contract. Again, the state procurement code allows local governments to utilize – and GSA allows the utilization of this particular GSA contract for these services. And with that, Mr. Chair, I'll

stand for any questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board?
Okay, what's the pleasure of the Board?

COMMISSIONER MORENO: I move approval.

CHAIR ROYBAL: Okay, we have a motion for approval from
Commissioner Moreno.

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: And a second from Commissioner Hansen.

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

III. D. Resolutions

1. Resolution No. 2017-__, a Resolution Adopting A Schedule of New Water Deliveries for the First Six Months of 2017 and Setting Aside Additional Water for Arroyo Hondo de Santa Fe. (Public Works Department/Jerry Schoeppner) **WITHDRAWN**

IV. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Is there anybody here from the public that would like to speak? Please come forward. So it doesn't look like we have anything from anybody for public concern to speak so we'll move on to our next item.

V. MATTERS FROM THE COUNTY MANAGER [*Exhibit 2: Additional Material*]

A. Miscellaneous Updates

1. **Update and Discussion on Draft Santa Fe Water Reuse Feasibility Study**

MS. MILLER: Mr. Chair, two weeks ago the City of Santa Fe had a public meeting where they released the draft Santa Fe water reuse feasibility study and Commissioner Hansen called me and had some concerns about some of the recommendations in this and wanted to have an update. And so we have participated somewhat in this initiative with the City. They hired a consultant to do the feasibility study and Jerry and I believe Claudia as well participated in some of the meetings. We never executed – I think there was a point where we were going to execute – they talked about an MOU with us and contributions from the County to do the study but we never executed an MOU or financially participated in the study but we did have staff attend some of the meetings.

And Jerry has probably the best knowledge of what has taken place to date and where they are with the feasibility study so I asked Jerry to present to you and what I've provided to you is that executive summary that I believe was put out at that meeting two weeks ago. Thanks, Jerry.

JERRY SCHOEPPNER (County Hydrologist): Good afternoon, Mr.

Chair, members of the Commission. So the initial report that was done to initiate the feasibility study was called the Santa Fe Basin Report and in that report Santa Fe County along with the City of Santa Fe joined in a joint effort with the BOR, Bureau of Reclamation, primarily funding the study, and the study was taken in order to address the effects of climate change over the next 40 years.

So that was completed in 2015 and again it was a joint project between Santa Fe County and the City of Santa Fe. And the conclusions of the report were three-fold. By 2055 the population was estimated to be 170,000. That would be 170,000 customers that would need to be served under a water system and that precipitation and surface water flows would be reduced up to 33 percent. So as you all know, the majority of our water resource comes from the Santa Fe River through the BDD and it's expected over the 40-year period to diminish by 33 percent. And then the third conclusion was this would result in an average of 7,000 to 9,000 acre-feet of water shortage for that population.

The recommendation from the Santa Fe Basin Report was to look at reclaimed water as a gap – to fill the gap between the supply and demand gap that existed in 2055. So the feasibility study was initiated and here's the executive summary. Some of the big points that it pointed out were currently, the Paseo Real water reclamation facility which is operated by the City of Santa Fe produces 4,000 acre-feet of reclaimed water per year, and out of that 1,500 acre-feet is used for mainly irrigation. There's other uses that are associated with that and that leaves about 2,400 acre-feet available for whatever purposes. And again, the recommendation from the Basin Study was use that water to fill the gap between the supply and the demand.

So seven alternatives were developed and the seven alternatives are listed in the executive summary. Out of those seven there was initial preliminary screening criteria which eliminated three of those options and only four were carried forward, and those four were more detailed in their evaluation using other criteria. And the criteria that they used were economic, social and environmental. And based on the evaluation criteria, the recommended alternative was to use the Rio Grande as a return flow credit, and what that would do is take the treated water from the wastewater treatment plant, pipe it to the Rio Grande just below the BDD intake and then take an equal part, an equal amount out of the river, treat it and put it into distribution.

So that would provide an additional up to almost 2,400 acre-feet per year to help fill that gap. With that I guess I'll stand for any questions.

CHAIR ROYBAL: Okay. Do we have questions from the Board?
Commissioner Hansen.

COMMISSIONER HANSEN: So what I'm concerned about is that I don't feel that they took into account cultural values, which they also said in here, and the downstream river water flow from the wastewater plant into La Cienega is considered a cultural resource and they don't get the water that they used to get. And some of the other alternatives, possibly return flow up to Siler and then taking the water down is also a cultural issue where there's a lot of acequias that have now gone dry and the people still want to have water in their agricultural community.

So it concerns me that the recommendation is to build a pipeline all the way from the wastewater plant to the Rio Grande when I think there are really resources that could use that water. And I'm not opposed to it going back to the Buckman plant, possibly,

some of that water in time is when we have – in winter, when the traditional communities don't need this water. So how come those things were not taken into consideration and what can we do to have an input into those concerns?

MR. SCHOEPPNER: Mr. Chair, Commissioner Hansen, that was – early on in the discussion of the evaluation and criteria factors and weighting factors that was discussed heavily. We kind of backed out at that point. As the County Manager had mentioned, we were trying to obligate some funding for the project as well as continue some resources to continue with the evaluation committee. One of the factors was the Quill plant, the wastewater treatment plant that the County leases from the state. That was going to be a part of the makeup of the water to address that gap. Unfortunately, there's no way to get it to the Rio Grande at this point and also water quality is an issue and that was probably one of the overriding issues was the quality of the water is not good enough to actually use it in this alternative.

So once the Quill was taken off the table as a possibility as an additional resource, the County's participation pretty much ended. So the actual, final evaluation, detailed evaluation of the four alternatives that moved forward, we weren't part of that. But I know that the City did discuss that at length, the downstream users, but what their final evaluation is I couldn't tell you.

The second part of your question, this is a good time to provide comments to the City. As the County Manager had mentioned, two weeks ago they had an open house to unveil their draft report with their alternative that's been selected. And the idea there was to collect public input. They didn't really outline how public input would be solicited. They did solicit input at the meeting through – mainly through discussion but also they had a box in the back for any kind of comments and contact information to contact the City of Santa Fe. So I believe that would be the best option to identify what the concerns are and again, it's their initial draft report. It doesn't mean it can't be changed, but based on their criteria it out beat all the other remaining alternatives.

COMMISSIONER HANSEN: So is it possible – since our name is on the cover of this report, and even though we're not participating, and though you've been at these meetings which I am grateful, is it possible we could write a letter stating our concerns?

MR. SCHOEPPNER: Mr. Chair and Commissioner Hansen, yes. I think that would be a good idea. We discussed that internally also. Again, once the Quill was taken off the table as being a potential source of additional water our participation fell off drastically, so having our logo on the final report is a little misleading. So a letter would be a good recommendation.

COMMISSIONER HANSEN: I would like to suggest some kind of discussion and letter. I know this is only a presentation so I don't believe we can actually do action items but I believe that we could – I would like to suggest we write a letter with what our views might be about the water and the pipeline, etc.

CHAIR ROYBAL: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: Jerry, do you and staff have input to these concerns? Like thoughts about whether this option considered adequately? Or there are things that were not considered that could be brought forward? Should be brought forward?

MR. SCHOEPPNER: Mr. Chair, Commissioner Hamilton, it's really hard to argue with their criteria and their evaluation. It's pretty solid. They took into account all the factors. We stepped out at the point where the evaluation factors were being developed and the weighting factors. They seemed to be good. They're very hard to argue against.

COMMISSIONER HAMILTON: I just wanted to mention, certainly, one of the issues is what you get back in terms of magnitude of return flow credits between an open system and a pipeline and that's a very difficult one to overcome.

MR. SCHOEPPNER: Right.

COMMISSIONER HAMILTON: When you're having problems with water rights and water quantity.

MR. SCHOEPPNER: Mr. Chair, Commissioner Hamilton, that was taken into account. If you look at the full report you'll see the evaluation of how much a return you get, and two options stood out clearly – this preferred alternative and the direct potable use. Both of them will basically give back 100 percent of the water that you take out of the system will be put back into the system. All the others require ASR, aquifer storage and recovery, and you're going to lose a certain percentage of that, plus you have a lot more electrical costs relative to the structure of putting in recovery wells, those type things.

Again, looking at the criteria and the cost/benefit, the selected alternative is really hard to argue against.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I'm also concerned about cultural uses of water. There are a number of budding farmers and vintners in the area that could be affected and I think it would – albeit the return flow credits are tempting – I think I'm not ready to go that route. I think it needs a little bit more work in the sense that some cultural activities using that water does enhance the quality of life for the people who use it.

MR. SCHOEPPNER: Mr. Chair, Commissioner Moreno, it's not like all the water, as I understand it, will be cut off from the wastewater treatment plant and sent to the Rio Grande. There will be a certain amount that will continue to flow through down through La Cienega. How much that will be, I don't know. It's really the City's call. It's their water. They have the rights to the water and ultimately, it's their decision. They have tried to reach out to the folks in La Cienega to try and get their input and give them the information. Don't know where that's going to end up but the discussions are occurring.

CHAIR ROYBAL: Okay. Do we have any other questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Considering the San Juan/Chama water and the return flow credits, what I am wondering is that Heron Lake is basically empty right now. Or not empty but low. So how does that work with the return flow credits when the water that is in the San Juan/Chama is not really there?

MR. SCHOEPPNER: Good question. Mr. Chair, Commissioner Hansen, water rights get very complicated in New Mexico as you know. What this does though is it has the San Juan/Chama original water rights that are used to extract from the river,

treat it, put it in distribution and then this is what comes back out into the wastewater treatment system and is treated so it's really recycling the original water rights that you took out of the river and kind of doubling the use of that. You don't get new rights; it's still the same rights but it is kind of doubling the use of that water. And you get a one for one, which is – Bernalillo County has actually tested this with the Office of the State Engineer and has approval and is working with this exact model where they put in x-amount and they get back the same amount from extraction and put it back into the system.

COMMISSIONER HANSEN: In this study or in this executive summary they're saying that they're recommending you take 100 percent of the San Juan/Chama water. Okay, well we're not taking 100 percent of the San Juan/Chama water now.

MR. SCHOEPPNER: That is correct, although you're looking at the 2055 projections where additional waters will be needed and that's what that buffer of the additional San Juan/Chama water will do is give us that ability to take more and at some point potentially max out the water rights associated with that water.

COMMISSIONER HANSEN: So I would still like a letter of concern about the traditional communities downstream.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Given everything that's been discussed, would it be advantageous for you to come back with something that could be incorporated in such a letter so that if there are ongoing issues between what you guys think from a technical point of view and what we would like to see in terms of additional study, we can make sure that – or that your concerns and the Commissioner concerns are addressed.

MR. SCHOEPPNER: Mr. Chair, Commissioner Hamilton, yes, I think that's a good suggestion. We could do that.

COMMISSIONER HAMILTON: Is that acceptable?

MS. MILLER: Mr. Chair, what we can – one of two things. Either we can assist in drafting a letter that expresses an individual Commissioner's concerns and then have the Commissioner sign that letter themselves, or what we can do is try to get an understanding generally what the Board – if it's just the cultural considerations and you're all supportive of that – but writing one letter that expresses everybody's individual views is a little complicated so I just want to make that everybody shares that view before we draft a letter that would be coming from the Board as a whole.

So we can do one of two but if the majority of you do feel that the study did not take into consideration the cultural aspects and uses back in the Santa Fe River and that we would like to see where that is considered more we could write a letter to express that that does come from the Board. We would bring that back to you for approval though. So I guess the point of this is I'd kind of like some direction or a sense of what you feel comfortable with us writing a letter, the points that you think you feel comfortable with in a letter if it's go come from the Board.

CHAIR ROYBAL: Okay. Did we have any other questions from the Board? Seeing none, we'll close that one.

COMMISSIONER HAMILTON: Did we come to a resolution here?

COMMISSIONER HANSEN: I think we – I don't know if we answered

County Manager Miller's question so maybe we can – most of us seem to be concerned about cultural issues in the river so I think that certainly I would be interested in working with Jerry on this letter and possibly some of the other Commissioners expressed the same concern. So we could – it could be from more than just one Commissioner.

CHAIR ROYBAL: I believe the County Manager wanted to – and correct me if I'm wrong – devise a letter that we would all kind of look at and make recommendations or to see if that was something we were all in agreement with. Is that correct?

MS. MILLER: Mr. Chair, what I was trying to surmise was is everybody on the same page, that you would like a letter sent from the Board of County Commissioners expressing the concerns that the feasibility criteria that they used to evaluate the different alternatives was not inclusive enough of cultural uses and the cultural aspects of the river. If you're in agreement with that and there aren't any other major issues that you have with the way that the study was conducted and the draft report, then that's what we will craft as a letter from the entire Board. Otherwise, if you're not comfortable with that I would recommend we do individual letters that express your concerns individually.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I actually – if we want to consider a letter from the whole Board I would actually like to see just a little more information on what the staff's thinking is. Just some of the comments like this is where we dropped out. Their criteria are pretty solid. I actually did read this but this came before the Water Policy Advisory Committee so in principle I have more information from that but I think I'd like to get just that little bit more information before I actually decided whether we should all do one or we should do some individual letters. So I'd be happy to do a timeframe and do some research on my own and get some briefing from the staff and then we can consider but I really appreciate County Manager Miller's point and that really did address in a broader way what I was thinking, what I was concerned about.

CHAIR ROYBAL: Any other comments from the Board?

COMMISSIONER MORENO: I'm satisfied with the direction we're going.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: We'll work to move forward with you.

MS. MILLER: So Mr. Chair, I just want to be clear that we are going to work then on a letter that expresses those issues that comes from the entire Board and we'll bring that letter back for approval from the Board.

COMMISSIONER HAMILTON: With some additional information, that would be great.

MS. MILLER: Okay.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER HANSEN: Thank you.

V. A. 2. Thornton Ranch Management Plan Update – Tribal Consultation Process

MR. FLORES: Mr. Chair, I'm going to pitch hit for Colleen. Maria and I are going to pitch hit. So today's kind of a reference point, a background on how we're bringing these items up for discussion. In 2014 the formal planning process was initiated for the Thornton Ranch property, located almost exclusively in Commission District 3 but is bound by District 5 and District 4. We've always viewed the Thornton Ranch property as a countywide asset, not necessarily by a district.

As part of the efforts by the Planning Division and the Public Works Department we've undertaken various management plans for each of our significant properties and trying to click off the list of each of our properties as we go through that. That process started mid-2014. The process involved a myriad of things and even included the reach-out or the touching of various tribal sovereign nations. I think we had over 64 nations contacted and probably over 200 letters, probably exaggerating a little bit on the number, but it was an extensive outreach to those entities that have some historical or cultural significant tie to Thornton Ranch, primarily the Petroglyph Hills area.

That process had a deadline, if you will, of December 2016. In other words that planning process would have some finality to it, going to COLTPAC for review and recommendation and to the Board of County Commissioners for approval for implementation. Late fall of last year, October or November of 2016, staff was apprised that the pueblos, the various pueblos that reside within Santa Fe County or a few that reside outside of Santa Fe County, specifically Santa Ana and San Felipe, had raised some concerns about the consultation process at a policy makers' level. Staff – Maria and Colleen and Paul did an excellent job of going out and meeting with staff people like myself and representatives of the pueblos but the governorship or the governing structure of the pueblos felt that they needed to have a more formal process, policy maker to policy maker and that's where the Board of County Commissioners come in.

Actually, in this chambers on November 29th we felt it important to allow those sovereign entities to come forward and express their concerns on how the planning process was moving, the speed of that process and also to talk about the consultation between peer to peer or governing body to governing body. So staff took a little step back based upon the Board's direction at that time to actually initiate – I don't want to use the word federal consultation process because that encompasses a lot of things when more of that governing body to governing bodies consultation. So in November they came forward and the Board directed staff to look at developing that process which meant that we would delay the implementation recommendations to COLTPAC and ultimately t the Board until we could conclude that additional consultation effort.

The discussion at the staff level, and I appreciate Commissioner Moreno sitting in on a couple of the discussions, it is important now to develop a plan to have the opportunity for you as County Commissioners, whomever you decide to represent Santa Fe County, to meet with the pueblo governors and the lieutenant governors to talk about what we're planning, how the documents fit together, the master plan, the advantage of the plan, the ARC plan and also the interpretive plan and how it fits all together so that

we can get a consensus to bring back to COLTPAC and ultimately back to the Board for approval of that management plan.

So the discussion today is clearly to continue the dialogue that was at the 29th of November meeting with the Board and see which one of our County Commissioners would be involved or would like to be involved in that consultation process, one. Two, if it's the entire body then I have to go back and work with the County government and my intergovernmental team to figure out how we put such a meeting together. I would not hope that this would be a long process. It could be one long meeting but not multiple days of meetings, and then we develop a plan and implement that for that governing body to governing body discussion.

With that, Mr. Chair, I'd open it up for discussion to see if there's an interest from the Commission, Based upon the direction of the Board at that time, who would be interested and then what mechanism you would envision us putting this together.

CHAIR ROYBAL: And you want that feedback now, right, Tony? I would be interested in being on this board.

COMMISSIONER HANSEN: Mr. Chair, I would also be interested.

COMMISSIONER MORENO: I would be interested in participating.

MR. FLORES: With that being said, Mr. Chair, so this is the direction I need to take. With more than three of you sitting on this type of panel if you will, or discussion, it's going to be noticed as a public hearing, so what I would do is work through Manager Miller and the Public Works and Open Space staff to develop a potential agenda for this meeting, look at locations and times, and then run that also through not only my five, six bosses but also through those pueblos that have been at the table wanting to have discussion and then bring back the schedule in the next two weeks of how we would actually implement the plan. So with that, Mr. Chair, I think I have enough direction that we have at least three of you that would be interested in the dialogue.

CHAIR ROYBAL: Commissioner Hamilton, you had –

COMMISSIONER HAMILTON: I was just going to ask, did you want to say something about the pros and cons of moving forward with essentially a quorum of the whole Commission or an individual, and I'm asking that, recognizing that I sincerely think that the Commission is incredibly interested in participating in all these kinds of things. I think that's its big strength. But are there any other considerations, like do you see any reason to start out with one person in some of the initial meetings, just to facilitate moving forward quickly? Like the person whose district is in mostly, that sort of thing, that could report back to us and then we could move forward in a more comprehensive way if that was called for?

MR. FLORES: Mr. Chair, Commissioner Hamilton, that's an excellent question. Part of what I'm troubling with at the staff level is those individual discussions actually have to end up at a much larger discussion and the governance of two of the pueblos have indicated they – how can I say this that's politically correct? They really don't want to talk to staff anymore. They want to talk to you. So I think it's beneficial to at least have a debriefing with those individual Commissioners but ultimately the consultation would be with the Board of County Commissioners and the various governors of those pueblos, and I think right now we counted eight potential at the table.

From my little brain's perspective, this is almost a spin-off of the tribal summit that Commissioners Anaya and Roybal attended last year when we were dealing with other matters. One of them was cultural sites and I think this particular site was actually identified during former governor Vigil's introduction of his comments at that summit. So I think it's beneficial although time-wise it may make sense, ultimately I have to bring everybody back together so that they feel that they're talking to the policy makers of Santa Fe County and not the staff of Santa Fe County.

COMMISSIONER HAMILTON: Thanks for the answer.

MR. FLORES: So, Mr. Chair, we'll take that information and we'll formulate a plan with County Manager Miller and the staff and we'll bring that back at the 14th of February for discussion.

CHAIR ROYBAL: Thank you, Tony.

MR. FLORES: Thank you.

V. A. 3. Update on the Jacona Convenience Center Project

MS. MILLER: Mr. Chair, this item is one that we want to make sure that the Board is aware of some of the issues that we have run into in trying to have a new transfer station or convenience center in Jacona. Several years ago we had been looking for a site to build a new transfer station in the Jacona-Pojoaque area, and part of the reason for that is we currently have a transfer station on Pojoaque Pueblo land. We have a lease that basically we do not pay directly for the lease. We have an agreement with the – we don't pay for the property. We have an agreement that the pueblo gets their members and their trash access to the facility for free. They go in, they dump their trash, we haul it to the landfill.

That poses some problems for us, one, because it's not necessarily in the hours that we are there, so we don't necessarily know what's being put into our bins. In addition, sometimes they're full when we open. So we wanted an enclosed area and secured area for a transfer station. So we started looking for another site and ultimately negotiated a lease with the Jacona land grant. A 20-acre site, not just for that but also for a fire station and potentially some outdoor recreation possibilities. We've run into a few problems though and we've budgeted about \$2.5 million to build the new station and equip and whatnot.

But we've run into some problems with that site, one of them being that the DOT would no longer let us use the existing access point and so that we would need to build a different access point. That has significantly increased the cost of this project and it's made it almost unfeasible because we've bid it out twice and can't get it within budget. In addition, there's an expiration clause in the lease that makes the property fairly expensive over time.

So I'll have Robert give you some more information, some of the particulars but we want to actually request that we revisit the current lease that we have with Pojoaque. Oh, I forgot one other thing. Pojoaque at one point also told us they needed us to vacate the property because they were going to use it for something else. So that was the other reason that we secured a lease with the Jacona land grant. But since that time we've had discussions with them and they indicated that they did not need us to vacate the property

and would be willing to work with us on finding another site in roughly the same area. So Robert, could you expand on this?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners, I'll give you a brief summary of the Jacona solid waste collection center/convenience center. I apologize if I'm redundant in some of the things that Manager Miller has already stated. So the Jacona collection center that we currently operate is on Pojoaque Pueblo property. As Manager Miller said, we have a lease agreement, actually it's a 25-year lease agreement with the Pojoaque Pueblo for the use of this collection center, and we keep intermingling terminology here – collection center, transfer station, convenience center. We are no longer considered a transfer station because our volumes do not meet the standards to be a transfer station, so as NMED classifies us we are a collection or convenience center.

Anyway, so on September 9, 2009, the County amended that lease agreement with the Pueblo which reduced the acreage of the site, specifically for the purpose that Manager Miller stated. The compensation for the use of the Pojoaque Pueblo site is a dollar per year, but it also allows for in-kind services so that the Pueblo affiliated businesses and their tribal members have the ability to bring their waste to the collection center at no cost. The in-kind costs in 2016 were approximately \$70,400. This included \$38,400 in tipping fees. The tipping fees are the fees that we pay to Caja del Rio for landfilling of our waste. The additional \$32,000 was for transportation costs.

The County has experienced difficulty in controlling what waste was brought into this facility because, as Manager Miller stated, the Pueblo had access to this facility 24/7 and they were coming in during non-working hours. On days that we are closed, Mondays and Tuesday, we would make sure by Monday morning we had those bins emptied and when the caretakers would come back Wednesday morning to start the business week the bins were sometimes full. The other thing that impacted our ability to operate the facility was that sometimes the gate was locked and we couldn't open right at 8:00 because a tribal member or one of their businesses accidentally locked the gate inappropriately so we couldn't get in.

The County is required to certify all loads that we haul to the Caja del Rio landfill to ensure that they are free of hazardous waste, so when the Pueblo would bring in waste when we were not there to monitor what they were bringing in – and I'm not saying they were bringing anything in hazardous, but we have to certify that the load is free of hazardous waste.

Another reason for relocating off the Pueblo property is that the New Mexico Environment Department, Solid Waste Bureau is unable to permit and monitor this facility. Unlike the other County solid waste facilities that are not on tribal land. This is not to say that we don't operate and maintain this facility as if it was being permitted and monitored because we do make sure that we are operating that facility and making sure that it's clean.

Subsequently the County entered into a 25-year lease with the Jacona land grant for a new solid waste collection center on August 28, 2014. The compensation for this lease is \$40,000 per year for approximately 20 acres. This lease agreement includes a 2.8 percent escalation in payment of property taxes associated for future improvements. The most recent payment made for six months in the amount of \$21,135, which included two

years of escalation was recently paid. On January 12, 2016, the County amended this lease agreement which amended the parcel to accommodate the alternate access are required by the NMDOT as Manager Miller stated.

The County retained the services of Riskin and Associates Architecture on February 27, 2014 to design an enclosed facility collection center at the Jacona land grant site. Riskin and Associates have been paid approximately \$140,000 for the design of this new facility. The collection center design was completed on October 21, 2015. The collection center was designed to utilize tractor-trailers as opposed to rolloff bins that we currently use at the existing site. The benefit of using tractor trailers is we reduce our transportation costs. We will realize about a 70 percent savings in transportation costs by using tractor-trailers as opposed to rolloff bins.

The cost to construct the facility though that is conducive to tractor-trailers is considerably higher. You have higher retaining walls due to the height of the trailer being higher and so that is one thing that is driving the cost of this facility up as well.

The County let the project on November 15, 2015 and the bids were received and tabulated on January 8, 2016. All qualified bids exceeded the budgeted amount of \$2,038,000 so the project was not awarded. The costs related to access New Mexico 502 to this facility drove up the cost approximately \$500,000, and this was a requirement of the NMDOT. They would not allow us to use the existing access that the Jacona land grant uses because the right turn lane into the school would conflict with the existing accessing to the land grant.

The site contains multiple arroyos that complicate the design as well. Additional drainage and retaining walls have been designed for the site so the site can accommodate the proposed facility. This additional site infrastructure also adds additional cost to the proposed project. The County again let the project on February 21, 2016 and the bids were received on March 25, 2016. On March 24, 2016 the Office of the State Engineer's Office placed a moratorium on all new wells within the Pojoaque Valley relative to the Aamodt settlement. Due to this moratorium the construction of a well at this site is prohibited. So on May 26, 2016 the solicitation was canceled.

The land grant was notified of the moratorium and the staff advised the land grant to contact the Office of the State Engineer to see what options were available. The land grant was required to transfer water rights into that area for the purpose of a well. At this time the land grant has only been approved for an exploratory well. The Pojoaque Pueblo has tentatively offered an alternative site at their industrial park, which is off of New Mexico 502 as well but an official offer has not been made to the County. This site is conducive to this type of operations and has been access from New Mexico 502 and the land grant site. In addition, this site does not offer the same terrain challenges as the land grant site.

Options to consider are the following: First option is to terminate the lease with the land grant and stay and the existing site and continue to utilize rolloff trucks. This site is in desperate need of repairs and improvements due to the deteriorating retaining walls that are up against the waste bins. As per the existing lease agreement the County is required to design and construct a building to house the solid waste operations at this existing site not to exceed \$500,000 but based on our experience we know \$500,000 will not build the facility that we need.

Another option is to continue with the construction at the land grant property after making modifications to reduce the construction costs. Reducing the construction costs will require re-engaging with the design engineer in an attempt to value-engineer the project. Value-engineering will most likely require variances for additional site grading from the Board of County Commissioners. Extending tie-down slopes will reduce the need for retaining walls, thus reducing project costs.

Another option is renegotiating the lease amount with the land grant and continuing with the construction at the land grant property after making modifications to reduce the construction costs. This option will require the same value-engineering that was mentioned previously.

The final option that staff is proposing is to terminate the existing lease with the land grant and seek an alternate site. Staff has been successful in the past locating an alternate site in the Pojoaque Valley. The Pueblo has indicated it is willing to work with the County and has tentatively offered the alternate site at the business park, although, like I said before, an official offer has not been made. And also this will require that it's not accessible to the Pueblo during non-working hours.

To sum it up, the County view: Public Works/Solid Waste staff feels that a modern solid waste facility is needed in the Pojoaque Valley. The existing Jacona collection center is the second busiest collection center the County operates and is in need of a modern enclosed facility. Coupled with the high cost of the long-term land grant lease, the proposed land grant site is complicated by terrain and access issues that are contributing significantly to the increased cost of construction of the proposed facility. If the County were to opt for this site within the Pueblo's industrial park the Pueblo access would be restricted during non-working hours. This would also address one of the County's greatest concerns regarding the control and integrity of the waste that is being brought to the facility and that is subsequently being hauled to the Caja del Rio Landfill.

Pojoaque Pueblo perspective: The Pueblo has indicated it is willing to work with the County and it tentatively offered an alternate site which will not be accessible to the Pueblo during non-working hours.

Jacona land grant view: The Jacona land grant has indicated that it would like the County not to terminate the lease agreement because it will provide a modern facility in the valley on non-pueblo lands. The land grant has also stated that it would not increase the lease amount for the proposed County volunteer fire station at this site as well. The existing lease agreement with Jacona land grant states that the \$40,000 per year is only for the collection center and the future, the proposed volunteer fire station and trailhead parking that Manager Miller mentioned would need to be renegotiated for an additional fee. There again, the land grant sent an email to me stating that they discussed it with their board and they would not increase the lease amount for the volunteer fire station. They also stated that this lease is providing income for their land grant members. I stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board?

COMMISSIONER ANAYA: Mr. Chair, I have some comments but I think my first comment to you is I defer to your desire as the Commissioner in District 1, I can tell you that in hearing the many facets that Mr. Martinez brought up, the one thing that comes up in my mind is frustration. It's important that we get an updated transfer

station up north in that district but it's been a battle for a very long time. So what I'd suggest to you, Mr. Chair, is whatever your desire is and direction is that we focus on whatever that new direction is and expedite it as best as we can so we can finally get to the point where we're actually building the facility as opposed to just debating about the property and the cost and the lease and the access. This has been going on for many years. And so I defer to you. I want to support you to have an updated transfer station and I think that we should find an expeditious way to help you do that, whatever that direction might be.

CHAIR ROYBAL: Okay, I appreciate that, Commissioner Anaya, and yes, it is very imperative that we get this updated transfer station in the Jacona area. And some of my concern too is Mr. Martinez mentioned that we did get a letter of termination of the lease asking us to vacate, and that would be a concern of mine if we did do another transfer station on the Pueblo land. So that would be a concern that we would put in a very large infrastructure and invest this money and then something like that would happen where I think with the Jacona land grant, I think we would have a little bit more control in doing that. I know that there is a little bit more work that needs to be done but I still feel that that would be our best option, so I would like to see us work with the Jacona land grant.

Do we have any other questions or comments from the rest of the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Just respectfully, is that going to prolong you getting the transfer station in Jacona or is it going to help you? Respectfully. Do you – just from what I'm hearing is we're not getting the feedback and the cooperation. Is that something that you think we're going to be able to expedite to help actually get the facility constructed?

CHAIR ROYBAL: We did have a meeting and Mr. Martinez was there in the meeting with the Jacona land grant which took place about a week and a half ago and they indicated that they did get an exploratory well permit. It's my understanding that the exploratory well permit is just the step right before them getting the actual permit, so I think they're working on getting the actual permit and they were going to get back to us as soon as possible. And then I believe that would be the only thing holding us back. Is that correct, Mr. Martinez?

Commissioner Moreno: Mr. Chair, Commissioners, the well permit and then the fact that we've gone out twice, although staff never saw the sealed bids for the second time around because it was cancelled because of the well issue, but the other issue is to do some re-engineering to eliminate a lot of the costly retaining walls and be able to grade the slopes out further than what the current County code allows, which would require us coming back to the Board, amending our permit and coming back to the Board, possibly for an additional variance.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Do you have any information on other environmental permits, the status of that and what they might add in costs? Because just the things you said leading up to variance requests, the arroyos, drainage in the area, kind of threw up some red flags for me. Is that a cost that you guys have a handle on? Or is

that sort of an unexplored area at this point?

Commissioner Moreno: Mr. Chair, Commissioner Hamilton, all our archaeological and environmental clearances have been obtained.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Any other questions from the Board?

COMMISSIONER ANAYA: Mr. Chair, I just want to understand. So the recommendation that you guys are recommending is not what the Commissioner is looking for right now? Did I miss something? You guys are recommending that we work with Pojoaque or your recommending that we stay at Jacona?

Commissioner Moreno: Mr. Chair, Commissioner Anaya, I basically gave four options that varied from staying where we're at, not doing anything, continuing at the Jacona land grant site, moving to a new site at Pojoaque Pueblo. Staff did not make a recommendation on which one of these to choose. The only thing that in the overview, the County's view, staff strongly supports a new, state-of-the-art facility wherever it's at. Whatever the Board directs us.

MS. MILLER: Mr. Chair, could I chime in here? Part of the reason for bringing this to you, I want to clarify a couple things. One, we actually jointly asked for the lease to be terminated because we were going to leave as well as Pojoaque said, well, we can use the property for something else. And then we actually asked for them to redo it because we were unable to come in on budget at the new, at the Jacona land grant site. So we've been part of the issue with the Pueblo as far as kind of back and forth on whether we wanted to be there or not. That wasn't them kicking us out so much as it was we thought we would actually have a transfer station constructed last year.

COMMISSIONER ANAYA: We're still talking about the Jacona land grant where it's at now.

MS. MILLER: Mr. Chair, Commissioner Anaya, we're talking about two – we have right now our existing transfer station, that we use, is on Pojoaque Pueblo. And then we negotiated a land lease with Jacona land grant. That's the one that we have been unable to bring in a project within reasonable budget to get it built there, and in addition, the lease has an escalator factor as well as paying property tax so it's a fairly expensive lease and we've been paying for a piece of vacant land for the last two years that we haven't been able to actually get the project started, due to the water issue first and then due to the access issue. DOT required us to build another access that's very costly.

So one of the things that we wanted to do because this is sensitive in the sense of if we start just looking at alternatives with Pojoaque, we really have not gone – we asked them would they be willing to talk to us about relocating a transfer station on their property, just not right where it is right now because it's built on an old landfill. And as Robert said, we can't control access. They indicated a willingness to do that but we have not engaged in any formal discussions with them because we did not want to set off that, oh, gosh, you're just going to turn around and cancel the land grant lease.

So one, I feel that we need to do some due diligence, because we're not able to bring in the current project within budget and we have not been able to and that we should do some due diligence and at least have some substantive negotiations with Pojoaque to see if there's an alternative and possibly bring – one of the things we did talk

about is not completely terminating the lease but reducing the lease at Jacona for just the fire station and with less traffic, maybe we wouldn't have to build a new entrance and then keeping – using Pojoaque for the transfer station. But we didn't want to engage in any of those kinds of discussions to see what was possible because we didn't want there to be a backlash of, oh, you guys are cancelling the lease. You're doing these things, without you letting you know the problems we've run into and why we haven't been able to get the transfer station constructed at the land grant site.

COMMISSIONER ANAYA: So Mr. Chair, understanding and I appreciate you letting me ask a few additional questions, but respectfully, I'm going to support the direction that you want to go as Chair in your district, but I think we'd be remiss if we didn't give staff the opportunity to explore what alternatives there are and at least, at minimum, look at cost structures associated with them, keeping in mind that in that same corridor we have the elephant in the room which is the biggest decision that we're going to make in the next few months associated with the water project – the Aamodt settlement and the authority and many things associated with that as well.

So all of these things, and I apologize but I'm going to ask to make some other comments on the prior item that we just finished. I'm all connected to an interest to make sure that there's adequate facilities in the whole county, because I can tell you, Commissioner, having that type of facility in Stanley, in Eldorado and even not quite as expansive the one that would be up north, but the facility on 42, having those types of facilities for the public are essential and it's going to be great for District 1 to have that type of solid waste transfer facility, wherever we build it and wherever it works best for you in District 1. But I think we'd be remiss if we didn't understand what the options are with no malice towards the land grant in any way, but to make sure that as we evaluate expending resources going forward, especially given the large complexity of the water settlement and the funding that's going to come along with that, that we have some pretty tough fiscal decisions to make.

So I would ask, Mr. Chair, respectfully, if we could look at those alternatives to see what options there may be for us to consider. And maybe that helps and doesn't hinder the discussion with the land grant is what I'm hearing. Correct? That's essentially what you're saying?

MS. MILLER: Yes, Mr. Chair and Commissioner Anaya. That's what I was asking. It was important because we had headed down this direction two, three years ago and a lot has happened that has made this really difficult to get complete, and I feel like we need to get back and see if we can't negotiate something better for the County, either with the land grant or in light of the fact that we're having to build a whole new entrance, or with the Pueblo. But I didn't want to do that without making sure that the Board was okay with us engaging in those conversations.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I just want to chime in in support of what Commissioner Anaya just said about the importance of having options and information on all the options, and having staff be able to come forward with that.

CHAIR ROYBAL: Okay. Any other comments?

