

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING
January 8, 2019

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

SFC CLERK RECORDED 02/14/2019

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 8, 2019

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Brett Clavio, the State Pledge by Gabe Bustos and the Moment of Reflection by Erle Wright of the Growth Management Department.

I. F. Approval of Agenda

1. Amendments

2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Madam Chair, yes, we have a few amendments. If you look at your agenda on page 2, under action items, B. 1, we had a correction to the caption to add the word Commission Districts. Then also we have on page 3, under Matters from the County Manager, a discussion item on weather related items that was added. And on page 4, under Matters from the County Commissioners,

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we had some correction in the caption under Boards and Committees for Commissioners.

Also, I would like to state that on Action Items, under Action Item III. C., numbers 3 and 4, the actual attachments did not get included in your packet and so we may, when we get to those, depending on how you feel about them, it would be okay if you just want to discuss it and table number 4. We would like to implement number 3 though before our bond rating call. So I just want to let you know, we apologize that those items were not in your original copy packet. They have been handed out. We will go through them with you but if you feel you need more time with them it would be fine to table number 4 and actually if you need to do that with number 3 that would be okay but we would like to try to have that approved before our bond rating call at the end of the month.

So those are the only items to the amended agenda and those were posted on January 4th at 2:27 pm.

CHAIR HANSEN: So I feel remiss. I meant to do this in the beginning, but I want to welcome Commissioner Garcia to the dais. We are honored to have you here so welcome.

COMMISSIONER GARCIA: Thank you. Excited to be here.

CHAIR HANSEN: Okay, so could I have a motion to approve the agenda with changes?

COMMISSIONER GARCIA: Madam Chair, if I may?

CHAIR HANSEN: Yes.

COMMISSIONER GARCIA: I'd actually like to see if we could – I'd like to make a motion to table items C. 3 and 4, the ones the Manager just talked about. Actually the packet information that was submitted here, actually got here today. It's fairly thick and I don't believe we have time to – I don't have time to actually go through this and read all of this and go through this today so I would like to table that.

COMMISSIONER HAMILTON: Madam Chair, question in that regard.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Manager Miller, you expressed some time concerns about number 3. Could we hear about that so we can decide?

MS. MILLER: So, Madam Chair, Commissioner Hamilton, the first one is the debt policy, in item 2, it's one that we've talked about over the years of making sure that we had in place and it's one of the things that the bond rating agencies like to see us have in place. Most of what's in that policy is what we actually do in practice, so it was documenting it. That – we have our bond rating call I think on January 28th and our next meeting isn't until after that, so we were somewhat hoping to have had that in place because it does help with our bond rating.

The other one is one that we also had discussed, incorporating our reserve policy for our health benefits in with our other reserve policy. So that was adding to that reserve policy that's already been in place. That one's not particularly time sensitive. We do need to do it before the end of the fiscal year. So that would be my request. I am fine with tabling number 4 right off the bat if you'd like to, but I also think it would be beneficial to have discussion about it so if you do have questions there's the benefit of us going back and working on that in between this and the next agenda that it's on.

COMMISSIONER HAMILTON: And if we table it now, just as a point of order, we don't get to discuss it at all. So we can table it after discussion as well.

MS. MILLER: Madam Chair, Commissioner Hamilton, that's correct.

COMMISSIONER GARCIA: Madam Chair, just in the future, actually the motion to table actually kills any discussion on any item, just for the future from the next meeting, just so we're all aware of that.

CHAIR HANSEN: Okay. So do I have a second to Commissioner Garcia's motion?

COMMISSIONER GARCIA: Madam Chair, if I may? I'm okay actually pulling these items off of my proposed motion to table, but just in the future if we could just have staff actually get these in our packet the earliest possible I'd appreciate that.

MS. MILLER: Madam Chair, Commissioner Garcia, I agree with you and this was a matter of confusion. I actually thought they were in the packet because the resolution was in there. I didn't realize that they had not been put in. The Finance Director hadn't put them in because she didn't know if I had seen them, but I still thought that they would be in there for you to review. So it was a communication issue between me and the Finance Director. It doesn't happen typically. But that's why I said if for sure if you table item 4 it's not a big deal; we have plenty of time to work on that one. I just thought if you would like to at least read them and have a presentation of what's in them, then when you read them they might make a little more sense as well.

CHAIR HANSEN: I would appreciate having the presentation and making the decision to table them at the time when we hear them.

COMMISSIONER GARCIA: Madam Chair, I'm okay removing my motion to table.

CHAIR HANSEN: Okay. Thank you.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: So I'd like to move to approve the agenda with the County Manager's stated amendments.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: Okay. We have a motion by Commissioner Hamilton and a second by Commissioner Garcia.

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

I. G. Approval of Minutes

1. Request Approval of the November 27, 2018, Board of County Commission Meeting Minutes

CHAIR HANSEN: Does anybody have any changes to the minutes besides me?

COMMISSIONER HAMILTON: No, Madam Chair.

CHAIR HANSEN: Okay. I have a couple changes. First change is on page 8, down at the bottom, we have: COMMISSIONER ROYBAL: I'll second. CHAIR HANSEN: Under discussion. COMMISSIONER ROYBAL: Madam Chair, under

discussion. And then it's CHAIR HANSEN: that CHAIR HANSEN: needs to be removed because everything that's said, "I'd just also like to thank you" is Commissioner Roybal.

And then on page 17, County Attorney Frederick is missing the k in your last name. It is in the