COMMISSIONER HANSEN: I would support what Commissioner Anaya

and Hamilton have also said and it is your district but at the same time, budget costs seem to be also part of the concern, and so I think we have to keep that in consideration but also since this is one of the busiest transfer stations that we have, something needs to be done.

CHAIR ROYBAL: Commissioner Moreno.

COMMISSIONER MORENO: I'll just add one thing that it sounds to me that there are a lot of – it's like building blocks with kids and I think most of the pieces seem to be there, but if we expanded the area that's potential we might find another set of partners, potential partners. So that's my two cents.

CHAIR ROYBAL: Okay. Any other comments or questions from the Board? Commissioner Anaya.

COMMISSIONER ANAYA: Just one other comment. Relative to the access from the DOT, is that a done deal? Or is that – we've had some difficult discussions with the DOT in recent months and last few years in particular, the northeast, southeast connector, but are they explicitly saying this is it? We're done. Or do we have some room to discuss alternatives with them?

Commissioner Moreno: Mr. Chair, Commissioner Anaya, in dealing with the DOT regarding this particular access, there's two reasons why they moved this access further west. The first reason is because the existing access that the land grant utilizes – for the collection center we will have to build an acceleration lane coming out of the collection center and that will conflict with the right turn lane into the school entrance. The other reason that they pushed it further to the west is so that this new access will line up right across from the existing County Road 84D.

So I don't know if there will be the possibility of the NMDOT changing their mind on their requirement due to the conflict with the school's entrance.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Mr. Martinez.

CHAIR ROYBAL: And I'd like to just say on the record that I'd like to continue working with the Jacona land grant but I am open to seeing what options staff can come up with. I think that's it as far as – thank you, Robert. I appreciate it.

COMMISSIONER ANAYA: Mr. Chair, if I could, I would like to ask if I could have just a brief comment and a question associated with the last item. I had that conversation with Ms. Miller. I apologize, I stepped out. It was relative to the Thornton Ranch and tribal consultation specifically.

CHAIR ROYBAL: Sure, Commissioner Anaya.

COMMISSIONER ANAYA: So, Mr. Chair, respecting all of my colleagues on the Commission, I just want to raise this thought and just possible alternative to what it sounded like, and maybe I misunderstood. Tribal consultation is something that I think we're finding is not only necessary but essential in that we don't – we continue to build good relationships with the tribal governments around us and our pueblos and our neighbors. That said, however, and I say this as someone that has been in and around the County for quite a few years, a few decades now, and that it's quite cumbersome, to be quite honest, for staff to generate meetings and tribal summits that incorporate all of us at a table that is going to try and hash through very complex matters in a meeting session and then end up trying to get some movement forward. So what I'm

trying to say is that I think it's very useful – the MPO is a good example. The MPO has what's called the Technical Advisory Committee that helps the board, the MPO board, dissect difficult issues that deal with transportation matters in a more compressed manner and it helps get down to the – what's the nuts and bolts of a particular problem. And then those problems come from the Technical Review Committee to the board, which could be a joint meeting between Commissioners and tribal governors, so then you get to some progress and work that actually gets something accomplished.

So Thornton Ranch, for example, the one that I asked that we have the discussion, we've been in discussion for many, many years associated with how do we get this thing to where the public can utilize it? Tribal consultation is one piece and component of us ultimately getting that land accessible to being utilized. So what I'm suggesting, Mr. Chair and Commissioners is that if we could have some in-between step before we go to a full-blown, full Board meeting with eight governors to discuss tribal consultation on Thornton Ranch it would be very helpful to staff if they're able to take a couple of us and have an intensive discussion with staff. I think without question staff has to be part and parcel of that discussion. And then have some recommendations that come out of that so then maybe flow to a tribal summit type meeting.

I'm just going to say from experience I think we're going to actually get some things accomplished. If we just go straight into a tribal summit – they're helpful but if they're not focused and targeted and we don't have a lot of the work done, that also can waste time. And I'm just going to say it that way and I mean no disrespect to the Chair or to the Commission at all. I just think maybe there's an independent step or an interim step between what the governors have asked and Mr. Flores, if I'm hearing you correctly said, we want to just meet with the Commissioners. Well, the reality that we're all faced with is that if we had to be part in the trenches of every single work we were trying to do in this Class A county with a \$220 million budget we'd never get anywhere and we'd never make decisions.

So maybe we can – maybe we can talk about that a little more and have some Commissioners present, but then have the work come from that to where maybe it's a joint meeting, a session that has us all in the room, but after some of that due diligence has been done. I'm just a little cautious about just going into a summit without maybe working through some of the complexities of what would happen, even with something like the Thornton Ranch. But I think maybe you could set some type of pattern in place or some type of structure that we can use for all decision. And I guess the best way I could quantify it is to say the City structure – we've had this discussion as Commissioners – the City structure lends itself to having a Finance Committee meeting or a Public Works Committee meeting. I'm not sure we're going to go that far as a County but in certain circumstances that might bode us well to have smaller sub-set groups that work through interest-oriented topics. Right? There might be Commissioners that sit on this board that say, hey, I want to be part – in the trenches or coming up with a solution for the tribal consultation and that's something I want to own. And then other Commissioners may have other more pressing interests that they lend their expertise to. I apologize for going on. I appreciate that you went backwards to give me that opportunity to make that comment but I do just caution us to go into tribal summits if we have worked through the trenches on a lot of the leg work that may need to be done. So thank you, Mr. Chair.

CHAIR ROYBAL: Thank you. Tony Flores.

MR. FLORES: Mr. Chair, just a quick comment. We plan on bringing back a plan of action at the February 14th meeting, the concluding remarks that we had. We'll take that into account and build that into a schedule, Commissioner Anaya. I will say that there has been tribal consultation on the staff level on at least two different occasions already and that has prompted the discussion that happened before this Commission in November. But we will bring back a plan in two weeks that would incorporate that type of discussion.

CHAIR ROYBAL: Okay. Thank you, Tony. Thank you for your remarks, Commissioner Anaya.

V. B. 1. Legislative Update

MR. FLORES: So, Mr. Chair, I'll be brief. I know we're running a little behind. In your packets that I printed out that look like this that had all the County Manager update items in there, is the first legislative report for the 53rd session. It goes through a lot of information. It provides you a lot of dates and times. It provides you a lot of current status of bills and if you turn to page 2, ultimately the bottom line is as of today there's not a lot of action as far as bills that have passed both houses and have actually made it to the Governor's desk without being vetoed and sent back.

The crux of the presentation outlines Santa Fe County resolutions that have been in support of various things over the past that have continued to make it to a legislative desk or committee and haven't changed very much. The important part of it is the back end of it that talks about the bills that have been introduced – not the pre-filed that we talked about in December but introduced – that are actually making it through both houses in some type of fashion, through some type of committee. I point your attention to certain things on page 6 of the report, House Bill 20, which talks about the limits of the application of the Public Works Minimum Wage Rate Act, under the Public Works Act, projects over \$60,000 require state wage rates. So it's a waged project. There's been some discussion since I was Purchasing Division Director that waged projects increase costs. This bill, introduced by Representative Ream actually removes road projects and highway projects from having to have wage rates, and there's another bill that's going through that would actually eliminate wage rates in its entirety from state public works projects.

That's an interesting topic that's going through that would actually affect Santa Fe County when it deals with various public works projects because we actually comply or comport to state law under the procurement code which we have to follow.

There's also bills that are going through like House Bill 266 that deals with the short-term rental dilemma that the state's facing. The City of Santa Fe worked out an arrangement with Airbnb where they can actually charge lodging tax to those short-term rentals. State statute that we fall under does not really permit that. Our Lodgers Tax Advisory Board at their meetings last fall indicated this would be something that they would like to consider, and Representative Trujillo was actually moving that bill forward.

Those types of actions, we would look at the Commission to actually take a position so that the intergovernmental team, who is actually at the legislature every day –

that's where Mr. Garcia and Mr. Miller are right now – would have a position to take on behalf of the Commission. In other words, if the Board considered a resolution that actually looked at supporting short-term rental language in the Lodgers Tax Act, we would take that and use that for a position statement when there's committees or when any of you as Commissioners would be there in attendance.

There's plenty of bills that are going through, including one – Senate Bill 98 – which was introduced by Senators Martinez and Cisneros, which actually redefined the statutes on annexation and removes certain conditions of distance as a test from the county seat to the area that's being annexed for public services. So that one is seeming to get some interesting dialogue at the state level.

So this legislative report basically outlines those types of discussion points that we are tracking as a legislative team that have some impact at the County level and also impact to Santa Fe County on a statewide level. So this is just our first of many reports. We will be back in February. Certain items, as the short-term rentals, as the Lodgers Tax has requested we do, and a position on whether Santa Fe County would support such legislation.

The other items that are in here deal with the general appropriations act for fiscal year 18. Imbedded in those appropriation acts are the dollars that we use for such things as our DWI programs or our LDWI program grants at the Sheriff's Office. You just approved a budget of \$17,000 today for a grant program. So those budgets that are imbedded in the general appropriations act, we monitor to see what impact it would have on Santa Fe County. The largest one that I've seen to date is the gap in Medicaid funding through the sole community provider program. On record last week at House Appropriations, the Secretary indicated they're going to be looking at the counties to fill that gap. What that means for us I can only surmise but somewhere along the line there's going to be an impact to us potentially as that moves forward.

And the other item that is gaining traction is the hold-harmless discussion. As you know, the hold-harmless phases out over time. We're in our third year, I believe, and that will phase out in a few more years. If they move forward on some of the plans where they eliminate the hold-harmless distributions back, there's some immediate impacts to counties, Santa Fe County being one of them, of funds to our general fund. So those types of initiatives are going through that process at the legislature impact us in some fashion. So every two weeks you'll be starting to get reports on certain actions or activities. Once those types of legislations pass through a certain committee or are assigned to a committee, we'll be sending out emails to each of you so that we can inform them or inform you of the process.

We've already noticed the legislature as a potential meeting, per se, that with three or more of you would be attending so that's on the public web that you guys would maybe be attending the legislative session. So this is purely an information item to start with. The doom and gloom will come later and then we can apprise the Board on that. And I stand for any questions.

CHAIR ROYBAL: Do we have any questions for staff from the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Flores, you talked about the lodgers tax

for a little while associated with short-term rentals. Could you clarify – which representatives were seeking to add language to where we would be able to tax short-term rentals? Is that what I heard?

MR. FLORES: Mr. Chair, Commissioner Anaya, Representative Trujillo has submitted a bill, House Bill 266, which deals with the occupancy tax of certain short-term rentals. This thing would be is that they would remove the exemption for those offering three or more rooms attached as a taxable premise. So right now, the definition of a taxable premise in statute that we use basically says three or more rooms qualify you to be paying lodgers tax. This bill actually removes that exemption and goes in the reverse. If you had two rooms that you put on Airbnb for instance, they could be subject to lodgers tax. The City of Santa Fe took that position of anything, anything that was advertised for lodging facilities, homes that are renting their rooms out, the City of Santa Fe is actually collecting lodgers tax on that. This bill addresses what they've already done but on a statewide level.

COMMISSIONER ANAYA: Okay, so I just want to be clear, because in the past if a Commissioner wanted to carry something we would ask to support it or not support it but I'm going to tell you, I want to be real cautious about going after somebody that's trying to rent a room out, one room or a couple rooms, and start imposing a lodgers tax on them. So I appreciate the updates and I just – maybe as it relates to specific items like that or other recommendations, we can continue to get broader, more detailed information but I just want to be clear that we've typically been cautious about which bills we endorse and I for one, I just want to say on the record, I'm not interested in going after somebody that's trying to have a short-term rental and generate some income for their family, putting that on the tax roll for a lodgers tax.

Now if there are multiple rooms, like a motel type situation, I guess I might be amenable to that, but for somebody just trying to better themselves and rent a facility they're obligated to pay taxes associated with those types of rentals as well. So I just want to say on the record I wouldn't support imposing a tax on them for a short-term rental and I know the City does that. Thank you.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: First of all, I want to thank you for doing these kinds of briefings, because it would just be impossible for us to keep up with this without that, so it's very much appreciated that you bring these substantive things. Based on what Commissioner Anaya just said, it just makes me wonder, if this goes through, would that make anything that was taxable a business? And I'm asking that because then that technically means everybody who does an Airbnb would have to come in for a business license, which would throw them into re-evaluation of the SLDC.

MR. FLORES: Mr. Chair, Commissioner Hamilton, yes. So these are the types of things that aren't driven by Santa Fe County per se. Our elected officials and policy makers are driven from other organizations that they find a sponsor to push through. Ms. Ellis-Green and I have had this discussion. If this happens to pass at the state level, that would impact Santa Fe County, it would impact our lodgers tax and it would also impact our Land Use staff and the SLDC because then there has to be some changes to the SLDC that would comport to this new change. And that's why it's

important that we identify those hot button topic items, if you will, because it's difficult for my team, and I say it's my team because it's three of us with two people that help me with the back end of it, we're there testifying before or against certain legislation based upon this Commission's direction.

So that's why these items are being brought forward. I'm not requesting that we support anything like that, but when we look at those issues that are on a statewide basis that have impact on us we would humbly request some type of direction from the Commission as we're getting, not to be there in support of something but to actually cautiously oppose something or speak in opposition to something.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Okay, do we have any other questions or comments from the Board? Thank you, Tony for the presentation.

MS. MILLER: Mr. Chair, I did want to add to some of what Tony was talking about relative to the state's budget situation, because they tend to fix it very quickly without introducing bills that let you know how they intend to fix it, as we learned in 2013 when they took away the hold-harmless distributions. So what has been put out there, if not in the form of a bill but certainly in budget proposal by the executive is, as Tony said, to close their gap in Medicaid funding is to turn to the counties once again, whereas two years ago to fund the safety net care pool they went after one-eighth, the equivalent of one-eighth of GRT from all the counties except Bernalillo and Sandoval and it ended up with 1/12. That equates to a bill for us every year of \$3.3 million. It comes directly out of our indigent fund or affordable care fund.

And then what they have said is they didn't achieve the dollars that they needed to match federal dollars so they want to take that additional increment that gets them to their equivalent of an eighth, or possibly even a whole 1/16. Just so you know, that would completely wipe out our health care program and why Kyra talked about our indigent claim process or affordable health care claims is that that is the funding source that we use to pay the current \$3.3 million tab. They have said and the Legislative Finance Committee has said, oh, well, counties have cash in their fund balances so we don't think they need their money, and we think that we should take the rest of the tax that they collect for their own indigent individuals.

Based on what they indicated on Friday to House Appropriations, they're talking the equivalent of a 1/32 to a sixteenth. That would be anywhere from \$1.3 million to about \$2.5 million for us, which is, as you can see, what we use to pay our health care claims and the contracts that we have with providers to hit our health targets.

Then the other one that Tony mentioned is taking away the hold-harmless distributions. Back in 2003 the state legislature and governor took gross receipts tax off of food and medical, but what they agreed to do at that time was make sure that all local governments who received anywhere from 10 to 25 percent of their gross receipts tax revenue off of food sales and medical services, they said we will hold you harmless and we will give you an equivalent distribution. So you will hear this referred to as a hold-harmless distribution. They will give, the state will give counties and municipalities the equivalent of what that would be.

They, in 2014 passed a bill rather quickly, or 2015, that said we're going to stop giving you that distribution and we're going to have it decline by six percent per year. So

in 16 years you would no longer receive that distribution, and in return you can implement another increment of gross receipts up to 3/8 to make up those revenues. Now what they're saying is that costs the state – I want to say \$130 million still, even with the declining amount, and they can't afford to distribute that to the local governments. So what they have said is that if any counties or municipalities have put in one of those increments they will reduce the distribution immediately.

That, for us, can be up to \$3.5 million in one year. So we're really watching closely what's happening over there because we could have legislation go through and get signed by the governor that immediately takes about \$6 million out of County revenues. And that would be drastic for us to try to adjust to. That would be incredibly difficult with us not affecting our services and our employees.

So I just want you to know this is something that we're – why you don't see a bill that says, hey, we're going to do that right now. It is being talked about as a way to shore up the state's budget woes, in addition to what they have already taken and it was mentioned by Chief Anaya from the fire fund, they took all the cash balances from the fire fund. They've taken the DWI funds. We've already had to cut over a half million dollars in DWI programs in the county this year, and they have taken 911 funds.

So I don't think that it's over as to what the state will do to try to shore up the state's budget and unfortunately it is likely to significantly impact Santa Fe County in particular and possibly the City of Santa Fe. They've also frozen, just so you know, capital outlay appropriations prior to 2016 that have not had contractor activities. We have five appropriations that may be in jeopardy there as well.

So I just wanted to let you know that the big thing for us, in addition to a lot of the policy initiatives that are going through the legislature is truly the financial impact of the decisions that they're making.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, this is one of those instances where it's good we actually had some additional discussion and that you emphasized and brought up these points. We've been raided before in recent years and we need to be cautious with what's happening over there and understand what's happening and then make sure we're informing the public. One item here that's fiscal – and maybe, I know we've done it in the past where you can break it up by a fiscal analysis where we could take the priority, direct impacts to the County and put those at the front and say here's the potential impact to Santa Fe County, if cut A or B or modification occurs.

Senate Bill 98, you touched on it just briefly, Tony, but Senate Bill 98 deals with the annexation issues that you've been faced with, Commissioner Roybal, in Santa Cruz and that type of bill, as simple as it may seem to allow people to petition to get out of one county or the other, has huge impacts to any county that would go through something like that. It's far more complicated than the summary of this bill lets on and I think in those circumstances we should be ready, and we've done it in the past at a meeting like this to make a statement and say as a Commission do we want to send a collective message with any particular piece of legislation, especially if it has a fiscal impact.

So if we can isolate those at the front and then it's up to the Commission as to how the Commission feels collectively to take some statements, understanding we don't

have time during the legislative session to notice the public hearing and go through a long, drawn-out process because it happens quickly. So I appreciate the information. Thanks for the updates, and I guess the other thing, Ms. Miller, is if the Chairman needed to call a special meeting because there was a direct fiscal impact that was going to happen overnight and directly affect our budget, you have that latitude, Mr. Chair, to call a meeting to where we could address that and provide some feedback. So thank you for the information and the report.

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

COMMISSIONER HANSEN: I just wanted to say to the Commission and to the County Manager's Office that if you feel it's necessary for us as Commissioners to show up at the Roundhouse that I trust you all have our cell phone numbers and that you call us and say, hey, we need a little support over here and please show up and let us know because some of these issues that Manager Miller has mentioned are quite serious and could quite devastate many people in the county, especially in community health and that's quite serious and I wouldn't want to see that happen to our constituents.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I also wanted to see if you could give us an update on senior funding, how it's being affected.

MR. FLORES: Mr. Chair, relative to the state's budget, there's been two reductions of the state budget for fiscal year 16/17. With each of those state budgets, for instance, our senior programs get funding through the Department of Aging and Long-Term Services, through AAA back to us – the Area Agency on Aging back to us. So all the state – there was an initial cut from the current fiscal year budget of about five percent that went away. As part of what I consider the solvency package which included four of five bills that went through both houses, all the agencies were asked to again take a five percent cut.

DWI, not changing too much gears, as Manager Miller indicated has already taken about a half a million dollar haircut with both of those reductions in the current fiscal year. We have yet to see the exact amount of the senior cuts but we have been told – I think the last number - \$15,000 has been the first cut. We haven't been provided notice of the second cut but I caution the Board, that is in the current fiscal year we're in. As we move forward and they start developing the general appropriation bill or act, those levels that they've asked the state to reduce are probably going to be the baseline or less when they start the budget. So seniors not as much but then our state allocation for the seniors program is much less than the County contributes to that program. We're about a 75-25 – 25 state funds, 75 general fund. So we'll see a smaller reduction in actual impact from the state side because they give us less, compared to DWI where they give us a considerable amount and we've taken – I think it's a half million dollar potential cut in that. So we monitor that as well.

My concern is they did the solvency bill and they took all this money and they froze capital to try to get them closer in the 17 budget. My bigger concern is when they start getting the 18 budget, that gap is expected to be large again. We heard estimates from \$93 million to \$330 million, and that's part of our concern is that number seems to move. It's a moving target. So seniors, not as big an impact but we will feel about \$15,000 less that we know of in this current fiscal year.

CHAIR ROYBAL: Okay. Thank you, Mr. Flores. And I just want to reiterate if you need us to attend some of these, as Commissioner Hansen indicated we would be happy to do so.

MR. FLORES: I appreciate that. Thank you.

CHAIR ROYBAL: Any other comments from the Board? Okay, seeing none, we'll move on.

MS. MILLER: Mr. Chair, I had two other updates real quick. Just a reminder that on this Thursday we have the organization and operations meeting, kind of an orientation, primarily for the new Commissioners but we'll also be going over other items that I think would – and we've noticed it as a full Board meeting if you're available, but some of the things we'll talk about are like the ethics ordinance and some of the issues in that, so that would be relative to campaign financing, things that would be applicable to all of you. But that is scheduled for Thursday the 2nd from 8:30 to 3:00 in the Legal Conference Room. There won't be any action items so it's informational.

And then on February 28th we are planning a site visit and inspection of the adult detention facility and the youth development program, and that would be before the regular BCC meeting. We think we'll actually have to do that, split that between the two of them, between February 28th and March 28th. I don't think we'll be able to do both facilities before we have to be back for the regularly scheduled meeting. And that was it.

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

COMMISSIONER HANSEN: I'm wondering if this is a possibility, if we could go from Matters from the County Manager to the public hearings, since it is already 6:00 and we have people in the audience who have come here, I believe to speak on the public hearing. If we could go to item VIII and take care of the public hearing and then return to the Matters from the County Attorney and return to the agenda.

MS. MILLER: Mr. Chair, we also have two presentations with people in the audience that were scheduled before the public hearings, so I don't know if you want to do those, and then the public hearings, or if you want to push those till later. I just know that you had – and I'm not sure if we have individuals here from the fire districts and also from Santa Fe Business Incubator.

CHAIR ROYBAL: Can I have a show of hands of who's here for the presentation on Report for Santa Fe Business Incubator? And anybody here for the presentation for the fire districts? Okay. And I bet you the rest are going to be for the ordinance for the animal control. Can I see a show of hands? Okay. I would like to go ahead and do that because I don't want to keep the public waiting. So what I am going to ask for is that we do take a ten minute break. We've been sitting up here for some time so if we could get a ten minute break and then we'll continue with the presentations and the public hearing.

COMMISSIONER ANAYA: So Mr. Chair, you are going to do the presentations and then the public hearing?

CHAIR ROYBAL: We're going to do both, yes.

COMMISSIONER HANSEN: We're going to do the public hearing first and then the presentations? How are we going to do this?

COMMISSIONER ANAYA: Mr. Chair, if I could.

CHAIR ROYBAL: Go ahead.

COMMISSIONER ANAYA: I fully respect Commissioner Hansen's comment but these folks on the presentation have been here since the beginning of the meeting so I would hope we let them do their presentation and the small business development center does some awesome work as do those fire districts. So I think we could get through those two presentations rather expeditiously and then the public hearings, would be my suggestion, Mr. Chair.

CHAIR ROYBAL: I would agree, because I do feel that there's a lot of members of the public that would like to speak and I know that these presentations will go quite quickly so we'll go ahead and do the presentations first and then we'll go to the public hearings. Thank you.

CHAIR ROYBAL: Do we need a motion to recess?

COMMISSIONER HANSEN: I move that we go to recess for ten minutes.

COMMISSIONER HAMILTON: I second that.

CHAIR ROYBAL: We have a motion and a second.

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

[The Commission recessed from 6:04 to 6:25.]

VI. B. Presentations

2. Presentation on Report from Santa Fe Business Incubator

CHRIS HYER (Economic Development): Mr. Chair, Commissioners, the purpose of this presentation is to fulfill a requirement of a contract between Santa Fe County and the Santa Fe Business Incubator. The contract was entered into for the calendar year of 2016 where SFBI was to provide business and workforce development services for businesses located outside the incorporated areas of the county. A copy of this report is included in the packet.

On February 22, 2016, Santa Fe County entered into a PSA with the SFBI for professional services related to business outreach, tracking and training for Santa Fe County businesses located outside the incorporated areas of the county. Deliverables for this contract include a reported presenting the number of new business startups, the number of businesses graduated from SFBI, the number of businesses assisted in retention efforts in 2016, an updated economic analysis of these businesses and to provide details on outreach efforts with economic development groups. This report is included in your packet.

Additionally, as a part of this contract, the Santa Fe Business Incubator is to make a presentation to this body presenting the report and to provide an overview of the scope of business incubation services and programs offered. I would like to introduce the president and CEO of the Santa Fe Business Incubator, Ms. Marie Longserre, who will provide you the presentation.

MARIE LONGSERRE: Mr. Chair, Commissioners, thank you for having me here this evening and I will make this very brief. I know there's a lot of slides; some of them I've allocated all of ten seconds to. The Santa Fe Business Incubator was built 20 years ago next month to help entrepreneurs realize their dreams, build small businesses,

create jobs, create opportunities for our youth and bring resources and revenue into our communities. Primarily we help an entrepreneur overcome risk and isolation.

Our clients are manufacturers who make jewelry, who do metal 3-D printing. They are technologies who create apps and software. They are service businesses that do installations, solar, green buildings. They are bookkeepers. They do digital media. They are also biotechnologists that create medical devices, pharmaceuticals and environmentally safe pesticides. We have a great variety of clientele because that is a reflection of our community and the opportunities for people in our community.

Business incubation is basically a three-legged approach to growing businesses and our economy by growing them ourselves with our own people in our community rather than relying only on attracting them from other places and in retaining those businesses in our community. Business incubation is a place, it is programs and it is people that create a network of sharing and exchanges. I know you all can read so I'm not going to read the slides to you. There's more information I can fill in with any questions you have in the future.

This business incubator has been a very good value. If we look at the next slide it says the return on investment for most business incubator is \$30 in tax revenue. In our tax district and according to the state of New Mexico it's more like \$42 which is a little on the high end of what our peers do. In fact, a 2014 independent study by the state of New Mexico showed that our clientele and graduates returns \$1 million in taxes to local government via the state every year. So your investment is giving you a heck of a return and we appreciate that.

Something I skipped here – 84 percent of these companies stay in business and in the community. We have a variety of programs. We help people with business basics, with networking, with marketing, financial management, etc. We don't do this in a vacuum. We work with other economic development agencies such as the Small Business Development Center, the Regional Development Corporation, the Community Colleges, our universities and more to present our programs to the clientele and to the general public. We right now have a 30,000 square foot building which is just a little less than the typical incubator. Typical incubator goals are creating jobs, fostering entrepreneurship, and enhancing the tax base and those are ours as well.

We serve about 19 client companies at a time that we work with very intensely over the period of one to four years. Average is about 3.2, 3.6 years that they work with us, but we host a lot of trainings and workshops, not only our own but other partners that we do things in conjunction with – 11,000 people came into our building last year to get training and help and engage in activities in that building. We fielded ourselves 275 requests. We worked with 81 people individually and that's in addition to the people that we work with on a regular basis.

And the magic of all this is that we do this with three full-time staff people including myself. It used to be five but after the economic downturn we lost certain amounts of funding and so everybody works very, very hard. We run an extremely lean operation there and we rely a lot on partnerships, volunteers, our board members, etc, to fill in the blanks.

We have helped over 150 core businesses to start their businesses and we have generally 16 to 19 at a time that we work with. This is a sample of the third quarter of last

year which is when we put this report together and one quarter, our client companies that were in our program at the time brought in \$1.6 million in revenue, employed 107 people, about \$1.5 million in payroll and they were attracting investments. That investment number varies widely. Somebody did get \$5 million in one month and then another month they could get \$1,000.

This is a little map of the entrepreneurial journey. We work with people both pre-incubation, post-incubation and everything in between. This is just a smorgasbord of programs that we present ourselves and that we have developed. There are pre-incubation programs, incubation programs, post-incubation. It involves everybody from everybody from people who have an idea to mentors and coaches that work with them and everything in between. And a very important thing for our companies of course is access to capital so we work closely with micro-lenders like WESST, the Loan Fund, Accion. We also work with the early stage capital groups like New Mexico Angels, the Catalyst Fund which has just gotten started through Sun Mountain and then the accelerators and the equity capital, venture capital world.

One of the things we're extremely proud of is about three years ago we were able to secure a \$1.25 million grant from the EDA of the federal government and put in a shared bio-science laboratory. It's a Class-2 wet lab. This has been a big attraction. We've had companies actually say that they moved to Santa Fe rather than someplace else because we had this lab. It's sort of unique in the county to have a shared lab like this, so a company that wants to start anything in biotech or live sciences can have an office or a lab space and buy some of their things, but they have a million and a half dollars worth of high tech equipment right down the hall that they don't have to go out and buy to get their company started so this is very important to us and we've also recently – in fact we don't even have a slide – developed a beautiful makerspace because one of our clients, who sadly passed away of cancer donated all of his technology equipment to us – 3-D printers, laser cutters, etc. to make a makerspace and a lab with that. So that's another asset that our companies can use.

This lab, the makerspace, all of our businesses are really attracting high wage jobs or creating high wage jobs and they're helping keep technology from our national labs and our universities and our Community College even here in our community.

Our graduates typically make about \$20 million. Actually, that is so outdated now because one company alone that we just heard from is a \$15 million a year company and they started in our incubator with one person and they now have 100 employees. And we have that story two or three times. Typically, they were purchasing a couple million dollars a year of purchases in the community. We've attracted about \$7 million for infrastructure programs. Our largest supporter has been the City of Santa Fe but Santa Fe County was a very early investor in the incubator growth so I want to thank you for that because I think we've done well with it and we appreciate that.

Our facility is currently worth about \$5 million plus the bio-lab. A number of our companies have graduated and gone on to own their own buildings, which means property taxes for you. I believe we pay about \$9,000 worth of property taxes ourselves plus all of our other business property taxes. We are very proud to say that we are about to enter into our 20-year anniversary and we certainly want the County to join us and we want to celebrate you and the investment the community has made in this. I want to thank

you for being part of growing these jobs and giving people opportunities and careers and for those of you who have not visited us or not visited us in a while and would like to come down and see the clients and the labs and what we're doing, just contact us and we'll give you a tour. You're welcome any time and I'm happy to answer any questions you have. Thank you very much.

CHAIR ROYBAL: Great. Thank you guys so much for your presentation, Chris and Marie. Do we have questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you so much. I remember coming out to the facility. I think it was in 96 when you first started and I've been out there a few other times but it's a great facility and we're very fortunate to have something like that in our community. I'm wondering what you're doing to help us with broadband and what we can help you to do. I know there is an initiative that I have talked with Mr. Hyer about and it's – I'll probably bring this up again but it is the SSFS Swam E-rate program that would connect schools and libraries. I don't know – I would think for some of your high tech clients that having broadband would be a really important issue.

MS. LONGSERRE: Yes, Chairman Roybal, Commissioner Hansen, it is the lifeblood of every company and even a non-technology company has to have technology these days. It's very, very important to that end. We added fiber our building early on and we have two T-1 lines that go into the building. However, they would always welcome and need and it would be a great boon to us and to those companies to have faster, better, more effective broadband at any time. We do spend a great deal of our budget on having broadband for our companies and it is a lot of what we invest in for them on their behalf. As far as those programs, I am not an expert on this. I am not qualified to talk about it except to the extent that it's very important to our companies.

COMMISSIONER HANSEN: So you would be an advocate for these programs.

MS. LONGSERRE: I would be an advocate for anything that helped them grow their businesses. Yes.

COMMISSIONER HANSEN: Yes. So I feel that broadband would not only help your clients but also the film industry, our own County facilities, and so I'm just looking for as much support as I can get to bring broadband to our community.

MS. LONGSERRE: Yes, Commissioner, many years ago when we did little surveys of what mattered the most to our companies, the number one thing that always was mentioned was coffee and the second was broadband.

COMMISSIONER HANSEN: And so we're still struggling with that.

CHAIR ROYBAL: Which one was first?

MS. LONGSERRE: Coffee.

COMMISSIONER HANSEN: Anyhow, thank you very much for the work that you do and I hope we can continue to support you in whatever way we can.

MS. LONGSERRE: Thank you, Commissioner. We appreciate it and we value our relationship with the County very much.

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

COMMISSIONER ANAYA: Thank you, Mr. Chair. I appreciate the efforts of the Small Business Development Center Incubator. You guys have done good

work for a long time. Could you provide us with your budget to the Commission, as far as what your budget is and the specifics of how you're breaking it out so I could better understand your sources of revenue and how we might be able to continue to partner and find other opportunities to partner. Is that something we could do?

MS. LONGSERRE: Chairman Roybal, Commissioner Anaya, yes. It's very simple and we own our own building. We're a standalone 501(c)(3) non-profit and as a small business incubator we have to pay for the programs and the building. The majority of our \$680,000 budget – that's the cash budget. We have about a \$750,000 budget if you count our maintenance and depreciation and costs on maintaining the building. But the majority of that comes from rents and fees from our clientele, about 55, 58 percent. The next large tranche comes from the City of Santa Fe a \$200,000 economic development contract, which we've had since the beginning. It's been various amounts. It's been \$200,000 for the last – or \$205,000 for the last eight or nine years, so it hasn't changed much. We have a small amount from the state but it comes and goes. Sometimes we get it; sometimes we don't. This year it's \$9,000. It's been as high as \$30,000. We've had \$50,000 contracts in the past with the County. Right now we have a \$25,000 one. If you can do math in your head really quickly we have about \$100,000 gap every year that we have to go out and we work with private individuals, corporations, banks, board members, etc. to fill in those blanks.

We're not a typical charity. It's very difficult to raise money for entrepreneurship if people don't understand the value of how that money flows into our economy and our community, versus homelessness and education and food and other things that are charitable needs where we're more of an investment in the future, an investment in the economy.

COMMISSIONER ANAYA: So Mr. Chair, I appreciate that summary and I guess going to more targeted work in the unincorporated parts of the county would be my interest. I understand how the benefits of business give back ten-fold in the economy and in taxes and in growth, so I guess the more specific we can get about targeting incubation of business in the unincorporated areas is what I'm interested and motivated to support in figuring out how do we augment the resources up when we can, because of that reinvestment we're going to get back when those businesses are out there providing services and also assisting with the tax base. So I'd be interested in maybe expanding the relationship, if we could make some of those direct correlations to what specific business would we want to encourage or help incubate and where and figure out where we can geographically put those or work with those beyond just the urban area in Santa Fe.

MS. LONGSERRE: Mr. Chair, Commissioner Anaya, we have worked with the County on that over the last several years. A number of our clientele come from the county and when they graduate they go there. Kokopelli Landscaping owns buildings in the county. They started with us. That's the case. We can't control what a business does or where they go very much, but we can encourage. I know a lot of the employees come from the unincorporated area. So we'd be happy to work with the Commissioner and the staff to innovate other programs and see what we can do in addition to some things we've been doing. I think we can expand a little bit. So thank you.

COMMISSIONER ANAYA: So, Mr. Chair, do you have a radius that you primarily focus on associated with people you've helped? Can you plot kind of all of the

people you've helped, those 150 businesses I think I heard earlier and where those are at? Is that relatively easy to do?

MS. LONGSERRE: Mr. Chair, Commissioner Anaya, yes and no. The radius of where people come from that use our services is how far is somebody willing to drive to come there, because we actually are the headquarters of that business when they start. So if they don't want to drive more than 40 or 50 miles we have a 40- or 50-mile radius. So we do have some people who come from quite far away. San Miguel County, Rio Arriba, we've had people from Taos even, but primarily, it's within a 35-mile radius of the incubator itself.

So they'll be with us for one, two, three, four years and then they're going to move out. And where they move to depends a lot on the nature of their business, and what's best for their business. And then they move around a little bit, so we can't pinpoint everybody all the time but we have a fairly good idea of what that geography looks like.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the information and look forward to continuing development and creation of new businesses throughout the county. Thank you.

CHAIR ROYBAL: Thank you guys for being here. Appreciate it.

MS. LONGSERRE: Thank you very much. We appreciate the opportunity.

VI. B. 3. Presentation and Approval of a Proclamation Distinguishing the Members of the Fire Districts for Chimayo, La Puebla, and Pojoaque for Achieving a Higher Rating Under the Insurance Service Office (ISO) in 2016

ASST. CHIEF MOYA: Thank you, Commissioners. I guess I'm going to kind of wing it because I'm not really sure what Chief Sperling had prepared but we appreciate you recognizing those three fire districts that did receive a lower ISO rating. I've got Fire Marshal Jaome Blay with me today. He's our new Fire Marshal that took our former Fire Marshal we all loved very deeply Buster Patty. He'll do a fine job. I don't feel he'll do as good a job as Buster but he's going to give it a good try.

My understanding is that Chimayo and La Puebla ended up with an ISO of 4 from a 5, and Pojoaque went from a 6 to a 5. So it really will help with their insurance rates. It will help with more funding from the State Fire Marshal's Office so we really appreciate you giving us this presentation. I believe it's on February 11th at the Pojoaque Main Station at 9:00.

CHAIR ROYBAL: Yes. At 9:00 right.

ASST. CHIEF MOYA: I'd stand for any questions if you all have any.

CHAIR ROYBAL: Is there any questions from the Board? A comment? Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: It may be obvious to everybody in the room, but as a volunteer firefighter and somebody who really is involved in the department I want to point out how much work it took these guys to get that better rating. The ISO inspections, we get a lot of supporter from Fire admin and from each other but

it's a huge amount of effort for some paid staff and a bunch of volunteers. So this recognition is hugely deserved and it makes a really big – it's a big deal for their communities because it impacts everybody in the lower insurance rates and frankly in the better service that they get. So it's very important and I just wanted that known.

CHAIR ROYBAL: Thank you for those comments, Commissioner Hamilton. And I've said this time and time again. I've mentioned it before on the record where I have attended a meeting. It gives you a summarization of the work that was needed to complete and get granted a lower ISO rating. I was really amazed at the amount of effort and work that it takes and even further amazed when I thought about these are volunteers. And a lot of paid staff as well but it is a huge amount of volunteers and it's unbelievable how much time and effort.

So I want to say thank you very much and keep up the great work. Just the achievement alone that these fire districts have to attain this reflects the hard work, dedication, desire and perseverance. It's all you can hope for from paid staff along and even just to think it's more commendable to say that a lot of these are volunteers. They've gone above and beyond and they're truly leaders in your respective communities, so thank you.

ASST. CHIEF MOYA: I appreciate that, Commissioner. And just to recognize Julian Sandoval who was the district chief of Chimayo, did step down as the district chief. He really turned Chimayo around and we applaud him for his efforts. And I'm not leaving out Nick Martinez who is the district chief of Pojoaque or Joseph Sandoval from La Puebla but it does take a lot of time and effort to run a fire district. I did it for numerous years as a volunteer. My wife does it now as a volunteer and I keep telling her to step back but that's in her heart and in her blood, so we really appreciate what the volunteers do as far as fire admin. So thank you.

CHAIR ROYBAL: Thank you, sir and I'd like to ask that my fellow Commissioners, that we all take turns to read in this proclamation. So does everybody have – are you already on the page? I'm going to go ahead and start and then I'll go to my right and go around to Commissioner Anaya.

Santa Fe County Proclamation: a proclamation to distinguish the members of the fire districts for Chimayo, La Puebla and Pojoaque for achieving a higher rating under the Insurance Service Office in 2016.

Whereas, the Insurance Service Office, ISO, is a national for-profit organization that provides statistical information on risk, and collects and evaluates information from communities throughout the United States on their structure fire suppression capabilities.

COMMISSIONER HANSEN: Whereas, the ISO provides a Public Protection Classification assessment for a particular organization, including city and county fire districts.

COMMISSIONER ANAYA: Whereas, the ISO's PPC program evaluates four elements of a community's fire suppression capabilities; the fire department, emergency communications systems, water supply and community risk reduction – fire prevention and code enforcement – in accordance with a set of nationally recognized standards.

COMMISSIONER HAMILTON: Whereas, in 2016, the Chimayo, La Puebla and Pojoaque fire districts of the Santa Fe County Fire Department underwent

rigorous ISO reviews of their fire suppression, emergency communications, fire suppression water supplies and fire prevention capabilities.

CHAIR ROYBAL: Whereas, as a result of these reviews, each fire district improved to a PPC class 4, placing them in the top 14 percent of more than 48,000 fire departments evaluated by ISO nationwide.

COMMISSIONER HANSEN: Whereas, insurance companies use the PPC information to establish insurance premiums for both homeowners and businesses in general, the price of fire insurance in a community with a good PPC rating is substantially lower than in a community with a poor PPC rating enhancing economic benefit to district residents and businesses resulting from decreased fire insurance premiums.

COMMISSIONER ANAYA: Whereas, these improvements reflect the hard work, persistence, and commitment of volunteer and career staff of the Santa Fe County Fire Department to improve public fire protection and safety of each fire district and a commitment by Santa Fe County and the New Mexico Fire Marshal's Office to provide funding and support to improve public fire protection and safety in the Chimayo, La Puebla and Pojoaque communities.

COMMISSIONER HAMILTON: Now, therefore, be it resolved that the Santa Fe County Board of County Commissioners does hereby proclaim and distinguish Chimayo, La Puebla and Pojoaque fire districts.

CHAIR ROYBAL: Passed, adopted and approved on this 31st day of January 2017. And it is signed by all five Commissioners, the County Manager, the County Attorney, and the County Clerk. Thank you guys and congratulations.

ASST. CHIEF MOYA: Thank you, Commissioners and we really appreciate your support to the Fire Department.

VIII. PUBLIC HEARINGS

A. The Low-Income Taxpayer Property Tax Rebate Adopted by Ordinance No. 2009-2

GREG SHAFFER (County Attorney): Mr. Chair, Commissioners, I'm going to give a brief overview of the low income taxpayer property tax rebate based upon more detailed information that was provided to the Board in its packet. In a nutshell, Santa Fe County along with Los Alamos County are the only two counties in the state that have adopted the low income property tax rebate. The way it works is that low income individuals who qualify for the rebate are able to claim a refundable rebate on their state income tax returns. So again, you actually claim the rebate on your income tax returns and if you qualify you're allowed the rebate. If the amount of the rebate exceeds the amount of the tax due it is refundable to you. That's what I mean by refundable tax rebate.

Ultimately, the cost of the rebate is borne by Santa Fe County and the Taxation and Revenue Department annually invoices the County for the amount of state income tax revenue that is lost due to the rebate. And if the County fails to timely pay the TRD's invoice then TRD is entitled to take enforcement action as well as potentially without revenue distributions to the County. So the actual rebate and its adoption arose out of the

annexation settlement and negotiations with the City of Santa Fe and that was one of the negotiated points in the settlement agreement, a mutual release of claims.

The ordinance, as adopted by the Board back in 2009 can be read as requiring this public hearing in January of each odd-numbered year. State law does not require that but the ordinance adopted by the Board in 2009 can be read as requiring it and so therefore we did notice this public hearing and bring this item forward for the Board to take input from the public as to whether or not the issue of the rebate ought to be revisited and then the Board can direct staff to do nothing, in which case the rebate would continue on the books, direct staff to bring back an ordinance that repeals the tax rebate, direct staff to conduct further analysis or potentially bring forth an ordinance amending Ordinance 2009-2 in other respects.

In that last regard staff's recommendation is that Ordinance 2009-2 be amended to remove the repeal language that some might read as limiting the Board's discretion as to when it might consider a repeal, because again, if you look at the ordinance it says a repeal can be made after the public hearing held in odd-numbered years. And again, we think, with the benefit of hindsight, that's a bit too restrictive and as with any other legislative matter the Board ought to have discretion to consider repeal whenever the Board thinks it's warranted and not say anything that suggests it will only take up the issue in odd-numbered years in January.

So that would be the recommendation. In terms of the cost itself, this was information that was provided to the County by the Taxation and Revenue Department and I believe that our Finance Director, Don Moya, is present. He's probably a little bit more familiar with the data than I am. But the cost has ranged, looking from 2012 to 2015, from approximately \$503,000 in 2012 up to \$539,000 in 2015. We tried to break out where those rebates arose from by geographic area to the best of our ability based upon the data that we had. You'll see that the vast majority of the cost is associated with Santa Fe addresses, but again, that doesn't mean within the City of Santa Fe. We don't have that level of granular data from TRD. Rather it includes properties with a remittance address with a Santa Fe address. So that would include areas outside of the city limits that have a Santa Fe address.

And the final point I would make with regard to the data that we have is that what we get from TRD is based upon the remittance address of the property owner which is different from where the property is located. So again, that's why you'll see on here Miami, Florida as an address, as well as Albuquerque, New Mexico. It's where the bills are being sent, not where the property is located.

So with that I would stand for any questions and then again, this is a public hearing on the issue of whether the Board might want to consider action with respect to the rebate.

CHAIR ROYBAL: Okay. Questions from the Board? We have Commissioner Hamilton, then Commissioner Anaya.

COMMISSIONER HAMILTON: Thank you very much. I was given to understand that the state ordinance that this comes from, the state law, requires this hearing in odd-numbered years and it sounds like you're suggesting that we can, we do have the scope to change that?

MR. SHAFFER: Mr. Chair, Commissioner, yes, we do. What state law

requires is if you don't have the rebate then you have to have a hearing every other year to consider whether or not you ought to have a rebate. So in other words, the state law requires – if you bear with me one second – In January of every odd-numbered year in which a county does not have in effect an ordinance adopted pursuant to this subsection the Board of County Commissioners of the County shall conduct a public hearing on the question of whether the property tax rebate should be made available through the adoption of an County ordinance.

So again, for the other counties in the state that do not have it, state law requires them to have a public hearing each January of odd-numbered years on the question of whether they should consider having it, but there's no requirement that once you do have it in place that you continue to have biannual public hearings on the question of whether you should keep it or not. To the extent that requirement does exist it because of a requirement that the County imposed upon itself, not by state law.

COMMISSIONER HAMILTON: And then so I assume that if we continue this, we would only then need another public hearing if at some point the Commission was at some point suggesting ending it, terminating it – the program. Is that more or less accurate? Did I get that out correctly?

MR. SHAFFER: I think that if the Board were to give direction that you would like to consider a repeal, then that would be done via ordinance. So you would have a series of additional public meetings. You would have a public meeting at which the actual ordinance was brought forward for the Board to authorize publication of title and general summary, so that would be one public meeting, and then you would have one or more public hearings on the adoption of that ordinance in whatever form it took before there would be any repeal. So again, this is a somewhat unique creature because you're having a public hearing on the issue of whether you ought to consider to have more public hearings and consider action to repeal a tax rebate. I hope that answers the question.

COMMISSIONER HAMILTON: Thanks for the clarification. It does.
Thank you very much for the clarification.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would ask Ms. Miller if you could pull the record on the previous discussions that we've had on this particular item and if you could provide that to my colleagues on the Commission, I think that would be helpful. The current rebate is a rebate that doesn't have – we don't have any oversight responsibility of whatsoever associated with this administration. The administration comes from the state level? From Taxation and Revenue Department? At past meetings I'm not ashamed in any way to say that I believe we could look at an alternative to this particular rebate and provide something that's broader across the whole county.

One of the things I suggested in prior meetings was that if we repealed this particular rebate we could potentially put those resources toward something like solid waste, potentially reducing fees in solid waste across the whole county. That was one suggestion that I made and we had several discussions in prior Commission meetings. So I do think that whatever the Commission decides they want to do I think we have an opportunity with our resources to be more of an oversight responsibility and more of the

tracking of how and who we give resources to. And I think this fund you'll see primarily goes to the more populated Santa Fe central part of the county and that we might consider repealing it but then replacing it with something, potentially solid waste or something else where we would have direct oversight responsibility of and the disbursement of resources.

The other thing I would add is I think there was estimates in prior meetings that we've had based on projections that this could get to a million dollars, Ms. Miller, in the next five years, I believe it was, when we were having prior discussions. If you could talk about that. Those would be much more dramatic impacts to our budget, that I think adversely affect our budget and our ability to control our budget.

MS. MILLER: Mr. Chair, Commissioners, Commissioner Anaya is right than when we first put this in place and I'll kind of back up to how it came about, as Greg alluded to in his comments that came out of negotiations with the City on annexation. And what happened, there was lots of law suits and five different agreements that came out of the annexation litigation. Basically, what the City had requested of the County was to put this in place so that if they annexed portions of the county into the city people's property taxes would go up, because the mill levy that the City has would now be added on to those residents who had property that was formerly in the county.

And so it was put in place and the first year that we received a bill, because the Commissioner is correct; we don't have any oversight. We don't even know what's coming until the end of the year. So what happens is people, if you look on your state personal income tax returns it will say that individuals who earn \$24,000 or less who live in Los Alamos or Santa Fe County only may be eligible for an additional low income property tax rebate. And if you are one of those individuals, on your income tax you fill out that section and then the state calculates how much you get back, or you calculate it and then they verify it.

And then it is given to the individual in their personal income tax return. So that happens throughout the year and then in January of the following tax year they just send us one bill and they say here's how much we paid out. And the first year it was around \$300,000, it was \$360,000. Then it was \$400,000. Then it was \$450,000. It just kept going up. And so the growth rate of it in the initial years was fairly significant and we did project out that it could potentially get up there. It does seem to have leveled off in this \$500,000 range but I think when the County put it in place they had no idea what the fiscal impact of it would be.

Also, the County bears the entire cost of that because it comes out of our operational mill levy, even though property taxes are collected for the school district, for the City, for the County, for the state, and for the Community College, just to name a few of them. If you look on your property tax bill you can see all of the different entities that we collect it for. But the rebate gets paid back completely out of the County's revenues.

So that's one of the issues with it. It's not age-specific. It's totally income-specific but it has grown every year since we've put it in place except for between 2013 and 2014. And then also the conversations that Commissioner Anaya was referring to last year, but it was an even year, and because our ordinance says we look at this in odd years, there was discussion about sunseting it, having it sunset sometime in the future and putting those funds and one of the proposals was to our solid waste program and potentially

reducing the amount that individuals pay for their solid waste permits.

So that was one suggestion. The other was just that it could be put to other County programs that benefit low income country residents. So that's kind of where we've been with it. I think one of the things, based on some of the conversations we had earlier, we might want to keep in mind, it may be something we need to do just to solidify our budget, depending upon what happens at the state level too. It is an option.

The Assessor was here and Deputy Assessor, because when they saw it on the agenda they did want to comment but they had to leave. They do have quite a few people who come in and ask about it, that there are quite a few residents who ask about it and the Treasurer also provided that comment that they ask about it and comment that they like that we have it. But we've never done any kind of formal assessment because we don't know from Tax and Revenue who actually receives it. We only get an amount and a location of each rebate and the maximum is \$350. They can be as small as \$10. It's graduated based upon the actual property tax you pay and your income level up to \$24,000.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So are we required to continue this agreement under the annexation agreement or can we sunset this?

MS. MILLER: Mr. Chair, Commissioner Hansen, it didn't say how long. The agreement just said that we would put it in place but it did not say for any specified period of time. Most of the agreements we have have end times to use services and things that we've provided or that the City has provided.

COMMISSIONER HANSEN: And then if we did want to make a motion to withdraw so that we could change so that if we wanted to withdraw this at any time, do we have to make a motion to do that? We can continue this or do we have to wait now and if we don't do it today do we have to wait until January of 2019 even though we are not – you know what I'm asking?

MS. MILLER: Yes. Mr. Chair, that's why what Greg's recommendation at a minimum, we believe we should publish title and general summary to amend the ordinance and take out that odd provision of odd year public hearings before you could do it. So that you would have the option of make a decision on it at any time. I did want to let you know though, one deadline that does come up is that the state prepares tax forms I think by September of a calendar year – or tax year, so if we wanted to repeal it, to keep that in mind because it's already on 2016 tax forms. So as people file current – as they file their taxes for 2016 right now, the state is paying that rebate to people. So we will have a bill for anything that's filed in people's taxes for 2016.

If you wanted that off of the 2017 tax year you'd have to make a decision to repeal it before September and have it effective before September of 2017 so that we could tell Tax and Rev, it's been repealed; take it off of the tax forms. What we had talked about previously was having it sunset on a particular date in the future so that people knew well in advance that it was sunseting so that it wasn't in the current tax year. So that was something we had discussed as well. And I will – I think that we talked about this last probably June, July timeframe. Maybe even earlier, when we got the actual amount and I'll pull those minutes so you can see that. But those were the discussions

that we had about like having it sunset in a couple years or having it – we even tried, just so you know too, we tried to get legislation to make it so you could set the maximum amount, but the actual chart is even in state statute that says if you make this amount, here's how much you're eligible for.

We tried to amend it but it got caught up in a lot of Bernalillo politics and so the piece of legislation got tabled. But we have even looked at that to just reduce the amount or reduce the cap from \$350 down to \$250 so that it was still there but it was something that the Board could set an amount of the maximum, and we weren't successful.

COMMISSIONER HANSEN: Are we allowed to do that? Are we allowed to change the amount?

MS. MILLER: Mr. Chair, Commissioner Hansen, no, that's the thing. And what Commissioner Anaya is saying is we can't – the chart of how much, based on your income that you're eligible for is in state statute. So the way the rebate is structure is set in state statute. You don't have any flexibility on how you do it and I think it's so that there's consistency in their tax forms. They don't want to make different tax forms for Santa Fe County and Los Alamos County and Bernalillo County, so they wanted one calculation. And if a county puts it in place it's the same for Los Alamos as it is for Santa Fe County residents.

COMMISSIONER HANSEN: So those three are the counties that are covered by this.

MS. MILLER: The whole state is eligible, all 33 counties are eligible to put the rebate in place. However, only two counties have and that's Santa Fe and Los Alamos.

COMMISSIONER HANSEN: But also Los Alamos is one county with no city.

MS. MILLER: But for the purposes – this is only a county and so the purposes of them implementing the rebate, they do it under their purview as a county.

COMMISSIONER HANSEN: Okay.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would just add that I think that after the public hearing at minimum we want to – I would be prepared to make a motion to deal with the language that Mr. Shaffer suggested, but I think in the interim, in taking a look at it, we still have a little bit of time, and if you can get those other minutes and any other information relative to the specifics to all the Commissioners I think that will help us as we maybe progress to either keeping it or making a determination to change it.

So the last thing I would say is the more – as far as oversight and responsibility, to track the revenue and dollars that we bring in and put out as a County Commission, I'm more inclined to leave the responsibility of oversight of not only who we give it to but how we give it to people under our auspices as opposed to allowing the state to handle it as a state function. I just think from a budgetary standpoint and from a practical standpoint it's much easier to control and account for those resources that we bring in and that we put out for whatever purpose, especially given the climate – and I'll just use health care as an example. The County less than a decade ago had a lot of responsibility associated with our indigent population and we could tell you every penny that we put out, and we could tell you who we gave it to and for what purpose.

And over the last six or seven year, the last two, three years in particular, a lot of that's been taken by the state and it's their responsibility. So we have less direct responsibility and oversight as to where those resources go. Hopefully, the safety net catches everyone but before we could track it dollar for dollar and tell you, this is who received those resources and what services were rendered. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Anaya. This is a public hearing, so is there anybody in the public that's here to speak on this matter, for or against? Okay, seeing none, we'll go ahead and close the public hearing.

COMMISSIONER ANAYA: Mr. Chair, if I could, on the prior item, I would move that we publish title and general summary on this particular ordinance and that we leave it open-ended, including for sure the language change that you suggested but provide the Commissioners with the other feedback and any other detailed information detail about the program so that if there are potential changes we could make we could consider those as well. So I would move that. Is that okay, Mr. Shaffer? That motion? Or do I need to be more specific?

MR. SHAFFER: Mr. Chair, if the direction to staff was to bring back an ordinance that would amend the repeal section to again maintain maximum legislative discretion on behalf of the Board, we can do that. And then I think that would get your further goal, which is the Board could continue then to study the issue over the course of the year, prior to September to consider whether it might want to enact a different ordinance that would sunset it.

COMMISSIONER ANAYA: Thank you, Mr. Shaffer. Thank you, Mr. Chair.

CHAIR ROYBAL: So we have a motion. Is there a second?

COMMISSIONER HANSEN: I'll second it.

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

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

VIII. B. Ordinance

- 1. Ordinance No. 2017-1, an Ordinance Amending Ordinance No. 1991-6, the Santa Fe Animal Control Ordinance, to Increase Fees; Prohibit Fixed Point Tethering; Conform Rabies Vaccination Requirements to State Law and Regulations; Set Forth a Process for Revocation of Permits Issued; Incorporate the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6; and Establish Penalty Provisions that Comport with State Law (First and Only Public Hearing) [Exhibit 3: Redlined Version of Ordinance; Exhibit 4: Letters of Support; Exhibit 5: Interim Updated Version; Exhibit 6: Final Version]**

PAUL PORTILLO (Sheriff's Office): Good evening, Mr. Chair, Commissioners. At the October 25, 2016 BCC meeting the Commission withdrew the new ordinance Animal Control proposed and asked that the amendments be made to the

existing ordinance. They specifically asked for an amendment adding Bernalillo County's anti-tethering language, an amendment to the fee schedule to increase license fees, and any amendments needed to conform the ordinance to state law.

The proposed ordinance addressed only the amendments that you asked for. The following changes were made to conform with state law: ordinance amended to incorporate New Mexico Dangerous Dog Act and establish a registration fee for keeping of a dangerous or potentially dangerous dog in accordance with the New Mexico Dangerous Dog Act; added procedures for revoking or suspending permits issued under the ordinance; aligned penalty provisions with state law and some of the fees that we want to increase were altered dog increased from \$3 to \$10. An unaltered dog increased from \$10 to \$25. Currently our contract with the animal shelter requires us to pay \$10 for the shelter to issue license for altered dogs and \$25 for unaltered. The County pays the difference between the current licensing fees and the amount we pay under the ordinance. We need an increase to avoid spending money on each dog license issued.

And also, the main one was we had the public hearing in regards to the no tethering, no direct point change, stuff like that. The public has spoken and we're requesting no direct point chaining or tethering of any dog within Santa Fe County.

Written public comments received after submission of the agenda packet are available on the back table and you guys have been provided with a copy of that as well.

So Animal Control respectfully requests that you adopt the proposed amendments to the Ordinance 1991-6 and I stand now for questions.

CHAIR ROYBAL: Questions from the Board? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I just want to preface my comments and say I appreciate the work that – first, I appreciate the feedback that we received from the public in the prior discussion and the public hearings that we had and that we note back the focus to hit to the core areas of what we needed right now to be accomplished, which was to take care of the tethering concern and issue and to make sure that the enforcement staff – yourself and others – had the tools that you needed within the parameters of state law to basically carry out your job. So based on that discussion, you feel confident that you've accomplished that with your team and Legal to meet those expectations that we raised at that particular meeting, Mr. Portillo?

OFFICER PORTILLO: Mr. Chair, Commissioner Anaya, I do believe that we have.

COMMISSIONER ANAYA: Awesome. Awesome. So then another follow-up piece is I understand that there may be some additional components that others may want to bring up. I think this is a good starting point. I know we're going to have some feedback but I think we've essentially got us where we need to get for now. It's still a working document and as we evolve there may be other things we need to add and modify and I think we can do that. That said, I want to highlight Animal Protection of New Mexico provided a letter that was provided to all the Commissioners and that speaks to specific issues but one of the main ones is a grace period.

We had a discussion with Bernalillo County representatives present and advocates and many others, some of which are here tonight, and I think that's still an open question that as we – if we get through the adoption of this ordinance and we begin to roll it out that we just need to be cognizant of people's capacities to transition and I know, Mr.

Portillo, we've had conversations. You've made public statements. Whether or not we need to amend that at some point and put it in the ordinance, I'm not sure we may need to. But I know, and I'd just like you to respond briefly, that your intent as the law enforcement wing is not to be highly punitive but to hopefully get to the point where we have enforcement but we have a reasonable relationship with our fellow citizens and that we work with them. So could you just – I know we're going to get into public comment but could you just speak to that a little? Because I think that may help alleviate some of the concerns of Animal Protection of New Mexico and others that are here to night as well.

OFFICER PORTILLO: Absolutely, Commissioner Anaya, Mr. Chair. We definitely would work with the public. It's not something that we would enforce immediately. It takes time to get the word out to the constituents of the county and we definitely understand that. So there would definitely be a grace period where we'd go out and educate the public. One of the ideas that I had and I mentioned it previously at the other meeting is that have a public meeting in the different areas of the county, District 1, 2, 3 and 4 and go out there and say, this is what we propose. This is what the new ordinance is, and of course not everybody is going to be able to attend those meetings but we can at least get the word out there saying we're willing to work with the people but it's not going to take – we want to do it in a timely manner. That way we don't have people that are not in compliance for a year or two years or something like that, just as an example. But we would definitely work with those people.

COMMISSIONER ANAYA: Awesome. And just a last point that keeps getting refreshed in my conversations with Animal Protection and others is that we're a team. This is a team effort. We have an ordinance that we're addressing specific concerns but the last thing we want to happen that has happened in other jurisdictions is where we have a highly punitive ordinance that is unenforceable, either because of lack of personnel or lack of communication and essentially working with our residents in the community. So none of us want that. So there are partners that are in the audience that are going to be people that we can go to when there's cost-prohibitive issues or design issues associated with the type of enclosure that they need to construct.

So I look at this as an opportunity to get us where we need to be state statute and also accommodate the concern of tethering, straight up, but then also being responsible and reasonable on how we carry it out and that we don't do it in a highly punitive fashion. And so, Mr. Chair, with that I'll be quiet but I appreciate the efforts of all of you here and where we've come to this point. Thank you, Mr. Chair.

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

COMMISSIONER HANSEN: Do we want to comment about the ordinance now or do we want to hear public hearings first?

CHAIR ROYBAL: We already started commenting so we may have well continue and then we'll hear public comment.

COMMISSIONER HANSEN: Okay. So one of the things that I'm concerned about Mr. Portillo is that in Section 5.1 it kind of is in opposition and doesn't really – is in conflict to Section 4.4, where it says when a dog is off its owner's property it must be under leash or under control by its owner. Control includes a dog. And then we

go over to 5.1 and we go A person owning or having charge, custody, care or control over a dog shall keep the dog upon his or her own premises when a secure pen, fence or an area containing a fence or a wall of sufficient height surrounding the perimeter of the property.

So, here we're saying if you're off of somebody's property, if you're off your property, you can have it under voice control, but if you're on your own property you can not have it under voice control? So that to me is extremely confusing and I think that you need to – we need to strike 5.1 and go back to what we had originally, because that doesn't really work for me. I don't want to put people who have dogs under their control in their own yard and they can keep it under voice control. And then you're telling them if they have it off of their property they can have it under voice control? That's a conflict. Do you understand where I'm going?

OFFICER PORTILLO: Yes, I do.

COMMISSIONER HANSEN: Okay. So that's one of my comments that I have an issue with at the moment. I also want – I feel like there's a number of things that need to be amended to this ordinance like I really believe in a three-strike policy. That's something that the City has that you allow people to be able to be warned and I see nothing in this revision that gives people the opportunity to be warned about their violation. I understand that because we're a county and we're in magistrate court an ordinance does constitute a misdemeanor if it's in violation but at this point somebody could easily violate one thing in this ordinance and they would instantly get a misdemeanor, and there's no ability to give them the opportunity to be warned or educated.

OFFICER PORTILLO: Mr. Chair, Commissioner Hansen, that – when it comes to issuing citations or anything to that matter, what it comes down to is officer discretion. So if it's a first offense with this particular individual, depending on the severity of the case, it's up to the officer to either say, okay, we're going to give you a warning today but if we find your dog out running loose again you could be issued a citation at that time. So ultimately, what it falls down is officer discretion.

COMMISSIONER HANSEN: If they're issued a citation, is the citation considered a misdemeanor?

OFFICER PORTILLO: Yes.

COMMISSIONER HANSEN: Okay. So any fine is considered a misdemeanor also? So we have this list of fines, so every time somebody gets a fine they're getting a misdemeanor also?

OFFICER PORTILLO: Yes. Anything that Animal Control handles are petty misdemeanors. Anything that's criminal, felony stuff like that, the sheriff's deputy handle those type of cases. And if I could just add one thing, in regards to the grace period in the ordinance, it says that there's going to be a proposed six-month grace period to be in compliance with the new changes to the ordinance. I just wanted to add that in there.

COMMISSIONER HANSEN: There's a number of other suggestions I would like to move for, suggest, but I will wait until after the public hearing.

CHAIR ROYBAL: I actually would be okay with if there's any other comments, we can to public hearing and make comments afterward but we can go ahead

and just a brief comment prior to going to public hearing.

COMMISSIONER MORENO: I would like to hear what the people have to say.

CHAIR ROYBAL: Okay, we're going to go into public hearing. Can we have a show of hands of how many people are here to talk on this today? Can we come forward and be sworn in, please? And if we can fill the front pews it will be easier to see who we still have. There's going to be a time limit of three minutes. If there's anybody that would like to give time to another speaker that's fine as well but we'll start with three minutes. So let's just be mindful and if there's – try not to repeat what somebody else has already brought forward for us to hear and the other thing I want for the public to know is that we did get several emails that we're also considering and making a part of the public record. So I'd like to also say thank you all for being here tonight.

[Those wishing to speak were placed under oath.]

CHAIR ROYBAL: Okay, we can get started with the first speaker. If you can just state your name and your address for the record.

[Duly sworn, Angela Stell testified as follows:]

ANGELA STELL: Good evening, Mr. Chair and the Board of Commissioners. My name is Angela Stell. I am the president and founder of an anti-tethering ordinance out of Albuquerque, New Mexico. Our address is 9445 Coors Boulevard SW, Albuquerque, 87114 and I am under oath.

I just wanted to thank the Commissioners for getting this far with this ordinance. Primarily our focus is the anti-tethering language in the new proposed ordinance. I was here in October as part of the Bernalillo County Animal Cruelty Task Force, NMDOG, the Bernalillo County Sheriff's Department and Bernalillo County Animal Care Services, partnered together to make up the Bernalillo County Animal Cruelty Task Force.

We have adopted a zero tolerance anti-tethering ordinance in Bernalillo County in 2013. Our three organizations working together have been very successful in the field with the community acceptance of this ordinance, providing resources and support, education and resources to people in the field with their tethered dogs and other issues that they have with their animals. We did provide a six-month grace period when the ordinance went into effect. We found that very effective. Our officers were very proactive in going out in the field, explaining to people the new ordinance, as was NMDOG and the Bernalillo County Sheriff's Department. We all worked together on this to educate folks to the new ordinance, to the resources available, to why the new ordinance was important and how it would make their community safer, not only for their animals but for their citizens and their children.

Chained dogs are 93 percent more likely to bite than a non-chained dog if somebody comes into their space. Many chained dogs are tethered in a way that they prove to be a public safety hazard. Chained dogs acquire pent up aggression and anxiety that if they do break free from their tether or chain they can become loose, running at large public safety hazard. Chained dogs are very highly, more likely to suffer from hyperthermia, hypothermia, malnutrition, infection, parasites, heart worm disease, all these different things because they're isolated on the property and they are not interacted with or really tended to daily by their caretakers.

So in passing this ordinance not only are you sending a message to your county

that the welfare and wellbeing of your animals is important but also to the wellbeing and the safety and concern of your constituents. I can tell you in my eight years of doing this work in the field alongside with Animal Control of different jurisdictions, we serve the whole state of New Mexico so we're not only experienced in the Albuquerque area but we go out into the more rural areas and also just all over. We're actually currently working a case right now out of La Puebla in Santa Fe County where NMDOG volunteers are working with the guardian of five chained dogs in building them some fences and getting them supervision. We have NMDOG volunteers working in an outreach capacity in Santa Fe County delivering dog houses and straw and food to assist people in providing better care and offering education and just trying to connect with the citizens and explain to them why it's important that we take care of our animals and what kind of benefits they can provide in their lives that they're being denied of by having their dogs on a change.

So I do just want to focus on the point that this is a team effort, as Commissioner Anaya stated. It's a team effort between law enforcement, your animal advocacy groups and your citizens to work together to make this successful. We've seen it done in many counties across the state and in even more smaller jurisdictions and it's been a really good thing. So thank you so much for your time.

CHAIR ROYBAL: Thank you. Thank you for your comments. I think at the three-minute mark I'm going to request that the mike be turned off and I'll just remind everybody to try and wrap up at that point. So thank you. Could we have our next speaker?

[Previously sworn, Stephanie Colthard testified as follows:]

STEPHANIE COLTHARD: Chair, County Commissioners, my name is Stephanie Colthard. I live at 53 Back Road, Madrid, New Mexico and I am speaking under oath.

I am a proud supporter and volunteer of NMDOG and you've just heard our president and founder speak to the amazing work that can be done in educating the public why it is important not to abuse and neglect our companion animals. I will not take too much of your time, but I just want to ask you to please, please, please pass the amendment to the ordinance tonight so that we can start working for the animals that are neglected and abused all over our county.

The grace period, we've talked about. It's going to be hopefully around six months, but the sooner we pass an amendment that's badly, badly needed to our current ordinance, which is over 25 years old and hasn't been amended in all that time, we need this to happen tonight so that our amazing animal control officers can get out there and start work and NMDOG and other advocacy groups are more than willing to come out and help in that education process. So please pass the amendment tonight and let's start working on improving the lives for our companion animals. Thank you.

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

[Previously sworn, Susan Kreiner testified as follows:]

SUSAN KREINER: My name's Susan Kreiner. I live at 1051 Calle Don Roberto in Santa Fe. I am under oath. So I am here not to talk about tethering, although I believe this is a very important issue that needs to be addressed and I do encourage you to approve it and move on. But I came here in November because I have a problem with

barking dogs that are in the county and I live in the city.

And I am – currently, the law only is considered a nuisance. It says that they don't tolerate barking dogs but there's no penalty or fine or anything mentioned in the part that talks about what the repercussions are. So it's an unenforceable law, and it needs to be enforced. The issue here, in my opinion is related to the tethering because this is neurotic barking dogs and a neurotic dog is not being treated properly, could even be tethered. But they are not getting their needs and it is an indicator of an unhappy animal. So I'm asking you, besides me being unhappy, we have an unhappy animal. So if we could work on that part of the law soon, I would very much appreciate it.

The City has a three-strike kind of situation with this and so someone comes out and fines them. I'm running out of time so anyway, so my point is it's something that needs to be addressed. If you would do it immediately I'd appreciate it, and again, it is related to how animals are treated because a happy animal does not neurotically bark. So I guess that's it and enforceable. And thank you so much. I have been at the legislature all day so I'm going home.

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

[Previously sworn, Diane McGregor testified as follows:]

DIANE MCGREGOR: My name is Diane McGregor. I live at 29 Bosque Loop in Santa Fe and I am under oath. Good evening, Mr. Chair and Commissioners. I support the efforts to prohibit tethering in Santa Fe County. The zero tolerance policy of this ordinance is necessary because animal control officers do not have time to determine whether a dog is being humanely tethered for a short time or is tethered 24/7. Therefore I support a total ban on tethering. Responsible pet owners will have to sacrifice the use of tethers and trolleys to ensure that all dogs in Santa Fe County are treated humanely. Thank you for your time and your consideration.

CHAIR ROYBAL: Thank you.

[Previously sworn, Linda Kastner testified as follows:]

LINDA KASTNER: Hello, my name is Linda Kastner. I live at 111 San Salvador in Santa Fe and I'm under oath. And first I would like to welcome the new Commissioners and congratulate Roybal on becoming chairperson. I guess I really want to urge you to pass this amendment for the dogs because they cannot speak for themselves. I attended a public meeting out at the Santa Fe County Fairgrounds. I believe it was 2013 where we discussed a new ordinance that would not allow chaining, and here it is four years later and those dogs are still on chains. So I think that we need to pass this amendment, which I think was a good way to expedite things and then get to work on doing the new ordinance that would address the concerns that some of the Commissioners had and some of the public has and lots of other issues I could think of too that could be in a new ordinance.

But I think to move things forward and to perhaps help with the safety of our communities that are affected by tethered dogs and the children that are affected by tethered dogs. I do go out with my dog to visit schools with the humane educator from the Santa Fe Animal Shelter and the first thing or one of the first things he tells the children is to never, ever, ever approach a chained dog, which is good for their safety. Anyway I think it's time to get the dogs off the chains. I urge you to pass this amendment and then move on to the greater issues. Thank you very much for your time.

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

[Previously sworn, Varanji Khalsa testified as follows:]

VARANJI KHALSA: Mr. Chair and Commissioners, my name is Varanji Khalsa. Thank you for letting me speak tonight. I live at 23 Arroyo Chiquito in La Puebla, New Mexico and I'm under oath. I've been involved with Chain Free Santa Fe for almost a year and a half now. We started working with Kathy Holian. And it's quite a process. This is my third public hearing where I've seen several people stand up and express that this is what they would like to see happen. I completely and totally respect Commissioner Anaya's perspective that we're a team and that we want to make this happen and we want to make this happen gracefully.

I live out in the La Puebla. I move here from Los Angeles ten years ago. I don't even like dogs and here I am today. But I saw my neighbors put a dog on a chain, a puppy. And I watched this puppy, I watched this dog become depressed. I watched him outside in 10 degree weather. I called Animal Control. I was told there was nothing they could do about it and I'm like - I'm going to get involved because I cannot watch another being, an animal suffer like this. And my husband and personally made friends with these people. We built a fence for them. There's a fence between my property and theirs. The dog is free. It runs free now, and that is the spirit because that is the only way this is going to work, is we want to work with people. We want to educate them and help them so they understand and make this a successful program.

I feel that this has been done successfully in other counties and that we're conscious beings and we can make this successfully happen here also. So I very, very much humbly request you to pass this amendment. Thank you so much.

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

[Previously sworn, Eileen McCarthy testified as follows:]

EILEEN MCCARTHY: Hi. My name is Eileen McCarthy. I live at 5 Big Bear Place, Santa Fe, New Mexico, 87508, and I'm in District 5. Mr. Chair and Commissioners, you've seen me here before and I have spoken with the Chairman and Commissioner Anaya specifically on this ordinance and I think that the public support for it has been really overwhelming. And through the previous hearings we have agreed as a community, both the Board and the public providing input, to address the most pressing matters first with these amendments and that is what we're seeking to do here and I urge you to please pass them tonight.

It is a living, breathing document that can be changed. There is a whole overhaul of the Animal Control Ordinance that has been presented before this Board in the past and has been sent back for further revisions and consideration. As a community I think we want to have a kinder, more compassionate, more humane place in which we live, work and play, for both humans and other animals. And that is what is at the heart of the anti-tethering or the tethering prohibition in the ordinance.

Others have said very well what I don't want to repeat but that it is not healthy for a community or for an individual animal to be confined in the way that an animal is when they are either on a trolley system tether, or a fixed point tether. There's plenty of things to be addressed in this amended version of the ordinance as well as in any upcoming ordinance, but we need to take one step at a time. And I think that Commissioner Anaya very skillfully skimmed off the top what had risen to the top as the most pressing

concerns and that is what is in the amendments today. So I do appreciate your consideration and your vote in passing these amendments tonight and the community, myself included as a representative of Animal Protection of New Mexico will be here to help fill in the gaps with education and assistance in coming into compliance. Thank you very much.

[Previously sworn, Claire Vanay testified as follows:]

CLAIRE VANAY: Good evening, Commissioners. My name is Claire Vanay. I live at 16 Canto del Pajaro. Mr. Roybal, I believe I'm your constituent. My husband and I moved to New Mexico several months ago and I have a situation in my own neighborhood that has been extremely upsetting involving a chained dog and that's why I've gotten involved. And I would just like to say that anyone who keeps an animal on a chain, including a chain with a pulley, does not have a pet; they have a prisoner. Anyone who doesn't want the companionship of a companion animal shouldn't have one.

Dogs are the most social of animals. To exile them to a life of solitary confinement outdoors in all extremes of weather is just plain cruel. I hope you'll take this opportunity while revising the Animal Control Ordinance to ban dog chaining outright and without loopholes. The dogs of Santa Fe who are living in substandard conditions are depending on you. Thank you.

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

[Previously sworn, Katherine Oriana testified as follows:]

KATHERINE ORIANA: Good evening, Commissioners, Mr. Chair, public. My name is Katherine Oriana. I live at 7518 Old Santa Fe Trail. I have been sworn in. I'm here tonight to also lend my voice to those who cannot speak for themselves which are the dogs that are chained, tethered, left basically to be abused, not only by their owners by the public, because when people encounter chained dogs the dogs are – they're perceived as vicious because they're barking. They're neurotic, and I have personally seen children hitting, stabbing dogs through the fences with sticks because dogs are actually on a chain, which is another thing I don't think people are realizing is there are several areas where dogs are not only on a chain, to a tree but they're in a pen that is so small that a baby wouldn't even consider it a legal playpen and yet there's no law that says that they can't live like that and that has to change.

When I think about how many years feet have been dragged about trying to change this and change these ordinances, make it illegal, I think about how many dogs are dragging chains around their necks. The way you would not have your children live, the way you would not want to live is the way these dogs are living, and it's not correct. I have been accused of being a bleeding heart and I would rather my heart bleed as I cry out because of all these dogs who are literally bleeding, around their necks, their feet – they're not being fed and cared for properly. Other people have spoken much more eloquently here tonight and I know you feel like this has been pounded and pounded again, but if that's what it takes then that's what we'll have to do. I'll come back 1,000 more times.

I myself have four dogs and they are not on chains. They have a large enough yard. When people tell me, oh, I have 20 acres and I can't afford to fence that. Your dog's on a six-foot chain. We're not asking you to fence your entire 20 acres. We're asking you to put your dog in a pen that's livable. So there are solutions and I want to be

part of that solution. And I hope you guys will all be part of that solution as well. Thank you so much for your time.

[Previously sworn, Rama Singh testified as follows:]

RAMA SINGH: Good evening. My name is Rama Singh 55 East Sombrillo Road en Espanola and I'd like to be the voice for three dogs that live across the street from where I live that are miserable. They live all year, 11 degrees, 5 degrees, whatever it is they live outside on chains. They're never related to as pets. They're rarely fed. I go over at night often and bring food to them and they eat as if they're starving to death. Their ribs are showing. They're very underweight.

And the people are not malicious. I've talked to them and tried to kind of influence them a little bit towards being more compassionate, understanding what a dog is – an amazing animal that they're missing out on all of that and the guy even tells me while I'm talking to him, one of his friends found his dog frozen to death on a chain. So he just doesn't get it. It's not like he's hateful or mean-spirited. But it's really hard for our family to witness the suffering that's going on there.

And another thing, I have a suggestion that if this ordinance passes that neighbors of these people like myself could be the ones that break the news to people with compassion and explain to them what the ordinance means and what's going to happen if they don't comply with it but try to be available to help people make the transition. I think if you just look at the manpower that would be involved in implementing this. It would be huge. And neighbors could be brought into the process to help. Thank you.

CHAIR ROYBAL: Thank you, sir. Could we have our next speaker?

[Previously sworn, Catherine Clark testified as follows:]

CATHERINE CLARK: Hello, I'm Catherine Clark, I live at 42 Chisolm Trail and I'm under oath. I came here and spoke in October and I want to say the same thing which is as every dog trainer or someone who's spent a lot of time with dogs knows, beware the unintended consequences. In Los Angeles, when they passed a spay and neuter law in 2009, every year since then they've destroyed more dogs. Curry County last fall increased the cost to adopt dogs three times and now they're destroying more dogs now than they ever have.

My concern is if we pass laws that doesn't have a set grace period and it's left up to discretion we're going to see people who are afraid and will dump their dogs in the shelters and we'll see more dogs destroyed in Santa Fe County. I do have a question about the off-lead dogs on your property. In order to train a dog to hunt, to do agility or obedience you have to have a dog off lead. So does that mean that we're outlawing hunting and all those sorts of things that we love to do with our dogs who don't tether their dogs but want to do things with their dogs, does that mean we can no longer do that in Santa Fe County?

I agree with Animal Protection voters. There needs to be a strike system, again, because I think people will be very afraid of the idea that they'll get a misdemeanor for tethering their dog and will simply dump their dogs. I would propose taking the tethering out of the rest of the sort of convoluted – problems with the other ordinance that seemed to – that haven't been fleshed out yet and passing that with a three strike system so that it's very clear.

I would propose that the public meeting also be in Spanish, because let's face it,

the people who are going to be affected by this law, many of them are not white, living in the corridor of Santa Fe but living in the outskirts of the county may not necessarily be the people who are represented here today.

I would also say that if you really care about dogs you should consider encouraging microchips. In counties that don't encourage microchips 13 percent of dogs who are lost are not recovered. In counties where they have universal adoption of microchips or attempt to have universal adoption of microchips, recovery is 75 percent, which means the animal shelters would spend less on storage less on trying to recover dogs. Someone can pick up a dog, take it to the vet, have the microchip scanned and be able to return that dog to the owner. One of the ideas around the microchip is that your first year licensing fee would be waived if you could prove you had a functioning microchip registered to your address to sort of incentivize having microchips. It's just an idea. Thank you very much.

CHAIR ROYBAL: Thank you for your comments. Next speaker.

[Previously sworn, Melissa Williams testified as follows:]

MELISSA WILLIAMS: My name is Melissa Williams and I live at 109 Caminito Montano Street. Chairman and Commissioners, I'm just a neighbor who doesn't like to see any animal abused or chained. I just live inside the city limits and right next to the county and there are several animals in my neighborhood who are chained. I think the program that they established in Bernalillo County was very, very successful. It built wonderful community relations. It made the circumstances for the dogs much more humane. It gave people a grace period. Neighbors and Animal Control helped find solutions for these people who had no resources maybe for fencing or other ideas. I just felt like it was a collaborative, successful process. It was tried and true in Bernalillo County and I just think we should have it here and I urge you to support the anti-tethering and the chaining amendment. Thank you.

CHAIR ROYBAL: Thank you. Next speaker.

[Previously sworn, Loraine Clark testified as follows:]

LORAIN CLARK: Hi. I'm Loraine Clark and I live at 42 Chisolm Trail. I also live in Texas and I'm under oath. I really appreciate the stories that people have told about their experiences with truly horrible cruelty against animals, but I think that if the public education system is going to be promulgated by the deputies and it's going to be involved with law enforcement, I really think that this is going to be much harder to get people to cooperate. I think a longer period with a good public education program of some kind in Spanish as well, would help people be able to change their attitudes, and then with a period of time where they will be able to comply. Let's face it, for a low income person a fence is very expensive. So I haven't heard anything about funds being available for low income people or low income seniors for their companion animals and I'd really like to hear more of that. Just threatening them with expensive penalties and misdemeanors I think is a dangerous precedent and I agree with my daughter that there will be a lot more dogs abandoned or surrendered to the shelters, when people just can't afford or manage to comply. I also think people will hide the situation. And I agree; it is cruel, but we have to find a way to bring them forward into our 21st century attitudes in a kind way. Thank you.

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

[Previously sworn, Lindy Martinez testified as follows:]

LINDY MARTINEZ: Hello. My name is Linda Martinez. I reside at 2593 Camino Chueco here in Santa Fe and I am under oath. I am a humane educator with Animal Protection of New Mexico and I teach a class called the consequences of chaining. I'd really like to urge you to consider passing this ordinance at this time. We've had extensive discussion on how to implement changes. Please pass these amendments and we can address other concerns with the County ordinance at a later time. We would really appreciate your consideration.

APNM, Animal Protection of New Mexico, we work very closely with the community and with the animal service officers. We provide a straw fund, free straw for people with animals that are kept outside but we'd really like to see this ordinance passed tonight. Thank you very much.

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

[Previously sworn, Lindsey Sniderman testified as follows:]

LINDSEY SNIDERMAN: Good evening. My name is Lindsey Sniderman. I live at 96 La Barbaria in District 4. I am here to urge you to pass this ordinance. I have grown up in Santa Fe, personally witnessed the effects of chaining on dogs, the neglect that takes place as others before me have stated. It is horrific. Very sad. I have two dogs myself. I live on seven acres. I do not have a fence; I hope to get one soon, but I do believe that education is important and through the various outreach programs such as NMDOG, they can go out into the field, educate people. My dogs are part of my family. They are inside my home at night. They are walked twice a day and I think it's important for people to understand that dogs are living beings that do not deserve to live at the end of a chain. Thank you.

CHAIR ROYBAL: Thank you. Next speaker please.

[Previously sworn, Ana Lopez testified as follows:]

ANA LOPEZ: My name is Ana Lopez. I live in 1605 Calle de Oriente Norte here in Santa Fe. I just want to say that I grew up in an apartment in Spain. I never had dogs because we didn't have time for that. The first time it was eight years ago that a friend gave me two dogs and I was living in the countryside in Espanola and I felt wonderful. Having two dogs, very protective and they were doing a great deal and such great company. I said why didn't I have dogs before? So I think that education is really important. To bring a pet into your family is a wonderful thing even for kids to grow up with pets. I feel very jealous of that, what I didn't do when I was a kid.

I see many dogs on chains and I think it's very cruel and also it is a danger for kids and for people because they become more aggressive. I have a dog and everybody says it's a very well behaved dog because I try to walk her and keep her loose as much as I can. It's part of my family and I think education is a very important key. And one last thing I want to say is I speak Spanish and I will be happy to help with the education if needed, so I really think it's very important that we learn to treat well the living beings and they have a very important mission in their lives as companions. Thank you.

CHAIR ROYBAL: Thank you.

[Previously sworn, Diana Dorantes testified as follows:]

DIANA DORANTES: Good evening, distinguished Commissioners. My name is Diana Dorantes and I reside at 1710 Third Street, and I'm under oath. I was at the

meeting in October and I don't wish to be redundant but I do want to make it clear that when we allow this sort of behavior at the level of chained dogs, again, this is a symptom of a problem going on inside of the household, and I do not wish to be punitive and punish people and make them pay for what they cannot afford. But they chose to have a dog that does require care and treatment. So what I'm saying to you is that as a community, I would hope that our culture could make a paradigm shift to something where we appreciate living creatures and honor them and it will be a process and it will take a while.

But it is something that a large amount of this community is interested in doing and we do want to volunteer our time, and we want to be thoughtful about it so that we can help these people see that their dogs, their cats, their pets are living beings and that their children are watching them abuse and neglect these animals. It can no longer be tolerated. And I would hope that you would go forth with passing this ordinance. Thank you so much.

CHAIR ROYBAL: Thank you. Do we have anybody else that would like to speak? Okay, I'll ask one more time. Is there anybody else from the public that would like to speak to this? Okay, with that I would like to close the public hearing portion and move to comments from the Commissioners. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I very much appreciated all of the comments that we received, not just in October and not only tonight but for several years. And I can understand the frustration of some that had specific goals in mind several years back and have had to wait to get to this point. And I think one of the things that this amendment does is it doesn't solve everything for everybody overnight, but it deals with the primary concerns that have been raised and it also provides our law enforcement staff, our Animal Control officers the ability to do what they need to within the scope of state law.

That being said, I heard concerns relative to unleashed animals, and it's quite ironic because when a lot of this discussion was taking place in all of the public hearings that I've been a part of, I was thinking of my own dogs as now you're going to have to be in a confined space, in a confined fenced area. So I want to emphasize, and I think I've articulated this to the members of the public in these meetings and even out of the meetings that our intent with this ordinance is not to go after those people that the lady earlier mentioned about training dogs and having unleashed dogs that she does for training. You were mentioning that and your mother. That's not the intent of this ordinance. I in fact learned things about our ordinance that were law that I didn't realize myself, that I was probably not in compliance with because I had my dogs loose on the ranch and helping with the ranching activities for all these years.

That said, that's not the intent of this particular ordinance and this amendment and I think there's going to be opportunities for modifications and improvements. But one thing I can take away from this evening that I think is important that I heard emphasized over and over and over again, is we can't go from zero to 65 overnight in a second. We have to make sure that there's a good educational process, and I think I heard something that was pretty profound when they talked about making sure it wasn't just the law enforcement officers having to carry the full burden of responsibility of rolling this out. It has to be a team effort and everybody has to come to the table to help us. Not only

organizations but the gentleman earlier, I don't know that we want to only have the neighbors. I think it would have to be a voluntary thing but I take your point well to say that the neighbors and the people in these communities may be the best people to help us disseminate the message and make sure that the public is aware.

So with that Mr. Chair, and I also wanted to say another thing relative to barking and other concerns that came up. We have opportunities to make modifications and changes and we want to provide those same opportunities for public input on those, I believe. So that said, Mr. Chair, I want to go ahead – and it's okay, Commissioners, if there's other things that you would like to add. I'm not taking this as hard and fast. I'm happy to take other friendly amendments if this is something that gets seconded. But I want to go ahead and make a motion that we approve this ordinance amendment, number one, and that relative to one component, Mr. Shaffer – and you'll have to help me with the language, but relative to the component on tethering specifically, that we utilize a six-month period of time to provide the education and the outreach and coordination that needs to happen to roll this thing out. So that's going to involve coordination with our Animal Control officers, our captain, our major undersheriff and sheriff, and those component parts that are here tonight, New Mexico Dog, Animal Protection and other groups that are part of the solution so that when we fully roll out that piece I'm proposing – I move the ordinance with an amendment on just the tethering that we have an educational outreach component of – I'm going to say six months because I keep hearing that over and over again – on that piece before we move to the other more punitive effects.

And I'm seeing the Animal Control officers and I'm seeing Rachel, our attorney, nodding that that may be do-able. So I'm going to go ahead and move that. So I'm moving the amended ordinance that takes into consideration the changes incorporated in state statute and the tethering and then I'm adding an amendment that would provide for a six-month educational and outreach period by which we would all get our heads together, utilize the resources in this room and otherwise to make sure that we do it right and that we provide a fair process. And understanding that we may have to make other changes down the road but this gets us off the dime. It gets us to a decision and down the road. So I'd move that, Mr. Chair.

CHAIR ROYBAL: Okay, we have a motion by Commissioner Anaya accepting the amendment and including that there's a six month period of education. Is that correct?

COMMISSIONER ANAYA: So I want before it gets to be fully in effect on approval but the tethering component I think is the most complex piece. So Ms. Brown, what would you recommend? What makes it more functional so that we get from adoption of ordinance to a functional, usable tool for everyone involved?

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Commissioner Anaya, as drafted, the ordinance provides that the tethering component would not go into effect for six months. During that time, certainly, the Sheriff's Department could undertake education and County staff could undertake education of the community.

COMMISSIONER ANAYA: So if it's in there, then I would just move the amendment and add in the motion that we would want to incorporate the full scope of the partners, not only that have voiced a desire to do that but any other people that are willing

to be part of a discussion to roll this out. Does that sound okay?

MS. BROWN: It does.

COMMISSIONER ANAYA: Okay.

CHAIR ROYBAL: Was that it, Commissioner Anaya?

COMMISSIONER ANAYA: Yes. But I hope for a second for discussion.

CHAIR ROYBAL: And I know the Commissioner has already made a motion so we have the opportunity – I know that there's some other changes that some other Commissioners would like to talk about. So I think we do need to move forward and see if there's a second as to the way Commissioner Anaya has presented it.

COMMISSIONER HAMILTON: I would love to have just a little bit more discussion but I would be happy to second this first to get it moving forward, to second Commissioner Anaya's motion.

CHAIR ROYBAL: Okay. So with a motion and a second, correct me if I'm wrong but can there be other amendments at that point or do we need to vote on it in the way Commissioner Anaya has presented it?

COMMISSIONER ANAYA: Mr. Chair, you could go to discussion now and you can have discussion. There can be additional adjustments if the motioner, myself, and the second agree.

CHAIR ROYBAL: So there could be other amendments as well/

COMMISSIONER ANAYA: Yes.

COMMISSIONER HANSEN: So Rachel Brown has rewritten Section 5.1 for me to go back to the way that it was for just a slight change and she says that we can put this in here but she will explain it.

MS. BROWN: Mr. Chair, Commissioners, in response to the concerns raised by Commissioner Hansen as an alternative approach, we have an alternative amendment which would put back into effect the definition of running at large that was taken out previously which states, It is unlawful for any owner to allow or permit any dog to run at large. Any dog permitted to run at large in violation of this section is declared to be a nuisance, menace and public health and safety and may be taken up and impounded as provided in Section 3.1 et seq. In addition, its owner shall be subject to the penalties set for in Appendix A.

And in support of that reinsertion of the statement about running at large we would propose amending Section 3, Article 5, Section 5.2 so that the title is changed to read 5.2 Unattended animals on private property, and Section A of that provision would be written to read, It shall be unlawful to tether an unattended dog as a form of confinement on private property. Unattended dogs on private property much be kept within a secure enclosed pen or in an area enclosed by a fence or wall of sufficient height to keep the dog within the enclosed area. "Unattended", for purposed of this section means the owner or other person having charge, custody, care or control over the dog is not immediately present so as to keep the dog under voice control.

The remainder of that provision would remain in effect so that you could have electric fencing and so forth. That is an alternative concept to the proposal that was moved for adoption by Commissioner Anaya and I believe we have copies of the revision that we can pass out to the Commission.

COMMISSIONER ANAYA: So if I could, Mr. Chair, Commissioner

Hansen, if I could, Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: So one of the things I said before I made the motion had to do with one of the concerns I got from the rural area was in fact that we were going to be restricted in those rural areas from having our dogs untethered on our property. Unless I heard it wrong – maybe I did – the amendment you proposed makes it more restrictive on those areas. And here's where I think we're going to have – and whatever the pleasure is of the Commission, I respect. We're going to have a broader discussion over time on the overall ordinance. But I think one of the things that we got hung up on with the big ordinance the last time was the distinction between urban, suburban and rural.

And so – maybe I heard it wrong. I'm sorry, Commissioner.

COMMISSIONER HANSEN: So what I was going for, and I don't know if I'm really getting it, but if you read 5.1 it's very restrictive and I'm trying to add – I actually would like it to just go back to what it said before, but if you read the new language on 5.1, it is exactly what she is saying. A person owning or having charge, custody, care or control over the dog shall keep the dog upon his or her premises with a secure enclosed pen or an area containing a fence or a wall of sufficient height surrounding the perimeter of the property. I would prefer to just get rid of that whole thing, but they have added that you can have the dog there under voice control.

So I'm good either way. I would be good if we just got rid of that whole section and just left it the way that it was in the past, because I don't know why they changed it.

COMMISSIONER ANAYA: Here's where I'm struggling, Mr. Chair. I appreciate, Commissioner Hansen, if you're trying to make it less restrictive on people's property for untethered dogs. Where I get stuck is I'm not always outside with my dog. Period.

COMMISSIONER HANSEN: I brought that up, Commissioner. And so if we could take that out and here's where we can get on a slippery slope. I appreciate that you're trying to make it less restrictive, but you're saying I've got to be under voice control of my dog on my property on the ranch, it wouldn't happen. And for many, many people in the rural area. I guess what – and I'm looking at our animal control officer, Mr. Portillo. The intent of this ordinance – you can go ahead and come up, Mr. Portillo – is to – we're doing away with tethering once and for all, okay? And we're going to have a transition to do that. But it's not to be punitive on people's dogs. Understandably, Commissioner Hansen is bringing up exactly one of those points that even I was probably breaking the law, right? Unknowingly, but I live five miles off a private road with no other residents, essentially.

So I understand the differences between my home and then someone in close proximity to the city. So I appreciate what you're doing, Commissioner Hansen, and I'm in agreement with it as an amendment. I guess the piece on voice control is the one I'm struggling with.

COMMISSIONER HANSEN: So in reality what I would really like to do, and you would be I think happier with this, is where it says dogs running at large, if we just go back to the original, which is where it says it is unlawful – this was what was in the law and has been there for the last 20 years or longer. It is unlawful for any owner to

allow or permit any dog to run at large. Any dog permitted to run at large in violation of this section is declared to be a nuisance, menace to the public health and safety and may be taken up and impounded as provided in Section 3. In addition, its owner shall be subject to penalties set forth.

They added the fence and all the other things and that is not something I remember us asking to be added into the rule. And so why you added in, you must have the dog on your own property and a fence and secure and a pen and in containment. So I was trying to find some way to solve that problem. But we could just revert to the way that it was originally and we'd be done.

COMMISSIONER ANAYA: So a suggestion, and I would be okay with that. I don't know if Commissioner Hamilton is, but I would be okay with it, going back with run at large outside of a person's property. So Mr. Portillo, could you help with that piece?

OFFICER PORTILLO: Mr. Chair, Commissioner Hansen, Commissioner Anaya, just to clarify, the voice command only applies to when the dog is off its property with their owner. Okay? So we currently do not have a leash law saying that if you're off your property you have to have your dog restrained to a leash. We don't have that. The only thing we do have a leash law is trails and open spaces within the county. So as far as if your dog's on your property and you're in compliance with the ordinance, your dog is contained on the property, so there's no need for voice command. It only applies if your animal is off the property with you. So if you're walking down the road your dog has to be on voice command so that way it doesn't go on to somebody else's property, the tendency to want to attack another animal or even a person.

COMMISSIONER HANSEN: But then why are you adding in this section about people having their dog on their property and that they must have a wall, a secure enclosed pen or an area contained fenced or wall – so you're telling people that they have to have –

OFFICER PORTILLO: We're telling people that they have to have their animal contained into their property.

COMMISSIONER HANSEN: Right. So there's many people, including myself when I had a dog, my dog would never leave the property, even if I wasn't there. And there's many people who live out in the rural areas who don't have fences, don't have huge walls, don't have electric fences, and their dogs never leave the property. They sit on the front porch and they're completely happy there. So I'm with Commissioner Anaya and Commissioner Hamilton on this is that this section just doesn't really work for me.

COMMISSIONER ANAYA: So Mr. Chair and Mr. Portillo, does the existing law, considering we're focusing on the tethering and the fees, does the existing law give you what you need to do to do your job or do you need the containment piece for those areas that are more urban in nature and where you have closer neighbors, is what I'm thinking?

OFFICER PORTILLO: Yes. We do need that containment. Absolutely.

COMMISSIONER ANAYA: Okay. So here's what I'm going to suggest, Commissioner Hansen. I don't think the intent is to go after property owners and people with dogs that their dogs are within their yards and staying within their yards.

OFFICER PORTILLO: Correct.

COMMISSIONER ANAYA: I think the intent is that there are situations, especially in more urban or populated areas, or even small communities – Galisteo, Cerrillos. You were just there the other day helping with a dog issue that was at large and causing other problems in the community and hopefully somebody will be able to adopt that dog. So Commissioner Hansen, fully respecting what you're after, I think that in the education component and what we're trying to get to is going to give us an opportunity to roll this out and see where we may have to make other modifications. But you're saying on the record that that's not the intent or purpose of what the ordinance is doing.

Because I've had people call me as well, especially in Stanley, saying wait a minute. Now I can't have my dogs herding my cattle. So if you could just say it again on the record.

OFFICER PORTILLO: Like I said, the voice command only applies to when the animal is off the property with its owner, not while it's on its own property.

COMMISSIONER HAMILTON: I frankly have an issue even with the urban/rural distinction because if you're in an urban area or a suburban area and properties are smaller, and your dog is running off your property, there's a mechanism to call Animal Control. If the dog really stays on the property there's no reason for a neighbor to be empowered to say I want that dog fenced, and especially in ranching situations and what not. And the way I listened to this being read I think that's – I think the no tether thing is hugely important but I just really don't see why somebody needs to actually be with their dog to have them under some sort of alternative form of control when they're sitting on their own property.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Hamilton, I think one of the components and correct me if I'm wrong, associated with the education and the outreach that we're going to do with the tethering, is going to have to create a circumstance by which there's an alternative for that dog that was tethered to now be contained within a property. Right? And that's the piece – I think that's the piece where you're going to need that containment to be able to offset not having the dog tethered. Correct?

OFFICER PORTILLO: Yes.

COMMISSIONER ANAYA: Ms. Brown, did you have –

MS. BROWN: Yes, I do, if that's okay, Mr. Chair, Commissioners. Just to attempt to address the concerns that have been raised with the revised ordinance proposal, if you look at that subsection B that was drafted under Section 3, an alternative way to write it that might address your concerns would be: It shall be unlawful to tether an unattended dog as a form of confinement on private property, taking out all of the language about how you would confine them on your property and simply saying, "unattended" for purposes of this section means the owner or other person having charge, custody, care or control over the dog is not immediately present.

COMMISSIONER ANAYA: Okay. So that in legal terminology that suffices to have the animal control officers, what they need to enforce the containment.

MS. BROWN: It would prohibit the tethering as a means of confinement.

And the running at large provision, which is put back in would then address the fact that if the dog comes off the property there is a violation of the ordinance.

COMMISSIONER ANAYA: I think that last modification simplifies it, Commissioner Hansen.

COMMISSIONER HANSEN: I'm okay with it as long as – I'm going with you as less restrictive than more restrictive.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Hamilton, are you okay with that version she just read in? I am.

COMMISSIONER HAMILTON: If you think – if that does not require a person whose dog is on their property to always be physically present, as long as the dog never runs off their property –

MS. BROWN: And as long as the dog is not tethered.

COMMISSIONER HAMILTON: Oh, absolutely. I'm sorry. I was taking that for granted.

COMMISSIONER HANSEN: Of course not. Of course not.

COMMISSIONER HAMILTON: Right. Then yes, I'm fine with that.

CHAIR ROYBAL: Commissioner Moreno, did you have anything?

COMMISSIONER MORENO: I would – I've had so many dogs I can't count them and in Eldorado it's easy. When I was the president of the homeowners association we had a complaint that a person was letting his dogs run around the neighborhood and the only way that that situation was rectified, and it happened on Super Bowl Sunday about five years ago. Somebody phoned in a complaint about the dogs running loose. So me and another board member, we went over there and the owner said, they're with me. And then low and behold, here come three big dogs, his dogs. He didn't know where the dogs were.

And to me it's an educational process in part, because if you're not naturally attuned to dogs it can be scary for some people, and that's why we put the protections in place. But education is the cure for many things. I like the idea of the microchip requirement. If your dog goes out and you have a chip that you can get it back. There's nothing worse than losing your dog and now know where they went and you'll never know. Maybe he got hit by a car.

So it's all about the people and the people have to have some common sense. But there are some people that don't have that because maybe they didn't grow up with dogs and don't know how to treat a dog. And several examples from you here today about the importance of caring and loving and so I'm going to support all the amendments that have been proposed today. What I would like to see is some data collection from here on and with a request to come back with some data. How many of this? How many of that? Two dogs running. How many people are repeat offenders? People know when you live in a neighborhood that is very dense, a dog barking can wake up a whole neighborhood. In Eldorado, where Commissioner Anaya, whatever, they can be running around all night long and not bother anybody.

So the enforcement I think needs to take that into account, that different places have different styles of working with their dogs. Some just like to take them to the dog park, and that's fine for them. I take my dog on a leash. And so I think I'll stop with this.

I was persuaded when the Bernalillo County people came this last fall about how

they went to people's houses with no ticket book in their hands and engaged the people and explained what you're doing, that you have been cited or someone has complained against you because you're not treating your dog right. This is inhumane. And maybe they're get mad or maybe some percentage of the people will say, wow, I never thought about that. So I'm looking for some data, some compassion for people who just are ignorant and let's see how it goes.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to – I want to support this amendment because I really want to get the fees taken care of and I really want the tethering to be removed from the ordinance. But some of the things that I want to have brought forward in future amendments to this ordinance are that we look into some kind of discussion about barking dogs in urban areas. That is the main issue mostly for barking dogs and people who came here. And then also look at micro-chipping. I know that we cannot put any of that stuff in the ordinance because it hasn't been published but I would like my fellow Commissioners to support me in moving that forward, that we start doing a general summary and publishing and work on amending this ordinance to have an ordinance about barking an ordinance talking about micro-chipping. Those were the main two issues in finding some ways to bring that in. So that's just what I would like to ask for support on and with that, I'm very – I'm good. And I would like to see this ordinance written in Spanish also. I think that was a very good suggestion.

CHAIR ROYBAL: Thank you, Commissioner. Is there any other – I have some comments whenever anybody's done. I do want to bring up that I'd like to direct staff to work with our communities in bringing forth what kind of rules and regulations they'd like to see incorporated in their areas. I know that they're going to be different in every area. They'll be different for rural areas, urban areas and I just want to have the community involved and engaged in bringing forward what they would like to see. I do support us passing the ordinance on tethering or making that amendment, but I still would like to see us work with communities so we can gather input and empower the community and see what they would like to – what kind of rules and regulations they would like to see in their area.

Because it's important like Commissioner Hansen brought up, the barking dog issue where Commissioner Anaya and I live it's not as important. Really the people understand that you have coyotes howling and a lot of times when I will open the window and I tell my two dogs to quit barking, the coyotes will be quiet too a lot of times. It's funny, but when they hear a human voice they kind of stop and I've seen them in my yard. So they have a reason to be barking; they're only doing their job. So we need to probably keep that in mind and just work with our communities. So I'd like to put that on the record and thank everybody for being here tonight. You guys have not wavered so I really appreciate all the information and input that you brought forward tonight, and I think Commissioner Anaya had some closing remarks as well.

COMMISSIONER ANAYA: No, I'm good, Mr. Chair. I just wanted to give Ms. Brown a chance, I think just on the additional language.

MS. BROWN: Mr. Chair, Commissioners, we are having the revised amendment copied right now. If you'd like to wait for a moment we can put it in front of you so you read it before you act on it, if you'd like. It should be out in just a moment.

CHAIR ROYBAL: Thank you.

COMMISSIONER HANSEN: I also really want to thank everybody who came out. I am really completely opposed to chaining of a dog and I understand listening to you and hearing how long this ordinance has been tried to get past is really – is concerning and for that reason I think it is important that we try and pass something tonight and move this forward so that our community can start to educate people on why you don't want to tether and chain your dog, and the effects that it has. But I hope that the group here and the people here who will continue to help with the education after the six-month grace period and be there for those people who need help and that Animal Control will also be compassionate to those people out there who don't really understand this situation and to help them. Because to some people these has been a cultural lifestyle all of their lives, generations. So we want to be compassionate to them also.

CHAIR ROYBAL: Is there any other comments from the Board.
Commissioner Moreno.

COMMISSIONER MORENO: I didn't see the – I just got this. The temporary tethering, like if you're in a public park. Did that get in? Stay in?

COMMISSIONER HANSEN: Did that get deleted?

CHAIR ROYBAL: That would still be taken care of under that the owner would be attending at a public park. Correct? It says unattended.

MS. BROWN: Within Section 3, Article 5, 5.2, It is unlawful to tether only if the dog is unattended. And so that addresses the exception.

COMMISSIONER MORENO: Okay.

CHAIR ROYBAL: Did you want to go ahead and make the motion again with these changes?

COMMISSIONER ANAYA: So I would just restate the motion and passed out and distributed and I'd just move it that way. Is that okay, Mr. Shaffer.

COMMISSIONER MORENO: I second the motion.

COMMISSIONER HAMILTON: I had the original second.

CHAIR ROYBAL: Commissioner Hamilton did have the original second, but we'll go ahead and for the record we had multiple seconds, from Commissioner Moreno as well. So we have a motion and multiple seconds.

The motion passed by unanimous [5-0] roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

CHAIR ROYBAL: Congratulations to Animal Control. Thank you for being here.

COMMISSIONER HANSEN: I also want to thank all the Commissioners for working together on this.

MS. MILLER: Mr. Chair, there were three things that we had left which were matters from the elected officials, matters from the Commission and informational items. If you wanted to do those now then we could have those out of the way. Then we don't have to keep the recorder or the Clerk.

VII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ROYBAL: Is there any elected official that would like to make a comment on the record tonight?

GERALDINE SALAZAR (County Clerk): Yes, I would Mr. Chair, Commissioners. I would like to state that currently, the Clerk's Office is managing several small elections. We are managing the Santa Fe Community College election, the Santa Fe Public School election, Pojoaque Public School election and then the bond question for public schools. Currently, we have early voting going on. If we look at the Santa Fe Public Schools and Santa Fe Community College early voting has been consolidated and so has the election with these two bodies, which they have cooperated to do this and include also the bond question for \$100 million.

Starting on January 18th through February 4th, early voting at the Otero Community School, Santa Fe Public Schools Educational Service Center Conference Room on Alta Vista. Also at the Santa Fe Community College and the County Clerk's Office. That's where early voting is being conducted. For Pojoaque Valley School District early voting is being conducted at the Santa Fe County Clerk's Office. All elections mentioned will be held on – Election Day will be February 7th. So I just wanted to mention this to the public listening tonight that we do have the Pojoaque Valley School District, the Santa Fe Public School District and the Community College, along with the bond question.

Thank you very much and if you have any questions they can go on the Clerk's webpage off the Santa Fe County website. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk.

VII. A. 2. Commissioner Issues and Comments

CHAIR ROYBAL: Do we have any Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, I have something I wanted to bring up. You all fellow Commissioners will recall that last year the Water Utility staff did a study of water rates, what it costs us to deliver water and what the County charges and there were some valid reason that that got tabled or I guess technically voted down in December. So to cut to the chase and I can give my reasoning afterwards if you guys want to sit here for it. I would like to request that the Commission ask the Utilities staff to review what they did and think about that in the context of comments that were received in December and probably prior to December.

You will recall some of the comments had to do with things that can be very difficult to set. This study was meant to be a first cut at allowing the County to develop a sustainable situation where we're not charging so much less money than what it costs the County to deliver water that it becomes unsustainable at some point. But there were concerns about fairness, about how rates once you assess how much water, how much it costs us to deliver water. Then there are additional important considerations about how you distribute those charges between different types of users, etc., etc.

So I would just like to get that back on the table and to maybe ask staff if they can review what they have and think about, as I said, the comments they had and maybe on our – I guess it's our next Commission meeting on February 14th come back with just a little summary of what they think it would take to revise this in the schedule. So not the final answer just an ability to come back and make suggestions about what they think they need to do and what they think is on the table in terms of responses.

CHAIR ROYBAL: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: In regards to that, I support Commissioner Hamilton and I would also particularly like the comment made by Gil Tercero from the mutual domestic in Agua Fria area amendment to be brought back into the ordinance. He was one of the people who commented. There was no section in that particular water bill about mutual domestics and I believe that we worked with some of the mutual domestics on that day and Bruce Frederick and Claudia helped write an amendment that Gil Tercero from the Agua Fria Mutual Domestic brought forward. So I would like to make sure that that would be included in this presentation coming forward.

COMMISSIONER HAMILTON: I appreciate what you're saying. Can I just ask for some clarification from you, because I'd like to see staff have the ability to revise their specific rates and the reason I'm saying that is because one of the issues was how, like Agua Fria specifically got designated in terms of whether they were a wholesale user or not. That kind of thing. So the principle of what you did in that amendment is fine, that they needed to get additional consideration. It's one of those things that seemed unfair or inappropriate on some level in the way the charges were distributed, so I'd like the staff to consider that seriously, but not necessarily to hold them to that specific dollar amount. Like I think what they were trying to do was to give them the wholesale rate so if any chance that changes or they re-evaluate that. Does that make sense? Would you be amenable to that?

COMMISSIONER HANSEN: Well, part of the problem with the situation in Agua Fria is incredibly unique and the history of the village is incredibly unique and they were not asking for a discount but they were willing to pay the wholesale rate and if we start charging them the retail rate or whatever it's called, they'll go out of business and then we'll have to take over the water system, and then it's going to cost us even more money.

COMMISSIONER HAMILTON: I respect what you're saying and frankly I totally agree. That's why I was trying to be careful to say it was not the dollar amount that I specifically didn't want to constrain County staff but the concept of using the wholesale rate, so it allows for any adjustment on a technical level that might be needed. So I do agree with you in principle that the idea was to change their status.

COMMISSIONER HANSEN: Just to make sure, I'm just watching out for

my –

COMMISSIONER HAMILTON: I get it. I understand.

CHAIR ROYBAL: I think we're just giving direction to staff right here, not really in debate. So if we can just – if you want to give direction as well, that's fine. Commissioner Moreno, did you have anything?

COMMISSIONER MORENO: I'm done.

CHAIR ROYBAL: Commissioner Anaya.

COMMISSIONER ANAYA: Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: It's something separate.

COMMISSIONER ANAYA: I just – congratulations on being elected chair and vice chair, Commissioner Hansen. I'm a short-timer here but I look forward to looking to the last day as a Commissioner, and I look forward to working with each and every one of you to accomplish as much as we possibly can. We have some very difficult and challenging issues to confront – water, Aamodt issue and others. But I look forward to that and I look forward to working with each and every one of you.

CHAIR ROYBAL: Thank you. Appreciate that, Commissioner Anaya. Commissioner Hansen.

COMMISSIONER HANSEN: I also want to bring up an issue that I would like County staff to consider, especially in the economic development area is a county broadband project in a number of parts. There is an SFPS Swan E-rate project. It has an urgent deadline of March 31st and it is connecting schools and libraries and I think it's something that possibly the County could buy into, developing a county broadband map and report on a current broadband needs, structures and partnerships. I have a little cheat-sheet here that I would be happy to give to County staff in economic development that we could start working on this project and seeing if we could get broadband.

If we can get the library and the schools connected, the administration building right downtown goes right past and would be on the route of broadband from Gonzales to the main library and therefore it would be a tremendous benefit to the County to have broadband in our new administration building, and that is one of the reasons why I am pushing this.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen.

IX. INFORMATION ITEMS

- A. Growth Management Monthly Report**
- B. Public Safety Monthly Report**
- C. Public Works Monthly Report**
- D. Human Resources Monthly Report**
- E. Administrative Services Monthly Report**
- F. Community Services Monthly Report**
- G. Financial Report**

No questions were raised.

VI. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session: 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 the Following:**
- 1. Rights-of-Way for County Roads**
 - 2. *Board of County Commissioners of Santa Fe County v. Gregory Fuess, State of New Mexico, County of Santa Fe, First Judicial District, No. D-101-CV-2015-01936***
 - 3. Potential Nuisance Inspection and Abatement Action**
 - 4. Potential Enforcement Actions for Violations of the Santa Fe County Sustainable Land Development Code and New Mexico Subdivision Act**

MR. SHAFFER: Yes, Mr. Chair, just for the record and in compliance with the Open Meetings Act, I respectfully suggest that the maker and the seconder of the motion include that the basis for the executive session is 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, and that the specific items to be discussed include the following: rights-of-way for County Roads, *Board of County Commissioners of Santa Fe County v. Gregory Fuess, State of New Mexico, County of Santa Fe, First Judicial District, No. D-101-CV-2015-01936*, potential nuisance inspection and abatement action and potential enforcement actions for violations of the Santa Fe County Sustainable Land Development Code and New Mexico Subdivision Act.

COMMISSIONER HANSEN: So moved.

CHAIR ROYBAL: So we have a motion. Do we have a second?

COMMISSIONER HAMILTON: I'll second that.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 9:05 to 11:10.]

Commissioner Moreno moved to come out of executive session where the only

SFC CLERK RECORDED 03/07/2017

things discussed were those on the agenda. Present were the five Commissioners, the County Manager, Deputy County Manager, County Attorney, and Deputy County Attorney. Commissioner Hansen seconded the motion.

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

VI. B. Possible Action(s) with Respect to Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant Discussed in Executive Session

COMMISSIONER HAMILTON: In the matter of *Board of County Commissioners of Santa Fe County v. Gregory Fuess*, I move to authorize the County Manager to negotiate a settlement of the matter and to execute all documents necessary to effectuate the settlement.

COMMISSIONER HANSEN: Second.

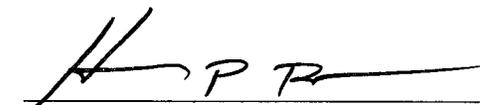
The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

X. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 11:14 p.m.

Approved by:


Board of County Commissioners
Henry Roybal, Chair

TEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK



Respectfully submitted:

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

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 171

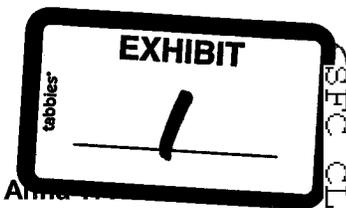
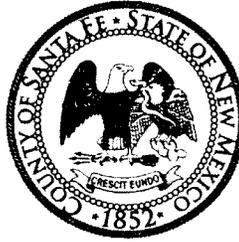
I Hereby Certify That This Instrument Was Filed for Record On The 7TH Day Of March, 2017 at 11:07:48 AM and Was Duly Recorded as Instrument # 1819480 of The Records Of Santa Fe County

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

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna Hansen
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

CSFC CLERK RECORDED 03/07/2017

Date: January 30, 2017

To: Board of County Commissioners

From: Vicente Archuleta, Development Review Team Leader
Penny Ellis-Green, Growth Management Director and Land Use Administrator

Re: MISTAKE FOUND IN THE ORDER FOR CASE NO. CP/S 16-5250 HIGH SUMMIT III CONCEPTUAL PLAN, PRELIMINARY PLAT FOR PHASE 3, 4, 5, AND 6, AND FINAL PLAT APPROVAL FOR PHASE 3 FINAL ORDER

SUMMARY:

On the above mentioned case, the County Attorney reviewed the Final Order and found a mistake in Paragraph 1, line number 5. The 2 lots should have been 12 lots.

STAFF RECOMMENDATION:

This has been changed and copies have been resubmitted with the correction.

EXHIBITS:

1. Final Order Redline

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

**CASE NO. CP/S 16-5250
HIGH SUMMIT III CONCEPTUAL PLAN, PRELIMINARY PLAT FOR PHASE 3, 4, 5,
AND 6, AND FINAL PLAT APPROVAL FOR PHASE 3
WHITE BEAR PROPERTIES, LLC, APPLICANT
SOMMER KARNES & ASSOCIATES LLP, AGENT**

BOARD OF COUNTY COMMISSIONERS

THIS MATTER came before the Santa Fe Board of County Commissioners (BCC) for hearing on December 13, 2016, on the Application of White Bear Properties, LLC, (Applicant) for Conceptual Plan, Preliminary Plat and Final Plat approval for Phase 3 and to modify the previously approved High Summit III phased residential subdivision to reduce the amount of lots from 55 lots to 12 lots with no more than 20 dwelling units in accordance to Chapter 14, Section 14.9.9, Conceptual Plan, and Preliminary Plat approval for all Phases 3, 4, 5 and 6 consisting of 3 lots on 15.96 acres in accordance to Chapter 5, Section 5.7, Preliminary Plat and Final Plat approval of Phase 3, consisting of 3 lots on 15.96 acres in accordance to Chapter 5, Section 5.8, Final Plat of Ordinance No. 2015-11, the Santa Fe County Sustainable Land Development Code (SLDC). The property is located within the Residential Community Zoning District, off Hyde Park Road (NM475), within Sections 15, 16, 21 and 22, Township 17 North, Range 10 East (Commission District 1).

The BCC, having reviewed the application, staff reports, and having conducted a public hearing on the application, finds that the application is well-taken and recommends approval



Board of County Commission Meeting

January 31, 2017

Matters from the County Manager

Agenda Item V

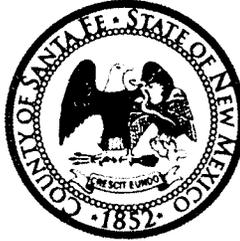
- A.1. Update and Presentation on Draft Santa Fe Water Reuse Feasibility Study**
- A.2. Thornton Ranch Management Plan Update – Tribal Consultation Process**
- A.3. Update on the Jacona Convenience Center**
- B.1. Legislative Update**

SFC CLERK RECORDED 03/07/2017

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *January 23, 2017*

TO: *Katherine Miller, County Manager*

VIA: *Michael Kelley, Public Works Department Director*

FROM: *Jerry Schoeppner and Claudia Borchert*

ITEM AND ISSUE: Update on the Santa Fe Water Reuse Feasibility Study

SUMMARY

The City of Santa Fe's Reclaimed Wastewater Feasibility Study (FS) evaluates alternative strategies to use reclaimed wastewater to address projected future shortfalls of water supply. The impetus for the FS was the Santa Fe Basin Study (a collaborative effort between Santa Fe County, City of Santa Fe, and the Bureau of Reclamation), which showed that the surface water supplies for the Santa Fe Basin could be reduced by 25-33% by 2050s due to the projected impacts of climate change, resulting in as much as 9,323 acre-feet annual supply gap. The preferred alternative in the FS, which is currently being finalized, is to route treated water (up to 2,376 acre-feet) via a dedicated pipeline from the City's Paseo Real Water Reclamation Facility (WRF) to the Rio Grande at the Buckman homestead site, and then divert an equal amount from the Santa Fe River to the Buckman Regional Water Treatment Plant for treatment and supply.

BACKGROUND:

The County had intended to participate formally with the City in the FS study and to that end had been working to secure a memorandum of understanding (MOU) and funding; however, due to time constraints in the application submittal timeline, the MOU was never finalized. Nevertheless, the County was invited by the City and Carollo Engineering, the contracted consultant, to participate in some working group meetings, developing and evaluating the RFP, identifying alternatives, evaluation criteria and weighting factors. Also, the treated water from the County's wastewater treatment plant, the Quill, was initially included in the study but in the end was dropped because the water is not and cannot currently be discharged to stream systems. Attached are excerpt from the FS, which directly discuss possibilities associated with Santa Fe County, Sections 4.5.2 and 4.5.4, as well as the draft FS executive summary. County staff also attended, at the request of the City, a public meeting on January 17, 2017, where the draft report was presented to the public and input was solicited.

DISCUSSION:

County staff has received some questions from the community prompted by the FS. In particular, the water users and instream-flow advocates downstream of the City's wastewater treatment plant have concerns about what implementation of the preferred alternative means for water availability in the Santa Fe River. Additionally, some community members are concerned about whether the preferred alternative has a higher "emission" cost since the water is pumped 22 miles more (to the Rio Grande and then back to the Buckman Regional Water Treatment Plant) than Alternative 7, Direct Potable Use proposes.

Impacts on the Santa Fe River downstream of the Wastewater Treatment Plant

The FS contains several sections on the City's concern to downstream issues, including in particular Sections 4.2 and 4.4 within which the availability of reuse supply is considered. "*The City is also sensitive to the environmental benefits associated with continuous flow in the river downstream of the facility.*" ... Additionally, the FS assumes that the reuse alternative will "*always meet minimum Santa Fe River discharge goals.*" The proposed reuse water is available entirely from the City's imported water supply from the San-Juan Chama project and Buckman well field, a right the City distinguishes it has the right to use fully.

"Emission" Costs of Alternatives

The FS evaluated the seven alternatives against cost effectiveness, public and environmental benefit, public acceptance, and project risk mitigation with two weighting profiles (see attachment). The cost effectiveness criteria compared a 20-year net present value (NPV). The preferred alternative was significantly less expensive than other drinking water supply alternatives. Additionally, the preferred alternative scored best when considering all the criteria under each of the weighting profiles. Hence, although the pumping emissions output related to Alternative 7 may be less than the preferred Alternative 2, when considering the overall impacts, including life-cycle costs, the conclusion of the study is that Alternative 2 is preferable.

RECOMMENDATION:

Staff recommends that the County continue to collaborate with the City in addressing the water supply needs of the entire community of the Santa Fe Basin.

ATTACHMENTS:

- Sections 4.5.2 and 4.5.4, Sections associated with Santa Fe County - September 2016 draft Santa Fe Water Reuse Feasibility Study
- Graph comparing weighted decision scores for all alternatives, Figure 6.2 - September 2016 draft Santa Fe Water Reuse Feasibility Study
- Executive Summary - September 2016 draft Santa Fe Water Reuse Feasibility Study

4.5.2 Santa Fe County Quill WRF

The County's Quill WRF has a permitted capacity of 280,000 gallons per day of wastewater treatment using a process centered on aerated impoundments, stabilization impoundments, and disinfection. Treated effluent produced at the facility does not meet discharge or reuse standards, and is land applied. The County is actively considering connection of additional service areas to the facility and associated upgrades to the facility, with anticipated future capacity of 0.5 mgd. In light of the potential future upgrades, the existing facility was not characterized in detail in this Feasibility Study.

4.5.4 Role of Quill WRF Reclaimed Water in Regional Reuse System

Reclaimed water from the Santa Fe County Quill WRF could be managed in conjunction with the proposed water reuse alternatives to provide additional water supply benefits. Santa Fe County is contemplating a range of potential uses for reclaimed water from the Quill WRF, and its effluent therefore may or may not be available for integration into a regional management system in collaboration with the City, supplementing the City's management of reclaimed water from the Paseo Real WRF.

The Quill WRF is a non-discharging facility that would require process upgrades for essentially any local discharge or reuse of its effluent. In the event that reclaimed water from the Quill WRF is made available, it could be integrated into the Santa Fe regional water reuse program in one of several ways.

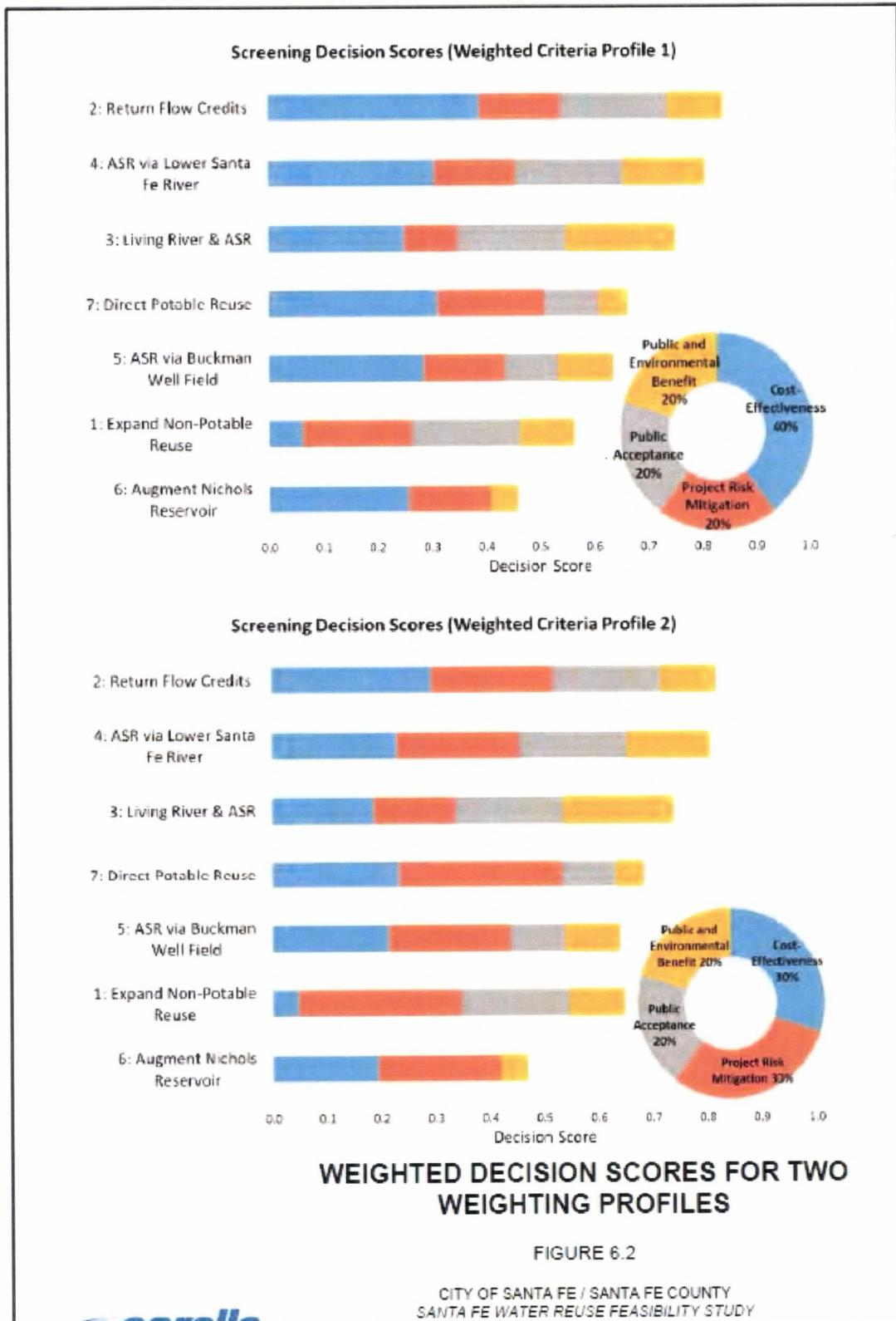
Potential Quill WRF effluent management strategies identified in this Feasibility Study include:

- Discharge to the Santa Fe River at the site of the Paseo Real WRF to help satisfy water rights offset requirements. This would require significant process upgrades to the Quill WRF to meet discharge standards (e.g., advanced nutrient removal), and construction of pump station and pipeline infrastructure for conveyance. This would reduce the amount of discharge needed from the Paseo Real WRF into the Lower Santa Fe River, thus freeing up additional Paseo Real WRF reclaimed water for reuse under any of the four short-listed reuse alternatives.
- Discharge to Guicu and/or Cienega Creek to help satisfy water rights offset requirements. Similar to the Santa Fe River discharge scenario, this would likely require significant process upgrades to the Quill WRF to meet discharge standards. Losses in conveyance through natural drainage channels could be significant, and may warrant consideration of pipeline infrastructure for conveyance to a discharge point closer to the offsetting water rights compliance point.

- Interconnection to the City's nearby non-potable water reuse distribution system to supplement City non-potable reuse supplies from the Paseo Real WRF. This would likely require significant process upgrades to the Quill WRF to meet non-potable reuse standards, and new conveyance facilities and pumping facilities to match the pressure in the distribution system at the point of connection. This would reduce the amount of effluent used from the Paseo Real WRF to meet non-potable reuse demands, and free up additional Paseo Real WRF reclaimed water for increased reuse under any of the reuse alternatives.

A more fully-integrated water management concept would include decommissioning of the Quill WRF, installation of a lift station, and conveyance of raw County wastewater to the Paseo Real facility for co-treatment with City wastewater. While this alternative has significant policy implications and would affect the capacity and sizing of the Paseo Real WRF, it would increase the availability of water at the Paseo Real WRF for flexible management of local resources under any of the four short-listed alternatives.

Additional investigations are necessary under any of the potential scenarios described above before the concepts could be moved forward. Chief among these is an identification of whether Quill WRF flows could be made available for such conjunctive reuse management systems. From there, the projected quantity of flow available for conjunctive reuse could be compared to water quality requirements for any of the scenarios described above, which in turn will drive the cost of capital improvements at the WRF necessary to meet the treated effluent requirements.

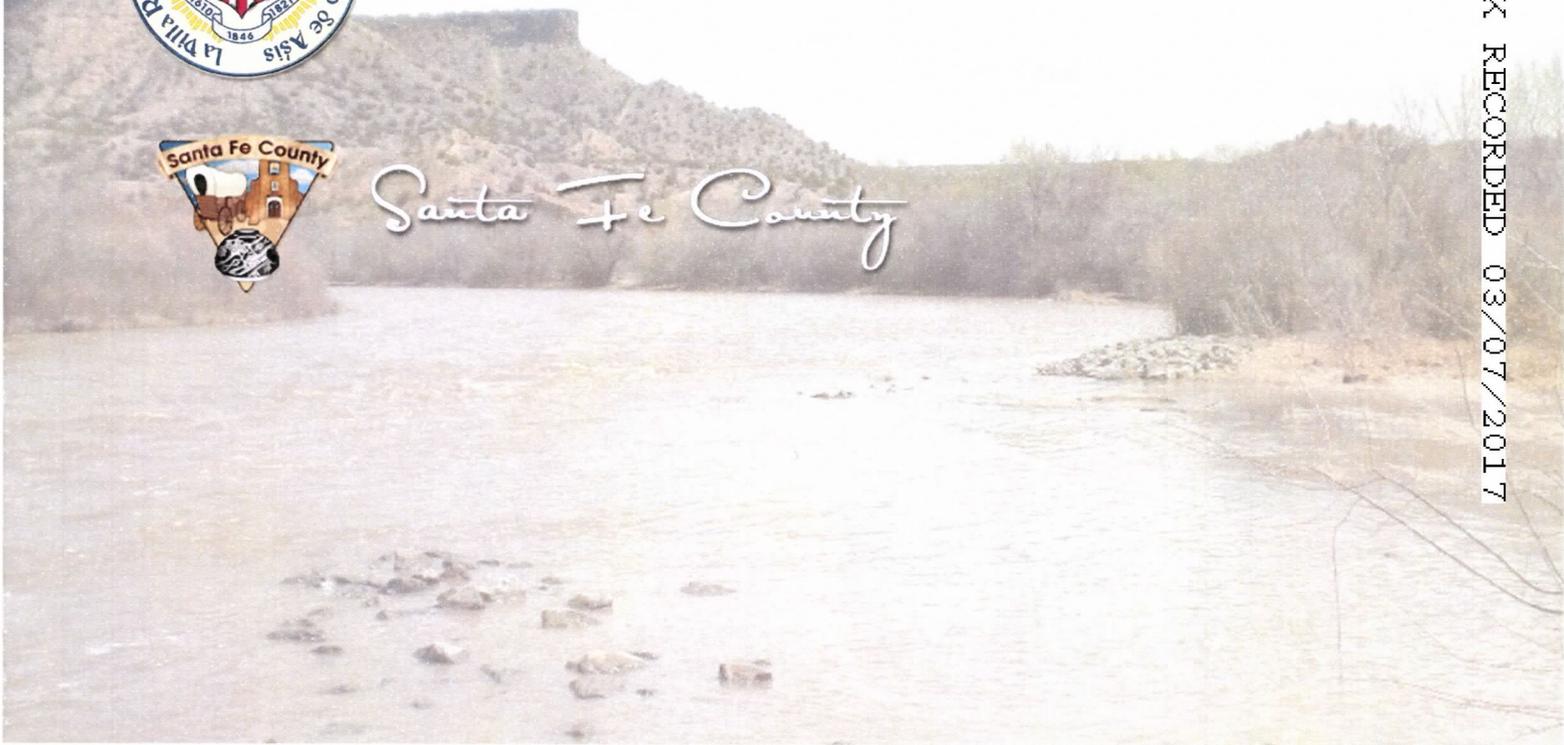




City of Santa Fe



Santa Fe County



Executive Summary
Santa Fe Water Reuse
Feasibility Study

DRAFT • SEPTEMBER 2016



Executive Summary

The City of Santa Fe (City) and Santa Fe County (County) provide water service to over 85,000 people in northern New Mexico. One of the oldest cities in the United States, Santa Fe has diversified its water supply to include local surface water and groundwater and imported surface water to reliably meet the community's water needs. The City and County are the non-federal project sponsors that worked in partnership with the Bureau of Reclamation (Reclamation) to develop this Santa Fe Title XVI Feasibility Study (Feasibility Study). This Feasibility Study evaluates reasonable water reuse alternatives to mitigate projected water supply shortages, and ranks those alternatives based upon economic, social, environmental, and technical considerations.

Water supply planning and consideration of future conditions is vital in light of projections that the City and County's service area population will nearly double to about 170,000 by 2055, as documented in the Bureau of Reclamation 2015 Santa Fe Basin Study (Basin Study). The Basin Study highlighted the implications of climate change on Santa Fe area water supplies and demands. Under anticipated climate change conditions, the City and County's supplies are projected to fall short of demands by as much as 9,323 acre-feet per year (AFY) by 2055. The Basin Study identified expansion of water reuse as one of the most viable strategies for mitigating the projected shortages in Santa Fe. That finding motivated the City and County to partner with Reclamation to develop this Feasibility Study to assess alternatives for water reuse.

This Feasibility Study evaluates and compares seven water reuse alternatives and provides a structured process for prioritizing improvements toward mitigating the projected climate-change induced shortages. The seven alternatives are:

- Alternative 1: Expand Non-Potable Reuse
- Alternative 2: Return Flow Credits from the Rio Grande
- Alternative 3: Recharge the Upper Santa Fe River and Aquifer
- Alternative 4: Recharge the Lower Santa Fe River and Aquifer

- Alternative 5: Aquifer Storage and Recovery at Buckman Wells
- Alternative 6: Augment Nichols Reservoir
- Alternative 7: Direct Potable Reuse

A screening-level assessment of those seven alternatives led to three alternatives being removed from consideration, resulting in four preferred alternatives that provide water supply benefits while supporting the community's values:

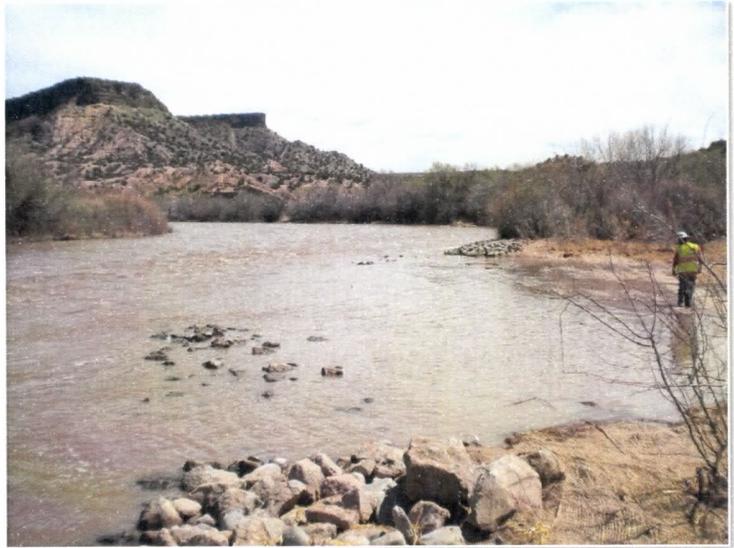
- Alternative 2: Return Flow Credits from Rio Grande
- Alternative 3: Recharge the Upper Santa Fe River and Aquifer
- Alternative 4: Recharge the Lower Santa Fe River and Aquifer
- Alternative 7: Direct Potable Reuse

A more detailed assessment of these four alternatives used a multi-criteria analysis, with particular emphasis on implementation challenges and long-term benefits, as detailed in the Feasibility Study report. The highest-ranked alternative is Alternative 2, Return Flow Credits from the Rio Grande. This Executive Summary highlights the four preferred alternatives, and the overall greater value to the community of the highest-ranked alternative.

Alternative 2: Return Flow Credits from the Rio Grande

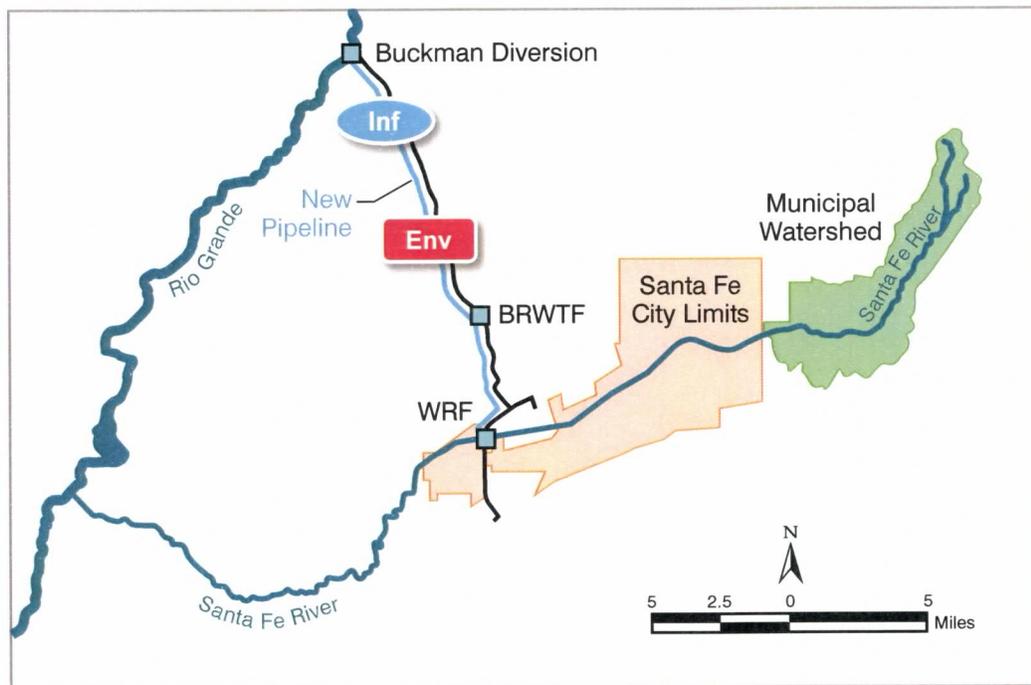
This alternative includes constructing a new pipeline to convey reclaimed water from the Paseo Real Water Reclamation Facility (WRF) to a point of discharge to the Rio Grande just downstream of the Buckman Direct Diversion (BDD) diversion site to obtain return flow credits for exchange. Previous analyses and state precedent indicate that the exchange would allow Santa Fe to divert one acre-foot of additional water through the BDD system for every one acre-foot of reclaimed water discharged (i.e., a one-for-one exchange). The exchange would allow Santa Fe to increase the amount of water diverted and treated through the BDD system, while maintaining the existing BDD conveyance and treatment infrastructure capacity at 15 million gallons per day (mgd).

By making this exchange, this alternative comprises an indirect way of reusing the available reclaimed water while not actually diverting, treating, or distributing reclaimed water to Santa Fe's customers. The return flow discharge point was conceptually located immediately downstream of the BDD diversion, to avoid having any significant length of the Rio Grande being impacted by the diversion upstream of return flows. Figure ES-1 is a schematic of this process.



Reclaimed water would be pumped to the Rio Grande and exchanged for increased diversions through the BDD system under Alternative 2.

Figure ES-1: Return Flow Credits from Rio Grande.



LEGEND	
Env	Environment/ Permitting: Environmental studies needed for pipeline corridor.
Inf	Infrastructure: Pump station, 17.7-mile pipeline.

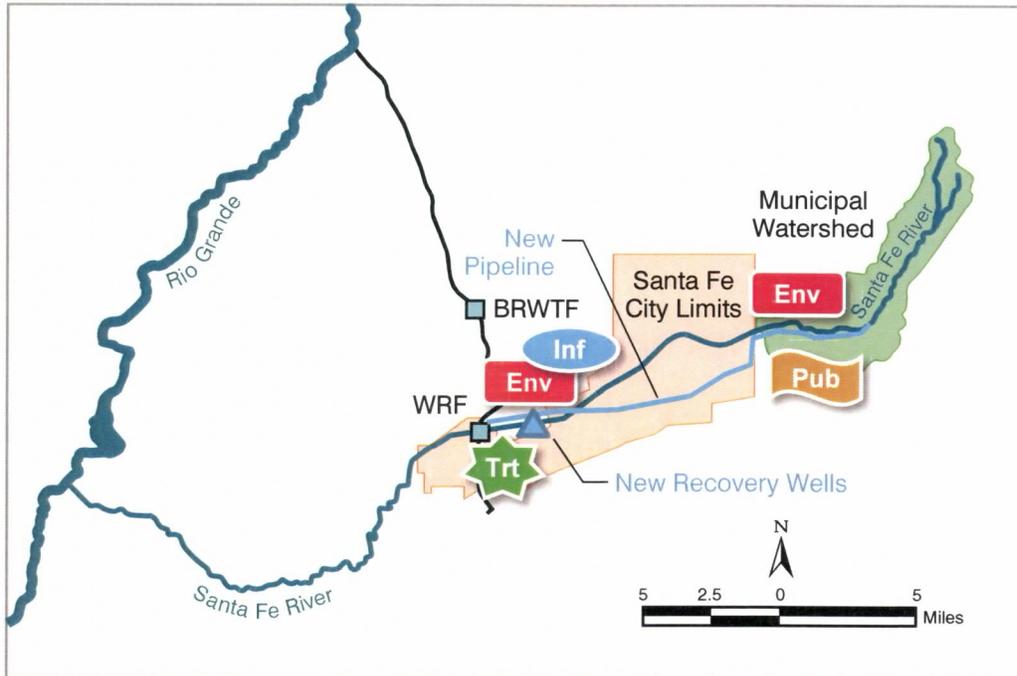
Alternative 3: Recharge the Upper Santa Fe River and Aquifer

This alternative involves advanced treatment of up to 3 mgd of reclaimed water from the Paseo Real WRF to a new Advanced Water Purification Facility. From there, the water would be conveyed and discharged to the Upper Santa Fe River near the Two-Mile Reservoir site for recharge of the local aquifer and supplementing bypass flows from McClure and Nichols Reservoirs for a “Living River” in the downtown area. Water recharged to the aquifer would be withdrawn through new recovery wells in the Lower Santa Fe River and pumped into the potable water distribution system.



Reclaimed water would be pumped to the Two-Mile Reservoir site on the upper Santa Fe River to augment living river bypass flows from the reservoirs and recharge groundwater in Alternative 3.

Figure ES-2: Recharge of Upper Santa Fe River.



LEGEND

Env	Environment/ Permitting: Environmental studies needed for pipeline corridor. Discharge & recharge permits; Potential algae/aesthetic concerns in Santa Fe River.
Inf	Infrastructure: 3 pump stations, 13.7-mile pipeline, and recovery wells.
Trt	Treatment: Advanced treatment adds cost and operational challenges.
Pub	Public: Continuous Living River flows may become expected or required.

Alternative 4: Recharge the Lower Santa Fe River and Aquifer

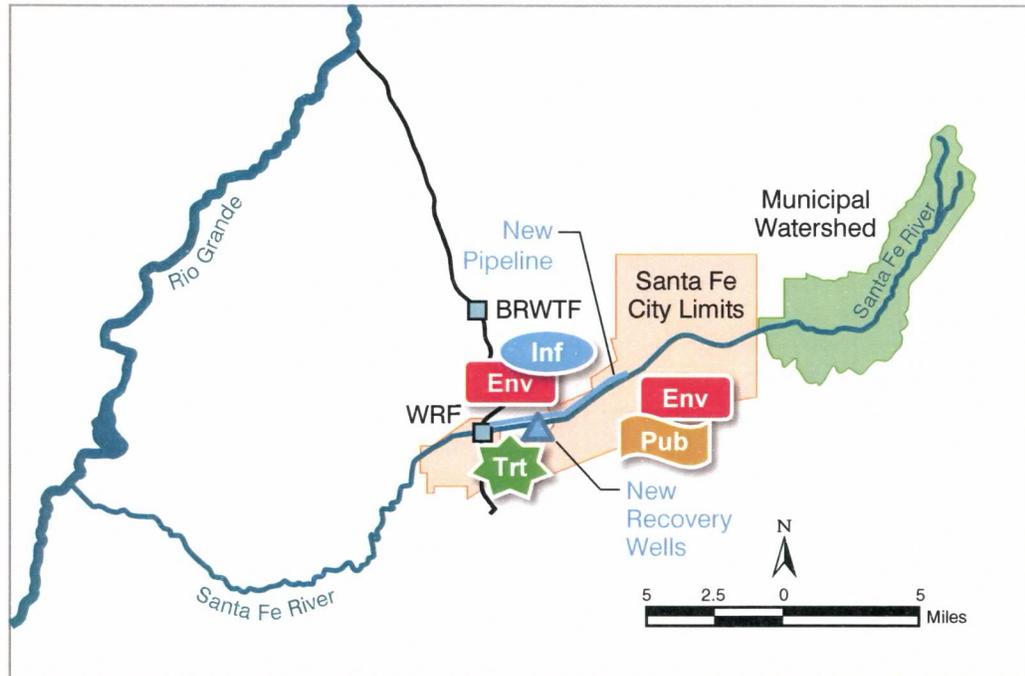
This alternative involves additional treatment of up to 3 mgd of reclaimed water for conveyance and discharge to the Lower Santa Fe River near Siler Road for recharge of the local aquifer. Although this alternative is similar to Alternative 3 in many ways, Alternative 4 would not supplement “Living River” flows in the downtown Santa Fe area. Water recharged to the aquifer would be withdrawn through new recovery wells in the Lower Santa Fe River and pumped into the potable water distribution system.

As an alternative, percolation basins could be constructed adjacent to the Lower Santa Fe River for aquifer recharge.



Reclaimed water would be pumped to a point near Siler Road and discharged to the Santa Fe River to augment streamflow and recharge groundwater in Alternative 4.

Figure ES-3: Recharge of Lower Santa Fe River.



LEGEND	
Env	Environment/ Permitting: Environmental studies needed for pipeline corridor. Discharge and recharge permits; Potential algae/aesthetic concerns in Santa Fe River.
Inf	Infrastructure: Pump station, 6.3-mile pipeline, and recovery wells.
Trt	Treatment: Advanced treatment adds cost and operational challenges.
Pub	Public: Continuous Living River flows may become expected or required.

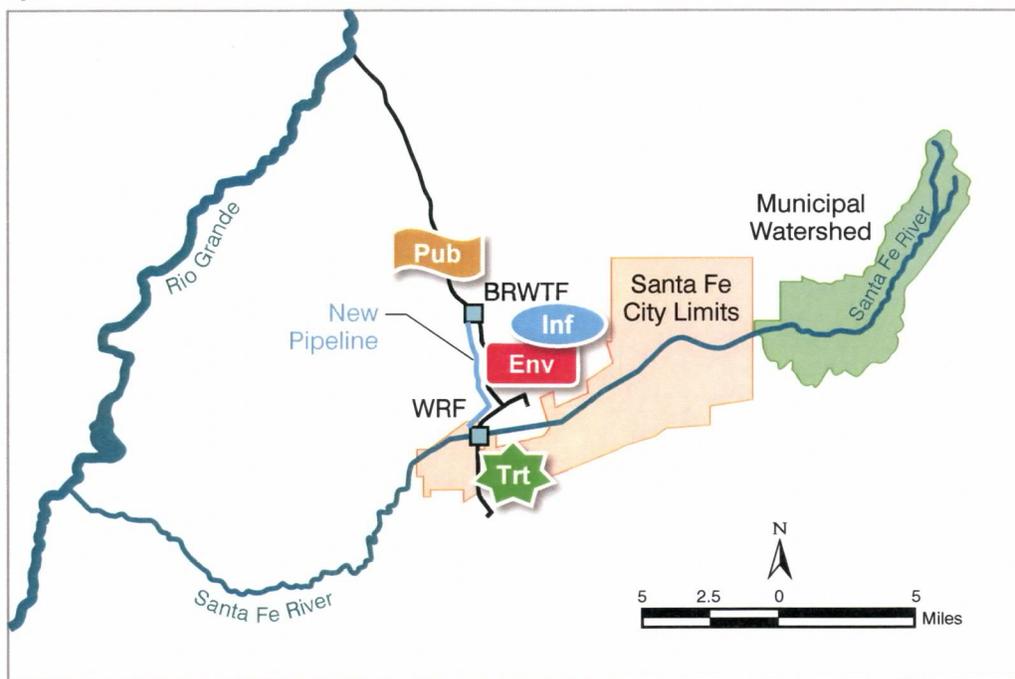
Alternative 7: Direct Potable Reuse

This alternative involves advanced purification of the reclaimed water from the Paseo Real WRF, which is then conveyed northward to the Buckman Regional Water Treatment Facility (BRWTF), where it is blended with raw water diverted from the Rio Grande via the BDD diversion, and the blended water is treated at the BRWTF.



Reclaimed water from a new Advanced Water Treatment Facility would be blended with Rio Grande water and treated at the BRWTF (shown here) under Alternative 7.

Figure ES-4: Direct Potable Reuse.



LEGEND	
	Environment/ Permitting: Environmental studies needed for pipeline corridor.
	Infrastructure: Pump station, 6.1-mile pipeline.
	Treatment: Advanced treatment adds cost and operational challenges.
	Public: Perceptions of DPR safety and water quality.

Comparison of Alternatives

The highest-ranked alternative, Return Flow Credits from the Rio Grande, best satisfies the detailed evaluation criteria used to compare the alternatives. Moreover, this alternative is also the most elegant solution, in that it has the lowest cost to implement, lowest cost to operate, and provides the greatest water supply benefit to offset future water supply shortages. Tables ES-1 and ES-2 provide a comparison of the four alternatives. A comparison of these water reuse alternatives to the “non-Title XVI” alternative, which would not expand water reuse in Santa Fe but instead use additional purchases of native Rio Grande rights for diversion and treatment through the BDD system, concluded that the water reuse alternatives are preferable in terms of economics and the negative implications of additional native Rio Grande water rights purchases and diversions.

Table ES-1: Costs and Supply Benefits of Highest-Ranked Alternatives.

Consideration	Alternative 2: Return Flow Credits from the Rio Grande	Alternative 3: Recharge the Upper Santa Fe River and Aquifer	Alternative 4: Recharge the Lower Santa Fe River and Aquifer	Alternative 7: Direct Potable Reuse
Capital Cost	Best Alternative \$17.8M (2016 \$)	2.7 X Cost of Alternative 2	1.7 X Cost of Alternative 2	2.1 X Cost of Alternative 2
Operations and Maintenance Cost	Best Alternative \$0.3M/year (2016 \$)	3.9 X Cost of Alternative 2	2.4 X Cost of Alternative 2	2.8 X Cost of Alternative 2
Reduction in Future Water Shortages	Best Alternative 2,300 AFY	37% Less than Alternative 2	44% Less than Alternative 2	Similar to Alternative 2

Table ES-2: Considerations for Highest-Ranked Alternatives.

Consideration	Alternative 2: Return Flow Credits from the Rio Grande	Alternative 3: Recharge the Upper Santa Fe River and Aquifer	Alternative 4: Recharge the Lower Santa Fe River and Aquifer	Alternative 7: Direct Potable Reuse
Infrastructure 	Requires 1 pump station and a 17.7-mile pipeline	Requires 3 pump stations and a 13.7-mile pipeline	Requires 1 pump station and a 6.3-mile pipeline	Requires 1 pump station and a 6.1-mile pipeline
Environmental/ Permitting 	Requires environmental studies for pipeline construction Requires NPDES for Rio Grande discharge	Requires environmental studies for pipeline construction Requires NPDES permit for Santa Fe River discharge and permit for discharge credits in new well field Potentially requires supplemental permitting for potable water reuse	Requires environmental studies for pipeline construction Requires NPDES permit for Santa Fe River discharge and permit for discharge credits in new well field Potentially requires supplemental permitting for potable water reuse	Requires environmental studies for pipeline construction Requires permitting for potable water reuse
Treatment 	No additional treatment required	Advanced treatment required	Advanced treatment required	Advanced treatment required
Public 	Reduced Santa Fe River flow below Paseo Real WRF	Reduced Santa Fe River flow below Paseo Real WRF Sustained water to the Upper Santa Fe River may dictate long term obligations Low level nutrients may increase algae in Santa Fe River	Reduced Santa Fe River flow below Paseo Real WRF Sustained water to the Lower Santa Fe River may dictate long term obligations Low level nutrients may increase algae in Santa Fe River	Reduced Santa Fe River flow below Paseo Real WRF Potential perceptions of safety and water quality of direct potable reuse

Update
 Thornton Ranch Management Plan – Tribal Consultation Process
 1.24.2017

BACKGROUND:

Thornton Ranch Open Space is the largest of the open space properties owned by Santa Fe County. The property was purchased in order to protect the significant cultural and natural resources and provide interpretation and education around those resources.

The Thornton Ranch Open Space Master Plan process was initiated in mid-2014. The process includes a cultural resource survey and a master plan for the entire property. This initiative has involved gathering stakeholders, public entities and significant tribal input.

At the November 29, 2016 BCC meeting the Board of County Commissioners directed staff to continue outreach with the tribal organizations as part of finalizing the Thornton Ranch Open Space planning process. This direction was in response to tribal concerns regarding the planning process.

Staff have developed a draft schedule to complete the Thornton Ranch Open Space planning process, which includes:

- Meetings with individual tribal stakeholders,
- Meetings with County Commissioners,
- Joint Santa Fe County/ Tribal partners meeting,
- Public review period for all relevant Thornton Ranch Open Space draft planning documents including:
 - Thornton Ranch Open Space Master Plan,
 - Thornton Ranch Open Space Management Plan,
 - Galisteo Basin Archaeological Sites Protection Act Site Management Plan,
 - Galisteo Basin Interpretive Plan.

All four documents will present a comprehensive approach to opening and preserving the Open Space.

The proposed timeline is outlined below:

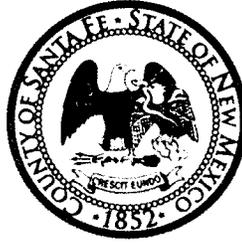
Activity	January	February	March	April	May	June	July
Drafting Management Plans, Property Primer							
Individual meetings/ site visits with tribes							
Individual meetings/ site visits with commissioners							
Coordination with BLM							
Joint County /Tribal meeting/ site visit							
BCC update presentation	31-Jan						
COLTPAC presentation					3-May		
Public meeting					4-May		
Public comment period							
Address public comments							
COLTPAC recommendation							5-Jul
BCC action							25-Jul

The intent of this presentation is to request direction from the BCC to move forward with this process and ask which BCC members would like to participate in a meeting with Tribal partners as part of this outreach process.

Henry Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *January 30, 2017*

TO: *Katherine Miller, County Manager*

FROM: *Michael Kelley, Public Works Department Director*

ITEM AND ISSUE: *Jacona Solid Waste Collection Center*

BACKGROUND:

The Jacona Collection Center is currently situated on Pojoaque Pueblo property. The County entered into a 25 year lease agreement with the Pueblo, for the use of a collection center, on September 9, 2009, and then executed amendment No. 1, on May 4, 2016, which reduced the acreage by approximately 1.25 acres. The compensation for the lease is \$1.00 per year, but also allows for in-kind services in the form of free solid waste disposal by Pueblo affiliated businesses and all tribal members. The in-kind costs for 2016 were approximately \$70,400.00, which included \$38,400 in tipping fees, paid to the landfill, and \$32,000.00 in transportation costs. The County has experienced difficulty in controlling what waste is brought in to this facility, because the Pueblo has access to this facility during non-working hours. The County is required to certify that all loads of waste hauled to the Caja del Rio landfill are free of hazardous waste. Due to lack of control of the site and the cost of the in-kind services, the County chose to look for an alternate site in the Pojoaque area for a solid waste collection center. Another reason for relocating off of Pueblo property is that the New Mexico Environment Department, Solid Waste Bureau, is unable to permit and monitor this facility, unlike the other County solid waste facilities situated on non-tribal lands.

The County entered into a 25 year lease agreement with the Jacona Land Grant for a new solid waste collection center on August 28, 2014. The compensation for the lease is \$40,000.00 per year with a 2.8% annual escalation and payment of the property taxes associated for the future improvements. The most recent payment made, was for 6 months in the amount of \$21,135.00, which included 2 years of escalation. On January 12, 2016, the County amended this lease agreement, which amended the leased parcel, due to access requirements from the NMDOT.

The County retained the services of Riskin and Associates Architecture on February 27, 2014 to design an enclosed collection center at the Jacona Land Grant site. The collection center design was completed on October 21, 2015. The collection center was designed to utilize tractor-trailers as opposed to roll off bins in order to reduce the transportation costs by two thirds. The cost to construct a facility that is conducive to tractor-trailers is considerably more than a facility that utilizes roll off trucks.

The County let the project on November 15, 2015 and the bids were received and tabulated on January 8, 2016. All qualified bids exceeded the budgeted amount of \$2,038,000.00, so the project was not awarded. The cost related to the access from NM 502, required by the NMDOT, drove up the cost of construction by approximately \$500,000.00. In addition to the cost associated with the NMDOT access, the Land Grant site offers challenges due to the existing terrain. The site contains multiple arroyos that complicate the design. Additional drainage and retaining walls have been designed for the site so the site can accommodate the proposed facility. This additional site infrastructure also adds additional cost to the proposed project. The County again let the project on February 21, 2016 and the bids were received on March 25, 2016. On March 24, 2016, the New Mexico State Engineers Office (NMSEO) placed a moratorium on all new wells in the Pojoaque Valley. Due to this moratorium, the construction of a well at this site was prohibited. On May 26, 2016 the solicitation was cancelled. The Land Grant was notified of the moratorium and County staff advised the Land Grant to contact the NMSEO to see what options were available. The Land Grant was required to transfer water rights in to the area for the purpose of a well. At this time the Land Grant has been approved for an exploratory well only.

The Pojoaque Pueblo has tentatively offered an alternate site at their industrial park, but an official offer has not been made. This site is conducive to this type of operations and has better access from NM 502 than the Land Grant site. In addition, this site does not offer the same terrain challenges as the Land Grant site.

DISCUSSION:

The options to consider are the following:

- Terminate the lease with the Land Grant and stay at the existing site and continue to utilize roll-off trucks. This site is in desperate need of repairs/improvements, due to the deteriorating retaining walls for the waste bins. As per the existing lease agreement, the County is required to design and construct a building to house the solid waste operations.
- Continue with the construction at the Land Grant property after making modifications to reduce the construction costs. Reducing the construction cost will require re-engaging the Design Engineer in an attempt to value engineer the project. Value engineering will most likely require variances for additional site grading from the Board of County Commissioners. Extending tie down slopes will reduce the need for retaining walls thus reducing project costs.
- Renegotiate the lease amount with the Land Grant and continue with the construction at the Land Grant property after making modifications to reduce the construction costs. This option will require the same value engineering that was mentioned in the previous bullet.

- Terminate the existing lease agreement with the Land Grant and seek an alternative site. Staff has been unsuccessful in the past locating an alternate site in the Pojoaque Valley, but the Pueblo has indicated that it is willing to work with the County and has tentatively offered an alternate site located in their industrial park (as previously mentioned) which will not be accessible to the Pueblo during non-working hours.

County View: The Public Works, Solid Waste staff, feels that a modern solid waste facility is needed in the Pojoaque Valley. The existing Jacona collection center is the second busiest collection center the County operates and is in need of a modern enclosed facility. Coupled with the high cost of the long term Land Grant lease, the proposed Land Grant site is complicated by terrain and access issues that are contributing significantly to the increased cost of construction of the proposed facility. If the County were to opt for the site within the Pueblo's industrial park, the Pueblo access would be restricted during non-working hours. This would address one of the County's greatest concerns regarding the control and integrity of the waste that is being brought to the facility and that is subsequently being hauled to the Caja del Rio Landfill.

Pojoaque Pueblo View: The Pueblo has indicated that it is willing to work with the County and has tentatively offered an alternate site, which will not be accessible to the Pueblo during non-working hours.

Jacona Land Grant View: The Jacona Land Grant has indicated that it would like the County not to terminate the lease agreement, because it will provide a modern facility in the valley on non-pueblo lands. The Land Grant has also stated that it would not increase the lease amount for the proposed County volunteer fire station at this site as well. They also stated that this lease is providing income for their Land Grant members.

ACTION REQUESTED:

Item for discussion only.

1/31/2017

Santa Fe County



SANTA FE
COUNTY

BOARD OF COUNTY COMMISSIONERS'
MEETING LEGISLATIVE REPORT

Board Of County Commissioners' Meeting Report

2017 REGULAR SESSION SCHEDULE (60 Day Session):

01/17/2017 -- Opening day (noon)

02/16/2017 -- Deadline for introduction

02/16/2017 -- Santa Fe County Day- Roundhouse: West Halls of History

03/18/2017 -- Session ends (noon)

04/07/2017 -- Legislation not acted upon by governor is pocket vetoed

06/16/2017 -- Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

2017 BILL STATISTICS

Current Statistics for All Bills (2017 Reg)	Total
Bills Introduced	622
Bills Passed in 1st House	20
Bills Passed in 2nd House	5

Current Statistics for House Bills only (2017 Reg)	Total
Bills Introduced	319
Bills Passed in 1st House	9
Bills Passed in 2nd House	2

Current Statistics for Senate Bills only (2017 Reg)	Total
Bills Introduced	303
Bills Passed in 1st House	11
Bills Passed in 2nd House	3

2017 Santa Fe County Legislators

SENATE

Senator James P. White (R19)
1554 Catron Avenue SE
Albuquerque, NM 87123
(505) 271-4746
james.white@nmlegis.gov

Senator Carlos R. Cisneros (D6)
Box 1129
Questa, NM 87556
(505) 670-5610
carlos.cisneros@nmlegis.gov

Senator Elizabeth “Liz” Stefanics (D39)
P.O. Box 720
Cerrillos, NM 87010
(505) 699-4808
(505) 471-7643
liz.stefanics@nmlegis.gov

Senator Richard C. Martinez (D5)
Box 762
Española, NM 87532
(505) 747-2337
richard.martinez@nmlegis.gov

Senator Nancy Rodriguez (D24)
1838 Camino La Canada
Santa Fe, NM 87501
(505) 983-8913
nancy.rodriquez@nmlegis.gov

Senator Peter F. Wirth (D25)
708 Paseo de Peralta
Santa Fe, NM 87501
(505) 988-1668
(505) 989-8667
peter.wirth@nmlegis.gov

HOUSE

Representative Brian F. Egolf, Jr. (D47)
123 W. San Francisco 2nd Floor
Santa Fe, NM 87501
(505) 986-4757
brian.egolf@nmlegis.gov

Representative Debbie A. Rodella (D41)
16 Private Drive 1156
Española, NM 87532
(505) 753-8247
debbie.rodella@nmlegis.gov

Representative James E. Smith (R22)
Box 1783
Sandia Park, NM 87047
(505) 934-1075
jim@jimsmithnm.com

Representative Jim Trujillo (D45)
1901 Morris Place
Santa Fe, NM 87505
(505) 438-8890 (home)
jimtrujillo@msn.com

Representative Linda M. Trujillo (D48)
1157 Vuelta de las Acequias
Santa Fe, NM 87507
(505) 795-4324
linda.trujillo@nmlegis.gov

Representative Carl P. Trujillo (D46)
1 Jerry Hatchet Lane
Santa Fe, NM 87506
(505) 699-6690
carl.trujillo@nmlegis.gov

Representative Stephanie Garcia Richard (D43)

P.O. Box 4657

Los Alamos, NM 87544

(505) 672-4196

(505) 500-4343

stephanie.garciarichard@nmlegis.gov

Representative Matthew McQueen (D50)

7 Avenida Vista Grande B7-120

Santa Fe, NM 87508

(505) 490- 1989

matthew.mcqueen@nmlegis.gov

Representative Tomas E. Salazar (D70)

P.O. Box 66

Las Vegas, NM 87701

(575) 421-2455

tomas.salazar@nmlegis.gov

Legislative Leadership

HOUSE OF REPRESENTATIVES

Brian Egolf, Jr
Speaker Of The House

Sheryl Williams Stapleton
Majority Floor Leader

Nate Gentry
Minority Floor Leader

Doreen Y. Gallegos
Majority Whip

Rod Montoya
Minority Whip

SENATE

Mary Kay Papen
President Pro Tempore

Peter Wirth
Majority Floor Leader

Stuart Ingle
Minority Floor Leader

Michael Padilla
Majority Whip

William H. Payne
Minority Whip

Santa Fe County Legislative Related Resolutions

- **Resolution: 2016-15**
IN SUPPORT OF THE NEW MEXICO ASSOCIATION OF COUNTIES RESOLUTION ADDRESSING THE SAFETY NET CARE POOL
- **Resolution: 2016-16**
A RESOLUTION TO SUPPORT STATE LEGISLATION THAT WOULD MEET REAL ID ACT REQUIREMENTS AND ENSURE NM RESIDENTS DO NOT NEED TO OBTAIN A PASSPORT TO BOARD A COMMERCIAL US AIRLINE
- **Resolution: 2016-85**
ADOPTING PROJECTS FOR INCLUSION IN SANTA FE COUNTY'S INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2018-2022; AUTHORIZING SUBMITTAL OF PLAN TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION; AND REPLACING RESOLUTION 2015-111
- **Resolution: 2016-106**
ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO WHISTLEBLOWER PROTECTION ACT DURING THE 2017 LEGISLATIVE SESSION
- **Resolution: 2016-107**
ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO ENHANCED 911 ACT DURING THE 2017 LEGISLATIVE SESSION
- **Resolution: 2016-108**
ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT CERTAIN AMENDMENTS TO THE NEW MEXICO FORFEITURE ACT DURING THE 2017 LEGISLATIVE SESSION
- **Resolution: 2016-109**
ENDORISING THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION SUPPORTING LEGISLATION DURING THE 2017 SESSION THAT WOULD PROVIDE COUNTIES CERTAIN RIGHTS AND PROTECTIONS TO NON-GOVERNMENTAL ENTITIES

- **Resolution 2016-138**
A RESOLUTION IN SUPPORT OF THE APPROPRIATION OF FUNDS FOR THE "NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM" AND MAINTENANCE OF FUNDING FOR THE "DOUBLE-UP FOOD BUCKS PROGRAM" BY THE NEW MEXICO LEGISLATURE

Santa Fe County – House Related Legislation

Bill: HB5
Sponsors: Dodge (D63)
Title: CAPITAL OUTLAY REAUTHORIZATIONS, CANCELLATIONS AND SUSPENSIONS
Summary: (For the Legislative Finance Committee) (Same as SB112) Relates to fiscal solvency and relates to SBs 111,112,113,114 that attempt to address the projected budget deficit. Voids, reverts and changes authorizations for numerous capital outlay projects. Also suspends for FY 2017 the priority allocation of severance tax bonding capacity for water, tribal and infrastructure and colonias projects. The bonding capacity thus recreated plus a transfer of \$6 million from the Capitol Buildings Repair Fund is re-purposed to support water rights adjudication and to restore the allotments from the General Fund for capital project appropriations whose expenditure periods end on or before June 30, 2016.

Bill: HB20
Sponsors: Rehm (R31)
Title: LIMITS ON APPLICATION OF PUBLIC WORKS MINIMUM WAGE ACT
Summary: (Related to 2016 HB110; 2015 HB55) Amends the New Mexico Public Works Minimum Wage Act (NMAC) to remove its application to projects for public highways, roads and educational institutions and eliminates the use of collective bargaining agreements as a basis to determine prevailing wage and fringe benefit rates.

Bill: HB53
Sponsors: Gentry (R30)
Title: CURFEW ORDINANCES BY LOCAL GOVERNMENT
Summary: (Almost identical to 2016 HB53 with committee and floor amendments included.) Proposes a new section to the Children’s Code that gives the governing body of a county or municipality (includes a city, town or village) authority to adopt a curfew ordinance to regulate actions of children between midnight and 5:00 a.m., and to regulate the actions of children during daytime hours on school days. Includes a number of activities that would be exempted from the curfew and which take into account emancipated minors, travel to and from work, and attendance at school or religious functions. The ordinance shall not impose criminal penalties for curfew violation.

Bill: HB55
Sponsors: Trujillo, Carl (D46)
Title: MAKES PERMANENT A DISTRIBUTION TO LOCAL DWI GRANT FUND
Summary: Makes permanent the temporary distribution of 46 percent of the proceeds from the liquor excise tax to the Local DWI Grant Fund. Another four percent of the proceeds are earmarked to the Administrative Office of the Courts for

drug courts. Allows the temporary distribution to the lottery tuition fund to expire. All changes effective July 1, 2017.

Bill: HB57
Sponsors: Trujillo, Carl (D46)
Title: PRC REGULATORY JURISDICTION OF TELECOMMUNICATIONS
Summary: (Identical to 2017 SB53; almost identical to 2015 SB153; related to 2014 HB242 and SB152) Amends the New Mexico Telecommunications Act (1) to grant PRC exclusive jurisdiction over local exchange carriers that serve 50,000 or more access lines, (2) require that PRC's regulation of competitive entities can be no greater or more extensive than its regulation of the local exchange carriers that serve more than 50,000 access lines and (3) the provisions of the NM Telecommunications Act would no longer apply to incumbent rural telecommunications carriers. Makes extensive changes to the definitions section of the act and redefines its purpose by extending to all consumers and carriers in the state "the benefits of the regulatory flexibility previously provided only to incumbent rural telecommunications carriers." Repeals sections of the act dealing with regulation of "mid-sized carriers."

Bill: HB59
Sponsors: Ezzell (R58)
Title: NMFA: LOANS OR GRANTS FOR CERTAIN WATER PROJECTS
Summary: (Duplicate of 2017 SB44) Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund to named qualifying entities for designated water projects on terms established by the Water Trust Board and the NMFA. (Note: This bill will be substantially changed during the course of the session and, at this stage, serves as more of a "filler" than an "actual" piece of legislation.)

Bill: HB63
Sponsors: Crowder (R64)
Title: COUNTY AND MUNICIPAL FUELS TAX ACT
Summary: (Similar to 2016 HB328) Current law allows Class A and H counties and their municipalities to impose a local gasoline tax of one or two cents on retail sales within the jurisdiction. This bill modifies that authority in several ways. It allows all municipalities and counties authority to impose a tax up to five cents (in one cent increments) on both gasoline and special fuels. Municipalities may impose tax on retail sales within their boundaries and counties on retail sales in that part of the county outside municipalities. Substantially re-writes the administrative provisions so that the local government can collect and administer the tax with no state involvement.

Bill: HB96
Sponsors: Baldonado (R8)
Title: HOSPITAL PROPERTY TAXES— PETITION FOR ACTION
Summary: Unless otherwise specified in the ballot measure, requires the provision of the

services for which the hospital property tax (levied by Section 4-48B-12 of the Hospital Funding Act) is approved by the electorate to begin within four years of the approval but not to extend beyond seven years from the date of the approval. If provision of the services has not begun within the four years, any qualified elector or property owner of the county may petition the county commissioners for action.

Bill: HB101
Sponsors: Gonzales (D42)
Title: HEALTH SECURITY ACT
Summary: (Similar to 2015 SB152; 2013 HB262) Proposes the Health Security Act, making major changes to the health care system in New Mexico through a comprehensive system of virtually universal coverage. Its goals are to make health care coverage available to all New Mexicans through combined public and private financing, to control escalating health care costs and improve health care for all New Mexicans. Participation is mandatory for holders of private insurance. The act creates a Health Care Commission, endowed with extensive powers and duties, to develop and adopt a wide-ranging annual state Health Security Plan. An individual is eligible for coverage if physically present in the state for one year prior to the date of application for enrollment. Private insurance may not be provided to a beneficiary for health care covered by the plan, although a beneficiary may purchase private, supplemental benefits and insurance for benefits not covered under the plan. Requires a fiscal analysis of the plan by the Legislative Finance Committee and cooperation by the Superintendent of Insurance to ensure that Workers' Comp and auto medical premiums decrease based on the plan assuming that coverage. The act imposes penalties on beneficiaries who misuse eligibility cards and providers who engage in a pattern of overbilling. Provides for transfer of Health Insurance Exchange property to the Commission. Temporarily amends the Tort Claims Act.

Bill: HB102
Sponsors: Rehm (R31)
Title: MARIJUANA TAX
Summary: (Similar to tax portion of 2017 HB89) Imposes an excise tax of \$25 per ounce of marijuana distributed. Revenues collected earmarked for the County-supported Medicaid Fund.

Bill: HB104
Sponsors: Bandy (R3)
Title: LOCAL ELECTION ACT
Summary: (Relates to 2016 HJR 7) Proposes the Local Election Act to provide a single election day and uniform processes for many local government elections; provides for mailed ballot elections for special election ballot measures held at times other than general or local elections and for statewide ballot question elections, and establishes procedures for mailed ballot elections; prohibits advisory questions; eliminates write-in candidates in local elections; creates a fund appropriated to the Secretary of State to pay the costs of local elections,

and authorizes the Secretary to assess local governments for the fund; repeals the School Election Law, the Mail Ballot Election law and other conflicting sections of law.

Bill: HB110
Sponsors: Garcia Richard (D43)
Title: MUNICIPAL COURT JURISDICTION FOR BENCH WARRANTS AND SERVICE OF PROCESS
Summary: Expands the jurisdiction for municipal courts to issue bench warrants and service of process throughout the county in which the municipality whose ordinances were violated is located; and for other than parking violations, expands the same jurisdiction to adjacent counties where a municipal ordinance is alleged to have been violated. Service of process and arrests, however, must be done by a law enforcement officer with jurisdiction in the county where service is being made.

Bill: HB111
Sponsors: Gonzales (D42)
Title: TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS
Summary: Changes the criteria for qualifying as a “traditional historic community” to include territory in a Class A County with a population between 140,000 and 200,000, or a Class B County with a population between 30,000 and 45,000 (changed from current law that provides for a population between 95,000 and 99,500 in a Class B County)—both based on the most recent federal decennial census.

Bill: HB113
Sponsors: Smith (R22)
Title: CHIEF INFORMATION OFFICER TO DEVELOP STATEWIDE BROADBAND NETWORK
Summary: Requires the state’s Chief Information Officer (CIO) (Department of Information Technology, DoIT) to develop and maintain a statewide, multipurpose, high-capacity scalable telecommunications and broadband network to meet the demand of state agencies, political subdivisions and educational institutions. The mandate is to be undertaken in partnership with the Public Education Department, Higher Education Department, political subdivisions, state universities and other educational institutions.

Bill: HB137
Sponsors: Trujillo, L. (D48)
Title: REMOVES SUBDIVISION ORDINANCE FILING REQUIREMENT WITH STATE RECORDS
Summary: Removes the requirement that county subdivision ordinances be filed with the State Records Administrator by amending the County Subdivision Regulations act. Under current law, a county subdivision regulation, amendment or repeal is not effective until 30 days after it is filed with the county clerk and the state

records administrator; this bill would require filing only with the county clerk.

Bill: HB174
Sponsors: Smith (R22); Ivey-Soto (D15)
Title: LOCAL ELECTION ACT
Summary: (Similar to 2017 HB104, relates to 2016 HJR 7) Proposes the Local Election Act to provide a single election day and uniform processes for many local government elections; provides for mailed ballot elections for special election ballot measures held at times other than general or local elections and for statewide ballot question elections, and establishes procedures for mailed ballot elections; prohibits advisory questions; eliminates write-in candidates in local elections; creates a fund appropriated to the Secretary of State to pay the costs of local elections, and authorizes the Secretary to assess local governments for the fund; repealing the School Election Law, the Mail Ballot Election Law, the Municipal Election Code and other conflicting sections of law; making conforming amendments to the Absentee Voter Act, Uniform Military and Overseas Voters Act and many other sections of law.

Bill: HB175
Sponsors: Maestas (D16)
Title: RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES
Summary: Creates the Isolated Confinement Act to restrict the use of solitary confinement in correctional facilities, including county jails, prisons or other detention facilities. Beginning July 1, 2017, no one under 18 years of age and no pregnant woman can be placed in solitary confinement. Beginning January 1, 2018, inmates with known serious mental illnesses cannot be placed in solitary confinement. Also includes reporting requirement.

Bill: HB205
Sponsors: Dow (R38)
Title: VACANT RURAL BUILDING ACT: BYPASSES LOCAL BUILDING CODES
Summary: Cited as the Vacant Rural Building Act, directs the Construction Industries Division (CID) of the Regulations and Licensing Department to adopt (by January 1, 2018) rules for a building code variance applicable to the occupancy of a vacant commercial building by a small business that will reduce compliance costs, encourage rural economic development and protect public safety. Provides powers and duties; and prohibits a municipality with a population under 50,000 from enacting contrary ordinances. A municipality, including a home-rule municipality, shall not adopt ordinances or resolutions inconsistent with the rules adopted by CID pursuant to this act.

Bill: HB208
Sponsors: Hall, J. C. (R28)
Title: FRESH FRUITS AND VEGETABLES FOR SCHOOL MEALS

Summary: (For the Economic and Rural Development Committee) Appropriates \$1,440 (GF nonreverting) to the Public Education Department for FY 2018 and subsequent fiscal years for the purchase and distribution of New Mexico-grown fresh fruits and fresh vegetables to school districts, charter schools and juvenile detention centers through PED's school meal programs. Includes a full time person to administer and promote the initiative. Balance remaining at the end of FY shall not revert to the General Fund.

Bill: HB227
Sponsors: McQueen (D50)
Title: ABOLISHES AUTHORITY TO USE PUBLIC DATABASE FOR POLITICAL PURPOSE

Summary: Amends the Public Records Act to remove the authorization that exists in current law for a state agency to approve the use of its database for a political purpose. No longer would material in a database be available for such use..

Bill: HB238
Sponsors: Dodge (D63)
Title: GENERAL APPROPRIATION ACT OF 2017

Summary: (Duplicate of 2017 SB130; related to HB2) This represents the Legislative Finance Committee's version of the state budget for FY2018. It contains recommendations for the 2017-2018 year and recommends \$6.052 billion in recurring appropriations from the general fund. It assumes \$123.3 million in new revenue, additional spending reductions or both, based on projections that income in the 2018 fiscal year will be close to \$100 million less than spending in FY2017.

Bill: HB242
Sponsors: Thomson (D24)
Title: RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

Summary: (Identical to 2017 HB175; almost identical to 2016 HB193 and 2016 SB140) Creates the Isolated Confinement Act to restrict the use of solitary confinement in correctional facilities, including county jails, prisons or other detention facilities. Beginning July 1, 2017, no one under 18 years of age and no pregnant woman can be placed in solitary confinement. Beginning January 1, 2018, inmates with known serious mental illnesses cannot be placed in solitary confinement. Also includes a reporting requirement.

Bill: HB266
Sponsors: Trujillo, Carl (D46)
Title: APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS
Summary: (Identical to 2015 SB402) Removes the occupancy tax exemption for vendors offering fewer than three rooms attached to a taxable premises or three other taxable premises for lodging.

Bill: HB268
Sponsors: Lundstrom (D9)
Title: PUBLIC PROJECT REVOLVING FUND LOANS
Summary: (Endorsed by the New Mexico Finance Authority Oversight Committee)
Authorizes New Mexico Finance Authority to make loans for the following public projects from the Public Project Revolving Fund for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects:

Bill: HJM7
Sponsors: Thomson (D24)
Title: HEALTH CARE REPEAL TASK FORCE
Summary: Requests the Superintendent of Insurance to convene a task force to study the impact of repeal of provisions of the federal Patient Protection and Affordable Care Act, and to make recommendations for state health policies to maintain or expand gains made under the federal act; expressing support of the Legislature for expanded health care coverage, prevention program, consumer protections and measures to improve quality and cost of care delivered in New Mexico.

Bill: HM1
Sponsors: Salazar, T. (D70)
Title: STATE AND REGIONAL WATER PLANNING TASK FORCE REVIEW
Summary: Proposes that the Interstate Stream Commission be requested to convene a volunteer task force organized into at least three statewide working groups that will focus on public and tribal participation, best available technical data and adjudication to define how future water planning should be accomplished in the state. The ultimate goal is to develop a detailed plan or proposal for statutory, agency and regional action to be presented to an appropriate interim legislative committee no later than July 1, 2018.

Santa Fe County – Senate Related Legislation

Bill: SB18**Sponsors:** Padilla (D14); Maestas Barnes (R15)**Title:** RESIDENT BUSINESS SET-ASIDE ACT**Summary:** (Very similar to 2016 SB10 and 2015 SB 69) Creates the Resident Business Set-Aside Act, requiring each contracting state agency to award at least 33 percent of its contracts to resident businesses, whether those contracts were awarded pursuant to a competitive process or not.**Bill:** SB22**Sponsors:** Padilla (D14)**Title:** QUALIFICATIONS FOR COUNTY SHERIFF**Summary:** (Similar to 2016 SB 203 as SPAC substituted; related to 2016 SJR 16) Proposes qualifications for election or appointment to the office of County Sheriff: to have at least five years of professional law enforcement experience, some of which may include military law enforcement; to be a state and county resident for at least one year; to hold a certificate of completion of a basic law enforcement training program as described in statute; and not to have been recalled from public office. Contingent on approval of a state constitutional amendment proposed in the 2017 Legislature to provide for qualifications to hold the office of County Sheriff.**Bill:** SB24**Sponsors:** Padilla (D14); Smith (R22)**Title:** IDZ: LOCAL GOVERNMENT BROADBAND INFRASTRUCTURE DEVELOPMENT**Summary:** Amends the Infrastructure Development Zone Act (IDZ) to provide for broadband infrastructure development by a local government.**Bill:** SB33**Sponsors:** Morales (D28); Salazar, T. (D70)**Title:** COUNTY AND INDIAN MATERNAL AND CHILD HEALTH FUNDS**Summary:** Provides \$700,000 (GF, reverting) to the Department of Health in FY2018 to fund county and tribal health councils' identification of local communities' health needs and development of strategies to address needs under the Maternal and Child Health Plan Act.**Bill:** SB36**Sponsors:** Soules (D37)**Title:** MINIMUM WAGE INCREASE TO \$8.45 AND \$7.50 AN HOUR**Summary:** Proposes to raise the minimum wage level to \$8.45 an hour for employers with 10 or more employees and \$7.50 an hour for employers with 10 or fewer employees. Both categories are adjusted annually on January 1 for cost of living increases.**Bill:** SB41**Sponsors:** Stewart (D17); McQueen (D50)**Title:** SOLAR MARKET DEVELOPMENT TAX CREDIT CHANGES**Summary:** (Similar to 2015 SB391 as amended by HWMC) Removes the 2016 sunset but instead introduces a phase-

out of the tax credit beginning with 2019 and ending with 2024. The tax credit percentage (currently 10 percent), falls to 9 percent for systems installed in 2019 and 2020, 8 percent in 2021, 7 percent in 2022, 6 percent in 2023 and five percent in 2024.

Bill: SB44
Sponsors: Cervantes (D31)
Title: NMFA LOANS OR GRANTS FOR CERTAIN WATER PROJECTS
Summary: Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund to named qualifying entities for designated water projects on terms established by the Water Trust Board and the NMFA. (Note: This bill will be substantially changed during the course of the session and, at this stage, serves as more of a “filler” than an “actual” piece of legislation.)

Bill: SB46
Sponsors: Neville (R2)
Title: EXPANDS ENHANCED 911 ACT AND RELATED SURCHARGES
Summary: (Similar to 2015 HB126) Amends the Enhanced 911 Act, which was initially established in order to provide 911 service to (and authorize a related surcharge upon) telephone companies and commercial radio operators, to apply also to users of modern telecommunication devices. The bill contemplates existing communications technology as well as possible future advances.

Bill: SB57
Sponsors: Griggs (R34)
Title: LIQUOR DISPENSER LICENSE LEASING
Summary: (Similar to 2016 SB175) Allows a dispenser licensee to lease certain license rights.

Bill: SB61
Sponsors: Wirth (D25); Dines (R20)
Title: ELECTRONIC COMMUNICATIONS PRIVACY ACT: GOVERNMENT ACCESS CONDITIONS
Summary: (For the Courts, Corrections and Justice Committee) Cited as the Electronic Communications Privacy Act, the bill provides protections from government access to electronic communications by specifying the conditions under which a government entity may compel the production of or access to electronic communication information from a service provider. Requires the issuance of a warrant and specifies conditions that must be satisfied before a warrant or wiretap is authorized.

Bill: SB67
Sponsors: Rodriguez (D24)
Title: TIDD FORMATION— NOTICE TO COUNTY TREASURER
Summary: Adds the county treasurer to the list of officials to be notified when a tax increment districts forms.

Bill: SB72
Sponsors: Ivey-Soto (D15); Ely (D23)
Title: PUBLIC ACCOUNTABILITY ACT; BILL PRE-FILING PERIOD SHORTENED; LEGISLATIVE ETHICS COMMITTEE
Summary: OVERVIEW. Cited as the Public Accountability Act (PAA), this 86-page bill creates a Board of Public

Accountability (board) with an array of duties and powers to develop and administer a Code of Public Accountability and hold hearings on charges of ethical misconduct, corruption, abuses and noncompliance by members of state and local government. While the bill appears to mainly address public accountability issues, there are several places where non-related substantive law changes have been made (bill pre-filing period shortened; lobbyist definition is changed to exclude 501(c) nonprofit executive director or intergovernmental or trade association; Judicial Standards Commission Duties expanded). Creates a permanent Legislative Ethics Committee.

Bill: SB75
Sponsors: White (R19); Gonzales (D42)
Title: UPDATING DEFERRED COMPENSATION ACT FOR GOVERNMENTAL EMPLOYEES
Summary: (For the Investments and Pensions Oversight Committee) Updates language of the Deferred Compensation Act. Collapses the list of types of deferred compensation investment options that may be approved to mutual funds, including stock, bond or capital preservation funds, or any other investments determined by the Public Employees Retirement Board to fulfill the goals, thereby dropping explicit mention of life insurance and annuity contracts and options provided by New Mexico banks and savings and loan associations.

Bill: SB83
Sponsors: Ortiz y Pino (D12)
Title: REMOVE BEHAVIORAL HEALTH FROM MEDICAID MANAGED CARE
Summary: (For the Legislative Health and Human Services Committee) Requires the Human Services Department to exclude behavioral health services from the services provided to Medicaid recipients through managed care.

Bill: SB84
Sponsors: Ortiz y Pino (D12)
Title: INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE MEMBERSHIP
Summary: Adds three additional members to the Interagency Behavioral Health Purchasing Collaborative, representing local municipalities, counties, and nonprofit behavioral health providers.

Bill: SB95
Sponsors: Sanchez, C. (D30)
Title: RAISES GASOLINE AND SPECIAL FUELS TAXES
Summary: (Similar to 2015 HB58, SB394 and SB656; 2016 SB251, SB284 and SJR22) Raises, effective July 1, 2017, the state gasoline tax by ten cents to 27 cents per gallon and the special fuel (diesel) tax by five cents to 26 cents per gallon. Apportions the additional revenues among the Revenue Stabilization Reserve, Local Governments Road Fund and State Road Fund.

Bill: SB98
Sponsors: Martinez, Richard (D5)
Title: SANTA CRUZ TRANSFER FROM SANTA FE COUNTY TO RIO ARRIBA COUNTY
Summary: Provides that where a municipality is located in two contiguous counties, and at least 15 percent of the municipality's population resides in each county, the residents in the county with the smaller share of the population maybe annexed to the other county through the petition process provided in statute. Seemingly addresses a proposed transfer of the town of Santa Cruz from Santa Fe County to Rio Arriba County.

Bill: SB99
Sponsors: Rue (R23)
Title: PRISONER POSSESSION OF ELECTRONIC COMMUNICATION OR RECORDING DEVICES
Summary: (Related to 2015 SB314) Prohibits possession of an electronic communication or recording device by an inmate in a penal institution, reformatory, jail or prison farm or ranch; and makes possession of such device by a prisoner a fourth-degree felony;

Bill: SB111
Sponsors: Smith (D35)
Title: REVERTING FISCAL YEAR-END FUND BALANCES
Summary: (For the Legislative Finance Committee) (Duplicate of 2017 HB4) Relating to fiscal solvency; reverts balances in the Insurance Operations Fund, the Fire Protection Fund, the Fire Protection Grant Fund and the Law Enforcement Protection Fund at the end of each fiscal year; requires periodic allotments during a fiscal year from those funds; and makes no transfers from the Fire Protection Fund to the Fire Protection Grant Fund for FY 2017 and 2018.

Bill: SB112
Sponsors: Cisneros (D6)
Title: CHANGING AND VOIDING SEVERANCE TAX BONDS
Summary: (For the Legislative Finance Committee) (Same as HB5) Relates to fiscal solvency, and a four-part package in the Senate (SBs 111,112,113,114) that attempts to address the projected budget deficit. Changes the purpose for a number of capital outlay projects authorized in previous years, voids certain previous authorizations and requires reversion of remaining balances of certain appropriations. Also suspends for FY 2017 the priority allocation of severance tax bonding capacity for water, tribal and infrastructure and colonias projects. The bonding capacity thus recreated plus a transfer of \$6 million from the Capitol Buildings Repair Fund is re-purposed to support water rights adjudication and to restore the allotments from the General Fund for capital project appropriations whose expenditure periods end on or before June 30, 2016.

Bill: SB113
Sponsors: Smith (D35)
Title: REDUCTION AND TRANSFER OF FY 2016 AND 2017 GENERAL FUND APPROPRIATIONS
Summary: (For the Legislative Finance Committee) (Duplicate of 2017 HB6) Reduces 2015 and 2016 General Appropriations Act appropriations; allows for FY 2017 General Fund appropriation reductions; and transfers money from funds and accounts to the FY 2017 appropriation account and the Operating Reserve Account of the General Fund.

Bill: SB122
Sponsors: Candelaria (D26)
Title: CREATES WORKERS' COMPENSATION ADMINISTRATIVE APPEAL PROCESS
Summary: Relates to worker's compensation. Transfers appeals of decisions of Workers' Compensation judges from the jurisdiction of the Court of Appeals, establishes an administrative appeal process in the Workers' Compensation Administration, and creates Workers' Compensation administrative appeal judges. Provides for appeals from the administrative appeal to the Supreme Court.

Bill: SB123
Sponsors: Sharer (R1)
Title: TAX REFORM PACKAGE
Summary: (Similar to 2016 SB145, 2015 SB346 and 2013 SB365) 186-page bill continues the sponsor's effort to reform the state tax system by greatly expanding the gross receipts base to replace the motor vehicle excise, leased vehicle gross receipts and boat excise taxes (which are repealed); lower the state gross receipts tax rate from 5.125% to one percent and governmental gross receipts from five to one percent; provides for a flat-rate personal income tax; repeals the compensating tax, corporate income tax, corporate franchise tax, estate tax and several tax credits; consolidates local option taxes, reducing the maximum permissible rates to 0.5% for municipalities and 0.5% for counties; revises statutes dealing with revenues local governments may pledge to repay indebtedness. All this is effective January 1, 2017.

Bill: SB129
Sponsors: Ingle (R27)
Title: AFFORDABLE HOUSING ACT APPROPRIATION
Summary: (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$250,000 (GF nonreverting) to the Department of Finance and Administration for expenditure in FY 2018 and subsequent fiscal years by the NM Mortgage Finance Authority for oversight of the Affordable Housing Act.

Bill: SB130
Sponsors: Smith (D35)
Title: GENERAL APPROPRIATION ACT OF 2017
Summary: (Related to HB2) This represents the Legislative Finance Committee's version of the state budget for FY2018, for which a comprehensive bill will emerge later in the legislative session, usually as House Bill 2. It contains the LFC's recommendation for the 2017-2018 year and recommends \$6.052 billion in recurring appropriations from the general fund. It assumes \$123.3 million in new revenue, additional spending reductions or both, based on projections that income in the 2018 fiscal year will be close to \$100 million less than spending in FY17.

Bill: SB131
Sponsors: Smith (D35); Gonzales (D42)
Title: GASOLINE AND SPECIAL FUELS TAX INCREASES
Summary: (Similar to 2015 HB58, SB394 and SB656; 2016 SB251, SB284 and SJR22; 2017 HB63, and SB132) Raises, perhaps by April 1, the state gasoline tax by ten cents to 27 cents per gallon and the special fuel (diesel) tax by ten cents to 31 cents per gallon. Both tax rates are indexed starting July 1, 2019. Apportions the additional revenues among the Revenue Stabilization Reserve, Local Governments Road Fund and State Road Maintenance Fund.

Bill: SB143
Sponsors: Padilla (D14)
Title: LONG-TERM PUBLIC AND PRIVATE INFRASTRUCTURE INVESTMENT PARTNERSHIPS
Summary: Creates the New Mexico Infrastructure Investment Act to be administered by the General Services Department (GSD). Allows state and local governments to enter into long-term partnerships (up to a 50

years) with private sector partners on public projects. Contemplates the formation of partnerships between private companies and state or local government (municipality, county, or regional entity created by a joint powers agreement between one or more public agencies) for the design, development, financing, construction, operation or maintenance of a public project. Contains penalties.

Bill: SB153

Sponsors: Smith (D35)

Title: ENDS ENHANCED DISTRIBUTION TO LOCAL DWI FUND BY ONE YEAR

Summary: (For the Legislative Finance Committee) Reduces the distribution from liquor excise revenues to the Local DWI Fund from 46% to 41% on July 1, 2017 instead of July 1, 2018.

Bill: SB154

Sponsors: Smith (D35)

Title: ENDS ENHANCED DISTRIBUTION TO LOCAL DWI FUND BY ONE YEAR

Summary: (For the Legislative Finance Committee) Updates a statutory reference. Note: Laws 2016 (2nd S.S.), Chapter 4, Section 2 appropriates \$219,400,000 from the Tobacco Settlement Permanent Fund to the FY 2017 appropriation account of the General Fund.

Bill: SB155

Sponsors: Candelaria (D26)

Title: WORKERS' COMP CONDITIONS FOR DENIAL OF DISABILITY BENEFITS

Summary: Amends the Workers' Compensation Act to clarify when a worker is not entitled to certain benefits. Applies to sections relating to Temporary Total Disability and Permanent Partial Disability. Provides that if the worker is responsible for the separation from employment and that separation is unrelated to the on-the-job injury, the worker shall not receive disability.

Bill: SB156

Sponsors: Candelaria (D26)

Title: EMPLOYER'S RIGHTS AGAINST INJURED WORKERS' THIRD-PARTY CLAIMS

Summary: Relates to workers' compensation and damages paid an injured worker or, in the case of the worker's death, the worker's family or those entitled to damages for injury. Amends the subrogation section of the Workers' Compensation Act to expand the employer's right of subrogation to collect against a third party for benefits and compensation paid to the worker; the right to intervene in any case brought by the worker; and to give the employer a lien on the amount actually collectable from the third party.

Bill: SB172

Sponsors: Morales (D28)

Title: HEALTH SECURITY ACT

Summary: (Almost a duplicate of 2017 HB101; similar to 2015 SB152; 2013 HB262) Proposes the Health Security Act, making major changes to the health care system in New Mexico through a comprehensive system of virtually universal coverage. Its goals are to make health care coverage available to all New Mexicans through combined public and private financing, to control escalating health care costs and improve health care for all New Mexicans. Participation is mandatory for holders of private insurance. The act creates a Health Care Commission, endowed with extensive powers and duties, to develop and adopt a wide-ranging annual state Health Security Plan. An individual is eligible for coverage if physically present in the state for

one year prior to the date of application for enrollment. Private insurance may not be provided to a beneficiary for health care covered by the plan, although a beneficiary may purchase private, supplemental benefits and insurance for benefits not covered under the plan. Requires a fiscal analysis of the plan by the Legislative Finance Committee and cooperation by the Superintendent of Insurance to ensure that Workers' Comp and auto medical premiums decrease based on the plan assuming that coverage. The act imposes penalties on beneficiaries who misuse eligibility cards and providers who engage in a pattern of overbilling. Provides for transfer of Health Insurance Exchange property to the Commission. Temporarily amends the Tort Claims Act. Unlike HB101, contains a \$100,000 (GF), appropriation to the LFC for FY 2018 for the fiscal analysis required pursuant to the act.

Bill: SB176
Sponsors: Smith (D35)
Title: LEGISLATIVE SESSION, LEGISLATIVE AGENCIES, COURTS AND ADULT PROTECTIVE SERVICES
Summary: Legislative Session, Legislative Agencies, Courts and Adult Protective Services

Bill: SB191
Sponsors: Pirtle (R32)
Title: MAGISTRATE LIMITED IN ADJOINING COUNTY TRAFFIC CASES
Summary: Relates to magistrate court jurisdiction and territorial limits. Amends existing law to provide for traffic citations to be filed in the county where the violation is alleged to have been committed. Provides for the defendant to consent to a change of venue from the magistrate district where the cause of action arose in order before a magistrate in an adjoining jurisdiction may handle the case.

Bill: SB198
Sponsors: Campos, P. (D8)
Title: WATER TRUST FUND APPROPRIATION
Summary: Makes an \$18 million (GF nonreverting) appropriation to the Water Trust Fund for use in FY2018 and subsequent fiscal years to carry out the purposes of the Water Trust Fund.

Bill: SB199
Sponsors: Smith (D35)
Title: DELAYS CORPORATE INCOME TAX RATE CUTS
Summary: Delays the corporate income tax cuts scheduled for tax years 2016 through 2018. Also delays the increase in the weight of the sales factor in formulary income apportionment for those same tax years.

Bill: SB202
Sponsors: Ivey-Soto (D15)
Title: PROPERTY FORFEITURE AUTHORITY BY LOCAL AND STATE LAW ENFORCEMENT AGENCIES
Summary: OVERVIEW. (Related to 2015 HB560) Extends provisions of the Forfeiture Act to apply to all seizures, forfeitures and dispositions of property subject to forfeiture in the state (except contraband, controlled substances and deadly weapons). "Property subject to forfeiture" means property declared to be subject to forfeiture by the act, a state law outside of the act, or a local ordinance. Expands the authority of state and local law enforcement agencies to seize and dispose of forfeited property. Deletes the prohibition of

retention of the forfeited property by a law enforcement agency.

Bill: SB212
Sponsors: Griggs (R34)
Title: FILING AND RECORDING OF DUPLICATES
Summary: (Almost identical to 2015 HB 324) In situations where an original instrument of writing is unavailable for filing and recording, a copy of it will be accepted for filing and recording if an accompanying document is presented with the proper information.

Bill: SB217
Sponsors: Papen (D38)
Title: MEDICAID MANAGED CARE AND PROVIDER ACT
Summary: (Similar to 2015 SB55) Cited as the Medicaid Managed Care and Provider Act. Clarifies the definition of Medicaid fraud; defines “overpayment” and “credible allegation of fraud;” establishes rights and remedies of Medicaid providers and subcontractors for alleged overpayments or credible allegation of fraud; provides for Administrative Law Judges; establishes procedures to resolve overpayment disputes; provides for judicial review of a credible allegation of fraud determination.

Bill: SJR3
Sponsors: Padilla (D14)
Title: PERMANENT FUNDS DISTRIBUTION INCREASED FOR EARLY CHILDHOOD SERVICES
Summary: (Very similar to 2016 SJR2 and HJR10) Proposes to amend Article 12, Section 7 of the state Constitution, subject to the approval of Congress, to provide an additional annual distribution of one and one-half percent from the Permanent School Fund for early childhood education services.

Bill: SJR4
Sponsors: Padilla (D14)
Title: CA: QUALIFICATIONS FOR COUNTY SHERIFFS
Summary: (Relates to 2017 SB 22) Proposes to amend Article 10 of the New Mexico Constitution by adding a new Section 12 providing that no person shall be elected or appointed to the office of Sheriff unless the person meets the qualifications established in law.

Bill: SJR6
Sponsors: Stewart (D17)
Title: C.A.— STATEWIDE MILLAGE FOR PUBLIC SCHOOL FUNDING
Summary: Proposes to amend Article 8, Section 2 of the New Mexico Constitution to increase the cap on real and personal property taxes in the state from 20 to 22 mills per dollar of assessed valuation, and to impose a two mill statewide levy for distribution to public schools through the State Equalization Guarantee.

Bill: SM6
Sponsors: Wirth (D25)
Title: “MAX COLL CORRIDOR”
Summary: Requests the State Transportation Commission to name the portion of U.S. Highway 285 between Interstate 25 exit 290 and the Lamy turnoff as the “Max Coll Corridor.”

LEGISLATION RELATED TO ALL NM COUNTIES

Bill: HB4

Sponsors: Lundstrom (D9)

Title: REVERTING FISCAL YEAR-END FUND BALANCES

Bill: HB5

Sponsors: Dodge (D63)

Title: CAPITAL OUTLAY REAUTHORIZATIONS, CANCELLATIONS AND SUSPENSIONS

Bill: HB12

Sponsors: Trujillo, Christine (D25)

Title: MAGISTRATE COURT-HEARING SITES DOWN-SIZED IN TAOS AND CATRON COUNTIES

Bill: HB20

Sponsors: Rehm (R31)

Title: LIMITS ON APPLICATION OF PUBLIC WORKS MINIMUM WAGE ACT

Bill: HB29

Sponsors: Brown (R55)

Title: CARLSBAD BRINE WELL REMEDIATION ADVISORY AUTHORITY

Bill: HB30 Sponsors: Brown (R55)

Title: CARLSBAD BRINE WELL CAVERN DESIGN-BUILD SERVICES APPROPRIATION

Bill: HB39

Sponsors: Montoya (R1)

Title: MUNICIPALITY LIQUOR LICENSE SALES AT BUSINESS LOCATIONS

Bill: HB53

Sponsors: Gentry (R30)

Title: CURFEW ORDINANCES BY LOCAL GOVERNMENT

Bill: HB57

Sponsors: Trujillo, Carl (D46)

Title: PRC REGULATORY JURISDICTION OF TELECOMMUNICATIONS

Bill: HB59

Sponsors: Ezzell (R58)

Title: NMFA: LOANS OR GRANTS FOR CERTAIN WATER PROJECTS

Bill: HB63

Sponsors: Crowder (R64)

Title: COUNTY AND MUNICIPAL FUELS TAX ACT

Bill: HB66

Sponsors: Garcia, Miguel (D14)

Title: BOARD OF TRUSTEES REGULATORY JURISDICTION OVER ATRISCO LAND GRANT-MERCED

Bill: HB85
Sponsors: Armstrong, D. (D17)
Title: LICENSURE AND ENFORCEMENT OF BOARD AND CARE FACILITIES

Bill: HB96
Sponsors: Baldonado (R8)
Title: HOSPITAL PROPERTY TAXES— PETITION FOR ACTION

Bill: HB101
Sponsors: Gonzales (D42)
Title: HEALTH SECURITY ACT

Bill: HB102
Sponsors: Rehm (R31)
Title: MARIJUANA TAX

Bill: HB103
Sponsors: Rehm (R31)
Title: UNM HOSPITAL INDIGENT HEALTH CARE REPORTS

Bill: HB104
Sponsors: Bandy (R3)
Title: LOCAL ELECTION ACT

Bill: HB106
Sponsors: Romero (D10)
Title: BABY CHANGING FACILITIES IN PLACES OF PUBLIC ACCOMMODATION

Bill: HB110
Sponsors: Garcia Richard (D43)
Title: MUNICIPAL COURT JURISDICTION FOR BENCH WARRANTS AND SERVICE OF PROCESS

Bill: HB111
Sponsors: Gonzales (D42)
Title: TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS

Bill: HB113
Sponsors: Smith (R22)
Title: CHIEF INFORMATION OFFICER TO DEVELOP STATEWIDE BROADBAND NETWORK

Bill: HB123
Sponsors: Trujillo, Carl (D46)
Title: COMMERCIAL PET FOOD FEE FOR SPAY AND NEUTER

Bill: HB137
Sponsors: Trujillo, L. (D48)
Title: REMOVES SUBDIVISION ORDINANCE FILING REQUIREMENT WITH STATE RECORDS

Bill: HB150
Sponsors: Thomson (D24)

Title: APPROPRIATION TO IDENTIFY MATERNAL & CHILD HEALTH NEEDS

Bill: HB162

Sponsors: Johnson (D5)

Title: SALE OF LIQUOR FOR CONSUMPTION OFF LICENSED PREMISES

Bill: HB174

Sponsors: Smith (R22); Ivey-Soto (D15)

Title: LOCAL ELECTION ACT

Bill: HB175

Sponsors: Maestas (D16)

Title: RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

Bill: HB188

Sponsors: Larranaga (R27)

Title: ENGINEERING AND SURVEYING PRACTICES ACT

Bill: HB205

Sponsors: Dow (R38)

Title: VACANT RURAL BUILDING ACT: BYPASSES LOCAL BUILDING CODES

Bill: HB219

Sponsors: Hall, J. C. (R28)

Title: ANIMAL SHELTERING REGULATION BY VETERINARY MEDICINE BOARD

Bill: HB234

Sponsors: Ruiloba (D12)

Title: PRECIOUS METAL TRANSACTIONS ACT

Bill: HB242

Sponsors: Thomson (D24)

Title: RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

Bill: HB249

Sponsors: Martinez, R. (D39)

Title: EXTEND NMSU GRT DEDUCTION FOR SPECIAL EVENTS

Bill: HB251

Sponsors: Stapleton (D19)

Title: LOCAL GOVERNMENT INVESTMENT POOL

Bill: HB259

Sponsors: Powdrell-Culbert (R44)

Title: ALLOWS ANOTHER COUNTY LOCAL OPTION GROSS RECEIPTS TAX TO BE BONDED

Bill: HB266

Sponsors: Trujillo, Carl (D46)

Title: APPLIES OCCUPANCY TAX TO CERTAIN SHORT-TERM RENTALS

Bill: HB268
 Sponsors: Lundstrom (D9)
 Title: PUBLIC PROJECT REVOLVING FUND LOANS

Bill: HB275
 Sponsors: Larranaga (R27); Cisneros (D6)
 Title: LONG-TERM PUBLIC-PRIVATE INVESTMENT PARTNERSHIPS FOR PUBLIC PROJECTS

Bill: HJM1
 Sponsors: Salazar, T. (D70)
 Title: AFFORDABLE HEALTH INSURANCE FOR RETIRED TEACHERS AND PUBLIC EMPLOYEES

Bill: HJM4
 Sponsors: Ely (D23)
 Title: STUDY PUBLIC INFRASTRUCTURE FUNDING SYSTEMS

Bill: HM1
 Sponsors: Salazar, T. (D70)
 Title: STATE AND REGIONAL WATER PLANNING TASK FORCE REVIEW

Bill: HM19
 Sponsors: Fajardo (R7)
 Title: VALENCIA COUNTY DAY

Bill: SB3
 Sponsors: Leavell (R41)
 Title: CARLSBAD BRINE WELL CAVERN DESIGN-BUILD SERVICES APPROPRIATION

Bill: SB4
 Sponsors: Leavell (R41)
 Title: CARLSBAD BRINE WELL REMEDIATION ADVISORY AUTHORITY

Bill: SB22
 Sponsors: Padilla (D14)
 Title: QUALIFICATIONS FOR COUNTY SHERIFF

Bill: SB24
 Sponsors: Padilla (D14); Smith (R22)
 Title: IDZ: LOCAL GOVERNMENT BROADBAND INFRASTRUCTURE DEVELOPMENT

Bill: SB33
 Sponsors: Morales (D28); Salazar, T. (D70)
 Title: COUNTY AND INDIAN MATERNAL AND CHILD HEALTH FUNDS

Bill: SB43
 Sponsors: Cervantes (D31)
 Title: SALE OF PUBLIC SECURITIES— DELEGATION TO NMFA

Bill: SB46
 Sponsors: Neville (R2)

Title: EXPANDS ENHANCED 911 ACT AND RELATED SURCHARGES

Bill: SB51

Sponsors: Neville (R2)

Title: OFF-ROAD VEHICLE LICENSES AND PLATES

Bill: SB53

Sponsors: Padilla (D14)

Title: PRC REGULATORY JURISDICTION OF TELECOMMUNICATIONS

Bill: SB57

Sponsors: Griggs (R34)

Title: LIQUOR DISPENSER LICENSE LEASING

Bill: SB61

Sponsors: Wirth (D25); Dines (R20)

Title: ELECTRONIC COMMUNICATIONS PRIVACY ACT: GOVERNMENT ACCESS CONDITIONS

Bill: SB67

Sponsors: Rodriguez (D24)

Title: TIDD FORMATION— NOTICE TO COUNTY TREASURER

Bill: SB72

Sponsors: Ivey-Soto (D15); Ely (D23)

Title: PUBLIC ACCOUNTABILITY ACT; BILL PRE-FILING PERIOD SHORTENED; LEGISLATIVE ETHICS COMMITTEE

Bill: SB75

Sponsors: White (R19); Gonzales (D42)

Title: UPDATING DEFERRED COMPENSATION ACT FOR GOVERNMENTAL EMPLOYEES

Bill: SB81

Sponsors: Stewart (D17)

Title: WILDLIFE TRAFFICKING ACT

Bill: SB84

Sponsors: Ortiz y Pino (D12)

Title: INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE MEMBERSHIP

Bill: SB85

Sponsors: Martinez, Richard (D5)

Title: UNIFORM ENVIRONMENTAL COVENANTS ACT

Bill: SB87

Sponsors: Cisneros (D6)

Title: ENGINEERING AND SURVEYING PRACTICE ACT

Bill: SB92

Sponsors: Papen (D38)

Title: MORTGAGE FINANCE AUTHORITY HOUSING OVERSIGHT FUNDS

Bill: SB94
Sponsors: Papen (D38)
Title: EXTENDS NMSU'S TAX DEDUCTION FOR SPECIAL EVENTS

Bill: SB95
Sponsors: Sanchez, C. (D30)
Title: RAISES GASOLINE AND SPECIAL FUELS TAXES

Bill: SB98
Sponsors: Martinez, Richard (D5)
Title: SANTA CRUZ TRANSFER FROM SANTA FE COUNTY TO RIO ARriba COUNTY

Bill: SB101
Sponsors: Cisneros (D6); Trujillo, Carl (D46)
Title: CAPITAL OUTLAY PROJECTS FOR STATE AGENCIES STATEWIDE

Bill: SB112
Sponsors: Cisneros (D6)
Title: CHANGING AND VOIDING SEVERANCE TAX BONDS

Bill: SB123
Sponsors: Sharer (R1)
Title: TAX REFORM PACKAGE

Bill: SB124
Sponsors: Shendo (D22)
Title: SALE OF LIQUOR FOR CONSUMPTION OFF LICENSED PREMISES

Bill: SB126
Sponsors: Woods (R7)
Title: LIVESTOCK SUBJECT TO SALE AFTER SEIZURE

Bill: SB143
Sponsors: Padilla (D14)
Title: LONG-TERM PUBLIC AND PRIVATE INFRASTRUCTURE INVESTMENT PARTNERSHIPS

Bill: SB172
Sponsors: Morales (D28)
Title: HEALTH SECURITY ACT

Bill: SB182
Sponsors: Papen (D38)
Title: EARLY CHILDHOOD LAND GRANT ACT

Bill: SB185
Sponsors: Papen (D38)
Title: RESTRICTING THE USE OF SOLITARY CONFINEMENT IN CORRECTIONAL FACILITIES

Bill: SB187

Sponsors: Papen (D38)
Title: LICENSURE AND ENFORCEMENT OF BOARD AND CARE FACILITIES

Bill: SB191
Sponsors: Pirtle (R32)
Title: MAGISTRATE LIMITED IN ADJOINING COUNTY TRAFFIC CASES

Bill: SB194
Sponsors: Campos, P. (D8)
Title: MORPHY LAKE DAM RENOVATION FUNDS

Bill: SB201
Sponsors: Sapien (D9)
Title: SALON LIQUOR LICENSE

Bill: SB211
Sponsors: Griggs (R34)
Title: ALLOWS LIQUOR DISPENSER-LICENSEE TO LEASE CERTAIN LICENSE RIGHTS

Bill: SB215
Sponsors: Wirth (D25)
Title: FINANCING FOR THE RENEWABLE ENERGY AND WATER CONSERVATION

Bill: SB222
Sponsors: Stefanics (D39)
Title: RAISING DOLLAR THRESHOLD FOR BEING EXEMPT FROM "LOCAL PUBLIC BODY"

Bill: SB223
Sponsors: Ivey-Soto (D15)
Title: ESSENTIAL HEALTH SERVICES AND DEPARTMENT OF HEALTH FUNCTIONS

Bill: SB224
Sponsors: Steinborn (D36)
Title: VOTER REGISTRATION UP TO THREE DAYS BEFORE AN ELECTION

Bill: SB226
Sponsors: Steinborn (D36)
Title: EFFICIENT WATER USE IN UTILITIES' POWER GENERATING SYSTEMS

Bill: SB232
Sponsors: Ortiz y Pino (D12)
Title: EXCLUDES CARBONATED BEVERAGES FROM GROSS RECEIPTS TAX DEFINITION OF "FOOD"

Bill: SB234
Sponsors: Sapien (D9)
Title: ALLOWS ANOTHER COUNTY LOCAL OPTION GROSS RECEIPTS TAX TO BE BONDED

Bill: SB236
Sponsors: Leavell (R41)

Title: DEFINITION OF "AVERAGE DISTRIBUTION OR TRANSFER AMOUNT"

Bill: SB242

Sponsors: Munoz (D4)

Title: TEMPORARY REDUCTION IN GENERAL FUND APPROPRIATIONS DURING REVENUE SHORTFALL

Bill: SJM3

Sponsors: Pirtle (R32)

Title: TRANSFER SKI APACHE ACREAGE TO MESCALERO TRIBE

Bill: SJR1

Sponsors: Wirth (D25); Maestas (D16)

Title: C.A.— STATUTORY APPELLATE JURISDICTION

Bill: SJR4

Sponsors: Padilla (D14)

Title: CA: QUALIFICATIONS FOR COUNTY SHERIFFS

Bill: SM24

Sponsors: Campos, P. (D8)

Title: STUDY OPTIONS FOR WATER SUPPLY IN NE NEW MEXICO

Bill: SM27

Sponsors: Baca (R29)

Title: COMMEMORATING VALENCIA COUNTY DAY IN THE SENATE



Ordinance No. 2017- ,
An Ordinance Amending Ordinance No. 1991-6, the Santa Fe Animal Control Ordinance, to Increase Fees; Prohibit Fixed Point Tethering; Conform Rabies Vaccination Requirements to State Law and Regulations; Set Forth a Process for Revocation of Permits Issued; Incorporate the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6; and Establish Penalty Provisions That Comport with State Law.

1-2 Definitions

T. "Vaccination." means the protection provided against rabies by inoculation with anti- rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and/or required by state law, including NMSA, section 77-1-1 et seq., given in amounts sufficient for one year of immunization the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended.

4-1 Rabies Vaccination

~~A. It is the duty of all persons owning a cat or dog or any member of the canine or feline families which an employee of an animal control shelter or the animal control division is permitted to vaccinate over the age of three (3) months to have such an animal vaccinated against rabies. The rabies vaccination shall be given in amounts sufficient to provide immunity from rabies for one (1) year and be administered by a licensed veterinarian. A certificate or tag from a licensed veterinarian shall be evidence of vaccination. A graduate veterinarian may vaccinate his or her own dog or cat.~~

~~B. A veterinarian administering any rabies vaccination to any animal shall issue to the owner of the animal numbered vaccination certificates or tags which shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of the vaccination and the expiration date of the period of immunity.~~

~~C. It is unlawful for the owner of any dog, cat or other members of the canine or feline families to fail to exhibit a certificate or tag of vaccination, upon demand, to any Sheriff's deputy or Animal Control Officer.~~

A. Any owner of a dog, cat, or ferret over the age of three (3) months shall have the dog, cat, or ferret vaccinated as prescribed by NMSA 1978, Section 77-1-3 and New Mexico Department of Health regulations.

B. Any owner of a dog, cat, or ferret over the age of three (3) months shall exhibit its certificate of vaccination issued by a licensed veterinarian administering the rabies vaccine upon demand by a Sheriff's Deputy or Animal Services Control Officer.

8.11.14

C. Any owner of a dog, cat or ferret over the age of three (3) months shall securely confine the dog, cat, or ferret until it is vaccinated against rabies, which vaccination shall be administered within one week after entry into the County, unless the owner has a certificate of vaccination issued by a veterinarian licensed and practicing either within New Mexico or in another state or foreign country, and the vaccination conforms to the requirements of the State of New Mexico and this Ordinance. A titer test is not an acceptable alternative to a rabies vaccination.”

5-1 Dogs Running at Large

~~It is unlawful for any owner to allow or permit any dog to run at large. Any dog permitted to run at large in violation of this section is declared to be a nuisance, menace to the public health and safety and may be taken up and impounded as provided in Section 3-1, et seq. In addition, its owner shall be subject to the penalties set forth in Appendix A. A person owning or having charge, custody, care, or control over a dog, shall keep the dog upon his or her own premises within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property.~~

5-2 Animals on Unenclosed Premises; Chained Animals

~~A. It shall be unlawful to tether a dog as a form of confinement. Fixed point tethering of any dog to stationary objects is permitted in limited circumstances, such as picnics or gatherings in a park or open space, or for emergency purposes to permit an individual to render aide to a human or another animal and only when the owner is immediately present.”It is unlawful for any person to chain or stake any animal in a cruel or inhumane manner. Where circumstances warrant and no other alternative exits for confining an animal on its owner’s property, a rope, cable or chain may be used to restrain the animal, provided the following criteria are met.~~

- ~~1. The rope, chain or cable must be affixed to the animal by use of a nonabrasive, comfortably fitted collar or harness.~~
- ~~2. The rope, chain or cable must be at least 12 feet in length unless the length allows the animal to enter onto another’s property, in which case, the chain shall be no less than eight feet in length. The chain must be unobstructed by objects which might cause the animal to become entangled.~~
- ~~3. The animal must have easy and constant access to adequate shelter, food and potable water.~~
- ~~4. The area where the animal is confined must be kept free of garbage, feces or other debris, which may endanger the animal’s health and safety.~~

~~5. The area where the animal is confined must be kept free of insect infestation such as ant hills, wasp nests, flea, tick and maggot infestations.~~

~~6. The animal must be tied reasonably near the owner's residence or workplace and must not be unattended for longer than a 12 hour period.~~

- B. Invisible fencing. Where an owner maintains an invisible fence, i.e., an electrical device designed to contain animals wearing an appropriate collar within a confined area, which is in operation at all times that a dog is outdoors on the owner's premises and within the invisible fencing and where each owner's dog on the premises wears the applicable collar, then the provisions of subsection (A) above shall not apply, provided that the invisible fence does, in fact, retain the dog on the owner's premises.
- C. Violations of these requirements will constitute an act of neglect or cruelty and will subject the animal to impoundment immediately and penalties to the owner.

5-4 Vicious Animals; Dangerous Dogs

A. It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 of this Ordinance.

B. ~~When an Animal Control Officer has probable cause to believe that a dog is dangerous or potentially dangerous and poses an imminent threat to public safety, the Animal Control Officer may apply for a warrant to seize the dog and petition the court for a declaration that the dog is dangerous or potentially dangerous pursuant to NMSA 1978, § 77-1A-4.~~

C. ~~Any owner of a dog declared by a court of competent jurisdiction to be a dangerous or potentially dangerous dog or is deemed dangerous or potentially dangerous by admission of the owner pursuant to the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6, shall comply with all the registration and handling requirements as set forth in NMSA 1978, §77-1A-5 and pay the registration fee set forth in Appendix A.~~

6-12 Repeat Offenses

- A. Three or more violations of any one or any combination of Section 6 offenses shall constitute an act of cruelty, punishable as set forth in Section 11-1 and Appendix A. ~~A repeat offender shall be deemed guilty of an misdemeanor, punishable by a fine not exceeding \$500.00 and/or imprisonment for period not exceeding six (6) months.~~
- B. In cases of repeat offenses under this Section 6, an A.C.O. shall have the authority to impound any animal subjected to cruelty, neglect or abandonment. The animal may not be returned to its owner before a hearing in Magistrate Court if, in the opinion of the A.C.O., the harm to the animal is sever and likely to recur.
- C. In cases of repeat offenses for animals subjected to cruelty, neglect or abandonment, the A.C.O may have the animal adopted to another owner, thereby extinguishing all property rights of the existing owner, provided the A.C.O serves written notice upon the existing owner, informing him or her of the A.C.O's intent to have the animal adopted by another owner, and giving the existing owner three business days to 1) declare his or her intention to maintain ownership of the animal and object to the adoption, and 2) pay all impoundment, boarding and veterinary costs, up to the date of the owner's declaration of intent to maintain his or her ownership of the animal. This intent must be stated in writing, signed by the animal's owner, and delivered to the Animal Shelter keeping the animal. The statement of intent and payment of fees and costs will serve to stop any animal adopting proceedings.

7-2 Licensing Wild or Exotic Animals\

Any provision of this Ordinance to the contrary notwithstanding, no person shall receive, own or keep a wild or exotic animal within the limits of the County, without first applying or and receiving from the A.C.O. an annual permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved. The Animal Control Officer is permitted to enter the premises of the permittee hereunder at any reasonable time for the purpose or inspection or reinspection to determine compliance with this Ordinance. The A.C.O. may deny, revoke or suspend the permit for failure to comply with this Section. This permit shall be renewed annually, at a cost set forth in Appendix A. Revocation of a permit shall follow the procedures set forth in Section 10-1(G).

10-1 Permits; Standards; Revocation of Permits

- A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premises of any one business property more than ten dogs of licensing age or ten cats unless the owner or person in charge thereof has obtained a permit to operate a kennel from the animal control division.

- B. The cost of obtaining a kennel permit is set forth in Appendix A to this chapter. Each kennel license must be renewed annually and a new permit fee paid.
- C. No kennel permit shall be issued until an inspection of the kennel by an ACO finds compliance with this chapter has been completed.
- D. The A.C.O is authorized to inspect, at any reasonable hour, any kennel holding a permit to operate. By accepting a kennel permit, the permittee is agreeing to surrender the kennel for inspection at a reasonable time upon the request of an A.C.O.
- E. All kennels, as defined herein, shall, in addition to the other provisions of this Ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. The following standard must be met.
 - 1. Animal enclosures must be provided which allow adequate protection against all weather extremes, floors of buildings, runs and walks must be constructed with an impervious material to permit proper cleaning and disinfecting.
 - 2. Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
 - 3. Each animal shall have sufficient space to stand up, to lie down and turn around without touching the sides or tops of cages.
 - 4. Cages are to be of material and construction that permit adequate cleaning and sanitizing.
 - 5. Cages are to be of an impervious, washable material, radiantly heated, and shall have a resting board or some kind of bedding.
 - 6. Rooms shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
 - 7. All animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
 - 8. Animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition, age and size of the animal.
 - 9. All animals shall have fresh, potable water available at all times. Water vessels shall be mounted or secured in a manner that prevent tipping and be of a removable type.

F. Any permit issued pursuant to this section may be revoked if an A.C.O has reasonable cause to believe that the standards set forth in this section are not being met, or if the permittee or person caring for or having control of the kenneled animals has violated any section hereof or is in violation of any zoning, health and safety or building ordinance relating to the keeping, care of or use of any animal.

G. All revocations of permits issued pursuant to this Ordinance shall follow the procedures set forth below:

1. Notice of proposed revocation shall precede any permanent revocation of a permit issued under this Ordinance.

2. The notice of proposed revocation shall specify the following:

a. The specific violation or violations alleged, including dates and times of the alleged violation or violations, and any specific section or subsection of this Ordinance or state law that is alleged to have been violated;

b. A specific date by which the alleged violations shall be corrected to avoid further revocation proceedings, if the violation is of a nature that may be corrected;

c. A warning that failure to correct the violation or request a hearing shall result in revocation of the permit; and

d. Procedures for requesting a hearing regarding the alleged violation and proposed revocation of the permit.

3. If the period of time during which the permit holder was allowed to correct the violation passes without correction of the violation, and the permit holder has not requested a hearing as described in this Section, the Animal Control Division shall issue a notice of revocation. The revocation shall be effective thirty (30) days from service of the original notice of proposed revocation.

4. A permit holder may appeal the proposed revocation by requesting a hearing. The request for hearing shall be made within five (5) days of service of the notice of proposed revocation. The request for hearing shall be in writing, sent by certified mail, return receipt requested.

The request for hearing shall briefly state the reasons why the permit holder believes the revocation is not justified under the circumstances.

5. The Animal Control Division shall give written notice of the date, time, and place of the hearing to the permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30) days from the date of service of the notice of the hearing. The Animal Control Division may designate a County employee other than one employed in the Sheriff's Department or any other suitable individual to be the hearing officer.
6. The hearing officer may uphold, modify, or reverse the permit revocation. In conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence may be considered which is of a type upon which responsible people are accustomed to rely in the conduct of serious affairs. Within fifteen (15) business days of the hearing, the hearing officer shall send written findings and conclusions to the permit holder, by certified mail, return receipt requested. Permit holders may be represented by counsel at the hearing.
7. A person aggrieved by the hearing officer's decision may appeal the decision as by filing a petition for writ of certiorari pursuant to Rule 1-075 NMRA.
8. Notices provided for under this subsection shall be deemed served when the notice is delivered personally or mailed by registered or certified mail, return receipt requested, to the address on record for the permit holder.
9. During the pendency of the appeal, the Animal Control Division may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily suspending the permit and prohibiting the permit holder from operating under the permit pending resolution of the revocation proceeding.
10. A permit holder whose permit has been revoked shall not be eligible to apply for another permit for a period of one year after the revocation of the permit.
11. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the

effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the Animal Control Division.

11-1 Penalty Clause

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction of violating the Ordinance, shall be punished by a fine not exceeding ~~\$500.00~~ \$300.00 and/or imprisonment for a period not exceeding ~~six months~~ 90 day. ~~A person may, in addition to any other penalty, be required to attend an animal training or care school/class in the discretion of the court. Fines for violations of specific sections of this Ordinance may be set forth in Appendix A. However, the fines set forth in Appendix A shall not preclude punishment by imprisonment as provided in this Section.~~ Each day this Ordinance is violated shall be considered a separate offense.

Kathleen Ortiz



From: Tina Salazar on behalf of Anna T. Hamilton
Sent: Friday, January 27, 2017 9:42 AM
To: Kathleen Ortiz
Subject: FW: Amended Animal Control Ordinance
Attachments: Dear Santa Fe County Commissioners.docx

Hello Kathy,

She received four emails regarding the Animal Control Ordinance. I'll send the other three emails now.

Respectfully,

Tina Salazar
Constituent Services Liaison, District 4
tsalazar@santafecountynm.gov
P: 505.986.6319 F: 505.995.2740

Live, Love, Laugh!!!

From: LINDA R KASTNER [<mailto:puppause@centurylink.net>]
Sent: Monday, January 23, 2017 3:11 PM
To: Anna C. Hansen <ahansen@santafecountynm.gov>; Henry P. Roybal <hproybal@santafecountynm.gov>; Anna T. Hamilton <athamilton@santafecountynm.gov>; Edward H. Moreno <edmoreno@santafecountynm.gov>; Robert A. Anaya <ranaya@santafecountynm.gov>
Subject: Amended Animal Control Ordinance

Dear Santa Fe County Commissioners,

We would like to welcome Anna Hansen, Ed Moreno and Anna Hamilton to the Board of County Commissioners.

It is our understanding that at the next BCC meeting on Jan 31, 2017 there will be a vote on the amendment to the current S.F. County Animal Control Ordinance. This amendment would include a ban on the chaining/tethering of dogs.

“Chain Free Santa Fe” urges you to pass this amendment.

Back in the fall of 2016 when a new ACO that disallowed the chaining of dogs was introduced we provided packets of information to all the S.F. County Commissioners. These packets included the signatures of 500

Dear Santa Fe County Commissioners,

We would like to welcome Anna Hansen, Ed Moreno and Anna Hamilton to the Board of County Commissioners.

It is our understanding that at the next BCC meeting on Jan 31, 2017 there will be a vote on the amendment to the current S.F. County Animal Control Ordinance. This amendment would include a ban on the chaining/tethering of dogs.

“Chain Free Santa Fe” urges you to pass this amendment.

Back in the fall of 2016 when a new ACO that disallowed the chaining of dogs was introduced we provided packets of information to all the S.F County Commissioners. These packets included the signatures of 500 Santa Fe County residents opposed to chaining, letters from animal professionals, a report from the New Mexico Department of Public Safety titled “The Public Safety and Humane Implications of Persistently Tethering Domestic Dogs” and other information. We would be happy to provide this information to the new commissioners if desired just contact Linda Kastner at puppause@centurylink.net

We look forward to the passage of this amendment on January 31, 2017.

With warm wishes for a happy new year,

Chain Free Santa Fe

Kathleen Ortiz

From: Tina Salazar on behalf of Anna T. Hamilton
Sent: Friday, January 27, 2017 9:43 AM
To: Kathleen Ortiz
Subject: FW: amended animal control ordinance

Respectfully,

Tina Salazar
Constituent Services Liaison, District 4
tsalazar@santafecountynm.gov
P: 505.986.6319 F: 505.995.2740
Live, Love, Laugh!!!

From: Lindsey Sniderman [<mailto:lindsey@armadillosantafe.com>]
Sent: Tuesday, January 24, 2017 1:47 PM
To: Anna T. Hamilton <athamilton@santafecountynm.gov>
Subject: amended animal control ordinance

Dear Ms. Hamilton,

I live in your district at 96 La Barbaria Rd. I am in support of the amended animal control ordinance that was published late last year and will be voted on at the upcoming January 31st meeting of the Santa Fe County Commissioners. I want to prohibit chaining/tethering dogs in Santa Fe County. Thank you!

Sincerely,

Lindsey Sniderman



Animal Protection of New Mexico

PO Box 11395, Albuquerque NM 87192
 505-265-2322 • 505-265-2488 (fax)
 apnm@apnm.org • www.apnm.org

September 9, 2016

Santa Fe County Board of County Commissioners
 102 Grant Avenue
 Santa Fe, New Mexico 87501

Dear Santa Fe County Commissioners,

Thank you for your thoughtful review of the proposed amendments to the current Santa Fe County Animal Control Ordinance. As a statewide animal advocacy organization, Animal Protection of New Mexico (APNM) works closely with local, state, and federal officials to develop policies that promote the welfare of all animals, and we appreciate your willingness to consider progressive measures to protect public health and safety, while improving the lives and wellbeing of domesticated companion animals.

The proposed ordinance, if passed, would prohibit the use of any tether, chain, or trolley system attached to a fixed point(s) or stationary object(s), and recommends enclosed outdoor areas (or "runs") as a more humane method of ensuring that the needs of residents and their animal companions are reasonably met. In recent years, many municipalities and counties have passed similar laws prohibiting or severely restricting the practice of tethering/chaining, including Las Vegas, Albuquerque, Edgewood, Hobbs, Bernalillo County, Torrance County, and San Miguel County.

APNM fully supports the primary objectives of the proposed ordinance, including increased fees for ordinance violations. We do, however, recommend that the ordinance language reflect

1. *a meaningful increase in the proposed minimum size requirements for outdoor animal enclosures*
2. *a full one (1) year grace period prior to enactment and enforcement*

in the provisions summarized above. Such modifications to the ordinance requirements will likely result in greater overall compliance, clearly defined law enforcement and public guidelines, and the substantive advancement of animal welfare in our community.

Sincerely,

Eileen McCarthy
 Program Manager
 505.603.8916

cc: Captain Pacheco, Santa Fe County Sheriff's Office
 Captain Gonzales, Santa Fe County Sheriff's Office
 Paul Portillo, Santa Fe County Animal Control Supervisor
 Chain Free Santa Fe



SFC CLERK RECORDED 03/07/2017

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

ORDINANCE NO. 2017 – ___

AN ORDINANCE AMENDING ORDINANCE NO. 1991-6, THE SANTA FE COUNTY ANIMAL CONTROL ORDINANCE, TO INCREASE FEES; PROHIBIT FIXED POINT TETHERING; CONFORM RABIES VACCINATION REQUIREMENTS TO STATE LAW AND REGULATIONS; SET FORTH A PROCESS FOR REVOCATION OF PERMITS ISSUED; INCORPORATE THE DANGEROUS DOG ACT, NMSA 1978, §§ 77-1A-1 to -6; AND ESTABLISH PENALTY PROVISIONS THAT COMPORT WITH STATE LAW

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE NO. 1991-6 IS HEREBY AMENDED AS FOLLOWS:

Section 1. Article 1, Section 1-2(T) is hereby repealed and replaced with the following:

“T. “vaccination” means the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended.”

Section 2. Article 4, Section 4-1, is hereby repealed and replaced with the following:

“4-1 Rabies Vaccination

- A. Any owner of a dog, cat, or ferret over the age of three (3) months shall have the dog, cat, or ferret vaccinated as prescribed by NMSA 1978, Section 77-1-3 and New Mexico Department of Health regulations.
- B. Any owner of a dog, cat, or ferret over the age of three (3) months shall exhibit its certificate of vaccination issued by a licensed veterinarian administering the rabies vaccine upon demand by a Sheriff’s Deputy or Animal Control Officer.
- C. Any owner of a dog, cat or ferret over the age of three (3) months shall securely confine the dog, cat, or ferret until it is vaccinated against rabies, which vaccination shall be administered within one week after entry into the County, unless the owner has a certificate of vaccination issued by a veterinarian licensed and practicing either within New Mexico or in another state or foreign country,

and the vaccination conforms to the requirements of the State of New Mexico and this Ordinance. A titer test is not an acceptable alternative to a rabies vaccination.”

Section 3. Article 5, Section 5-2, is amended to amend the title and repeal and replace section A as follows:

A. The title is repealed and replaced with the following: “5-2 Unattended Animals on Private Property.”

B. Section A is repealed and replaced with the following:

“It shall be unlawful to tether an unattended dog as a form of confinement on private property. “Unattended” for purposes of this section means the owner or other person having charge, custody, care, or control over the dog is not immediately present.”

Section 4. Article 5, Section 5-4 is repealed and replaced with the following:

“5-4 Vicious Animals; Dangerous Dogs

A. It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 of this Ordinance.

B. When an Animal Control Officer has probable cause to believe that a dog is dangerous or potentially dangerous and poses an imminent threat to public safety, the Animal Control Officer may apply for a warrant to seize the dog and petition the court for a declaration that the dog is dangerous or potentially dangerous pursuant to NMSA 1978, § 77-1A-4.

C. Any owner of a dog declared by a court of competent jurisdiction to be a dangerous or potentially dangerous dog or is deemed dangerous or potentially dangerous by admission of the owner pursuant to the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6, shall comply with all the registration and handling requirements as set forth in NMSA 1978, §77-1A-5 and pay the registration fee set forth in Appendix A.”

Section 5. Article 6, Section 6-12(A) is repealed and replaced with the following:

- “A. Three or more violations of any one or any combination of Section 6 offenses shall constitute an act of cruelty, punishable as set forth in Section 11-1 and Appendix A.”

Section 6. Article 7, Section 7-2 is hereby amended to add the following as a final sentence to that Section:

- “Revocation of a permit shall follow the procedures set forth in Section 10-1(G).”

Section 7. Article 10, Section 10-1, is amended to add the following:

- “G. All revocations of permits issued pursuant to this Ordinance shall follow the procedures set forth below:
 1. Notice of proposed revocation shall precede any permanent revocation of a permit issued under this Ordinance.
 2. The notice of proposed revocation shall specify the following:
 - a. The specific violation or violations alleged, including dates and times of the alleged violation or violations, and any specific section or subsection of this Ordinance or state law that is alleged to have been violated;
 - b. A specific date by which the alleged violations shall be corrected to avoid further revocation proceedings, if the violation is of a nature that may be corrected;
 - c. A warning that failure to correct the violation or request a hearing shall result in revocation of the permit; and
 - d. Procedures for requesting a hearing regarding the alleged violation and proposed revocation of the permit.
 3. If the period of time during which the permit holder was allowed to correct the violation passes without correction of the violation, and the permit holder has not requested a hearing as described in this Section, the Animal Control

Division shall issue a notice of revocation. The revocation shall be effective thirty (30) days from service of the original notice of proposed revocation.

4. A permit holder may appeal the proposed revocation by requesting a hearing. The request for hearing shall be made within five (5) days of service of the notice of proposed revocation. The request for hearing shall be in writing, sent by certified mail, return receipt requested. The request for hearing shall briefly state the reasons why the permit holder believes the revocation is not justified under the circumstances.
5. The Animal Control Division shall give written notice of the date, time, and place of the hearing to the permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30) days from the date of service of the notice of the hearing. The Animal Control Division may designate a County employee other than one employed in the Sheriff's Department or any other suitable individual to be the hearing officer.
6. The hearing officer may uphold, modify, or reverse the permit revocation. In conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence may be considered which is of a type upon which responsible people are accustomed to rely in the conduct of serious affairs. Within fifteen (15) business days of the hearing, the hearing officer shall send written findings and conclusions to the permit holder, by certified mail, return receipt requested. Permit holders may be represented by counsel at the hearing.
7. A person aggrieved by the hearing officer's decision may appeal the decision as by filing a petition for writ of certiorari pursuant to Rule 1-075 NMRA.
8. Notices provided for under this subsection shall be deemed served when the notice is delivered personally or mailed by registered or certified mail, return receipt requested, to the address on record for the permit holder.
9. During the pendency of the appeal, the Animal Control Division may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily suspending the permit and

prohibiting the permit holder from operating under the permit pending resolution of the revocation proceeding.

- 10. A permit holder whose permit has been revoked shall not be eligible to apply for another permit for a period of one year after the revocation of the permit.
- 11. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the Animal Control Division.”

Section 8. Article 11, Section 11-1 is hereby repealed and replaced with the following:

“11-1 Penalty Clause

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction of violating this Ordinance, shall be punished by a fine not exceeding \$300 and/or imprisonment for a period not exceeding 90 days. Fines for violations of specific sections of this Ordinance may be set forth in Appendix A. However, the fines set forth in Appendix A shall not preclude punishment by imprisonment as provided in this Section. Each day this Ordinance is violated shall constitute a separate offense.”

Section 9. Appendix A is hereby replaced with the document identified as Appendix A attached hereto as Exhibit 1.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9, except that Section 3 of this Ordinance shall not take effect until six months after recordation.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2017, by the Board of County Commissioners of Santa Fe County.

BOARD OF COUNTY COMMISSIONERS

Henry P. Roybal, Chair

ATTESTATION:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

APPENDIX A

SFC CLERK RECORDED 03/07/2017

LICENSING FEES	
Altered Dogs	\$10.00 annually
Unaltered Dogs	\$25.00 annually
Duplicate Tag	\$5.00
PERMIT FEES	
To operate a cat kennel annually	\$50.00
To operate a Kennel able to house 20 dogs or less	\$50.00
To operate all other Kennels	\$200.00
To keep an exotic animal annually	\$200.00
To keep a potentially dangerous or dangerous dog	\$200.00
IMPOUNDMENT FEES	
1 ST impoundment	\$10.00
2 nd impoundment	\$20.00
3 rd impoundment	\$40.00
4 th impoundment	\$80.00
Subsequent impoundments	The fee shall be double the previous impoundment
FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$50.00	
FINES FOR VIOLATIONS OF THIS ORDINANCE	
No Rabies Vaccination	\$15.00 + proof of vaccination
Restraint of Animals/Running at Large/Trespassing/Nuisance/Disturbing the Peace	
1 st Offense in calendar year	\$25.00
2 nd Offense in calendar year	\$60.00
3 rd Offense and each offense thereafter in calendar year	\$100.00
Neglect/Care/Maintenance	
1 st Offense	\$50.00
2 nd Offense	\$200.00

APPENDIX A

3 rd Offense and each offense thereafter	\$300.00
Cruelty	
1 st Offense	\$50.00
2 nd Offense	\$200.00
3 rd Offense and each offense thereafter	\$300.00
All Other Fines	\$200

- a. In addition to the fines due to the County, the pet owner shall also be responsible for any and all boarding fees accrued at the shelter and the state spay/neuter deposit if applicable



SFC CLERK RECORDED 03/07/2017

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

ORDINANCE NO. 2017 – 1

AN ORDINANCE AMENDING ORDINANCE NO. 1991-6, THE SANTA FE COUNTY ANIMAL CONTROL ORDINANCE, TO INCREASE FEES; PROHIBIT FIXED POINT TETHERING; CONFORM RABIES VACCINATION REQUIREMENTS TO STATE LAW AND REGULATIONS; SET FORTH A PROCESS FOR REVOCATION OF PERMITS ISSUED; INCORPORATE THE DANGEROUS DOG ACT, NMSA 1978, §§ 77-1A-1 to -6; AND ESTABLISH PENALTY PROVISIONS THAT COMPORT WITH STATE LAW

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE NO. 1991-6 IS HEREBY AMENDED AS FOLLOWS:

Section 1. Article 1, Section 1-2(T) is hereby repealed and replaced with the following:

“T. “vaccination” means the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended.”

Section 2. Article 4, Section 4-1, is hereby repealed and replaced with the following:

“4-1 Rabies Vaccination

- A. Any owner of a dog, cat, or ferret over the age of three (3) months shall have the dog, cat, or ferret vaccinated as prescribed by NMSA 1978, Section 77-1-3 and New Mexico Department of Health regulations.
- B. Any owner of a dog, cat, or ferret over the age of three (3) months shall exhibit its certificate of vaccination issued by a licensed veterinarian administering the rabies vaccine upon demand by a Sheriff’s Deputy or Animal Control Officer.
- C. Any owner of a dog, cat or ferret over the age of three (3) months shall securely confine the dog, cat, or ferret until it is vaccinated against rabies, which vaccination shall be administered within one week after entry into the County, unless the owner has a certificate of vaccination issued by a veterinarian licensed and practicing either within New Mexico or in another state or foreign country,

and the vaccination conforms to the requirements of the State of New Mexico and this Ordinance. A titer test is not an acceptable alternative to a rabies vaccination.”

Section 3. Article 5, Section 5-2, is amended to amend the title and repeal and replace section A as follows:

A. The title is repealed and replaced with the following: “5-2 Unattended Animals on Private Property.”

B. Section A is repealed and replaced with the following:

“It shall be unlawful to tether an unattended dog as a form of confinement on private property. “Unattended” for purposes of this section means the owner or other person having charge, custody, care, or control over the dog is not immediately present.”

Section 4. Article 5, Section 5-4 is repealed and replaced with the following:

“5-4 Vicious Animals; Dangerous Dogs

A. It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 of this Ordinance.

B. When an Animal Control Officer has probable cause to believe that a dog is dangerous or potentially dangerous and poses an imminent threat to public safety, the Animal Control Officer may apply for a warrant to seize the dog and petition the court for a declaration that the dog is dangerous or potentially dangerous pursuant to NMSA 1978, § 77-1A-4.

C. Any owner of a dog declared by a court of competent jurisdiction to be a dangerous or potentially dangerous dog or is deemed dangerous or potentially dangerous by admission of the owner pursuant to the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6, shall comply with all the registration and handling requirements as set forth in NMSA 1978, §77-1A-5 and pay the registration fee set forth in Appendix A.”

Section 5. Article 6, Section 6-12(A) is repealed and replaced with the following:

“A. Three or more violations of any one or any combination of Section 6 offenses shall constitute an act of cruelty, punishable as set forth in Section 11-1 and Appendix A.”

Section 6. Article 7, Section 7-2 is hereby amended to add the following as a final sentence to that Section:

“Revocation of a permit shall follow the procedures set forth in Section 10-1(G).”

Section 7. Article 10, Section 10-1, is amended to add the following:

“G. All revocations of permits issued pursuant to this Ordinance shall follow the procedures set forth below:

1. Notice of proposed revocation shall precede any permanent revocation of a permit issued under this Ordinance.
2. The notice of proposed revocation shall specify the following:
 - a. The specific violation or violations alleged, including dates and times of the alleged violation or violations, and any specific section or subsection of this Ordinance or state law that is alleged to have been violated;
 - b. A specific date by which the alleged violations shall be corrected to avoid further revocation proceedings, if the violation is of a nature that may be corrected;
 - c. A warning that failure to correct the violation or request a hearing shall result in revocation of the permit; and
 - d. Procedures for requesting a hearing regarding the alleged violation and proposed revocation of the permit.
3. If the period of time during which the permit holder was allowed to correct the violation passes without correction of the violation, and the permit holder has not requested a hearing as described in this Section, the Animal Control

Division shall issue a notice of revocation. The revocation shall be effective thirty (30) days from service of the original notice of proposed revocation.

4. A permit holder may appeal the proposed revocation by requesting a hearing. The request for hearing shall be made within five (5) days of service of the notice of proposed revocation. The request for hearing shall be in writing, sent by certified mail, return receipt requested. The request for hearing shall briefly state the reasons why the permit holder believes the revocation is not justified under the circumstances.
5. The Animal Control Division shall give written notice of the date, time, and place of the hearing to the permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30) days from the date of service of the notice of the hearing. The Animal Control Division may designate a County employee other than one employed in the Sheriff's Department or any other suitable individual to be the hearing officer.
6. The hearing officer may uphold, modify, or reverse the permit revocation. In conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence may be considered which is of a type upon which responsible people are accustomed to rely in the conduct of serious affairs. Within fifteen (15) business days of the hearing, the hearing officer shall send written findings and conclusions to the permit holder, by certified mail, return receipt requested. Permit holders may be represented by counsel at the hearing.
7. A person aggrieved by the hearing officer's decision may appeal the decision as by filing a petition for writ of certiorari pursuant to Rule 1-075 NMRA.
8. Notices provided for under this subsection shall be deemed served when the notice is delivered personally or mailed by registered or certified mail, return receipt requested, to the address on record for the permit holder.
9. During the pendency of the appeal, the Animal Control Division may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily suspending the permit and

prohibiting the permit holder from operating under the permit pending resolution of the revocation proceeding.

- 10. A permit holder whose permit has been revoked shall not be eligible to apply for another permit for a period of one year after the revocation of the permit.
- 11. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the Animal Control Division.”

Section 8. Article 11, Section 11-1 is hereby repealed and replaced with the following:

“11-1 Penalty Clause

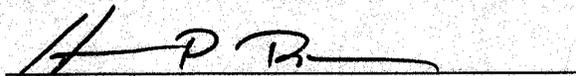
Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction of violating this Ordinance, shall be punished by a fine not exceeding \$300 and/or imprisonment for a period not exceeding 90 days. Fines for violations of specific sections of this Ordinance may be set forth in Appendix A. However, the fines set forth in Appendix A shall not preclude punishment by imprisonment as provided in this Section. Each day this Ordinance is violated shall constitute a separate offense.”

Section 9. Appendix A is hereby replaced with the document identified as Appendix A attached hereto as Exhibit 1.

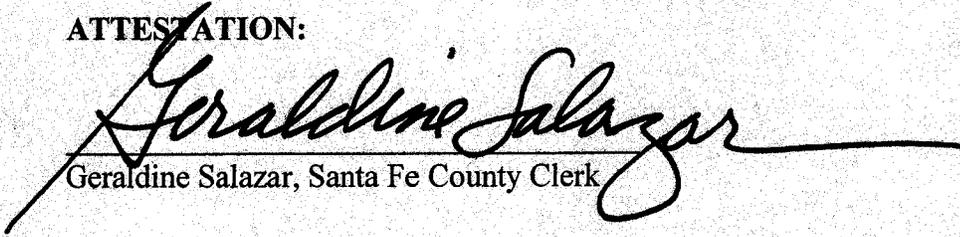
Section 10. EFFECTIVE DATE. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9, except that Section 3 of this Ordinance shall not take effect until six months after recordation.

PASSED, APPROVED, AND ENACTED this 31st day of January, 2017, by the Board of County Commissioners of Santa Fe County.

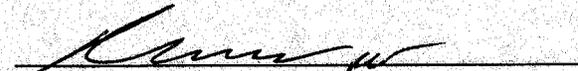
BOARD OF COUNTY COMMISSIONERS


Henry P. Roybal, Chair

ATTESTATION:


Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney

APPENDIX A

SFC CLERK RECORDED 03/07/2017

LICENSING FEES	
Altered Dogs	\$10.00 annually
Unaltered Dogs	\$25.00 annually
Duplicate Tag	\$5.00
PERMIT FEES	
To operate a cat kennel annually	\$50.00
To operate a Kennel able to house 20 dogs or less	\$50.00
To operate all other Kennels	\$200.00
To keep an exotic animal annually	\$200.00
To keep a potentially dangerous or dangerous dog	\$200.00
IMPOUNDMENT FEES	
1 st impoundment	\$10.00
2 nd impoundment	\$20.00
3 rd impoundment	\$40.00
4 th impoundment	\$80.00
Subsequent impoundments	The fee shall be double the previous impoundment
FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$50.00	
FINES FOR VIOLATIONS OF THIS ORDINANCE	
No Rabies Vaccination	\$15.00 + proof of vaccination
Restraint of Animals/Running at Large/Trespassing/Nuisance/Disturbing the Peace	
1 st Offense in calendar year	\$25.00
2 nd Offense in calendar year	\$60.00
3 rd Offense and each offense thereafter in calendar year	\$100.00
Neglect/Care/Maintenance	
1 st Offense	\$50.00
2 nd Offense	\$200.00

APPENDIX A

3 rd Offense and each offense thereafter	\$300.00
Cruelty	
1 st Offense	\$50.00
2 nd Offense	\$200.00
3 rd Offense and each offense thereafter	\$300.00
All Other Fines	\$200

- a. In addition to the fines due to the County, the pet owner shall also be responsible for any and all boarding fees accrued at the shelter and the state spay/neuter deposit if applicable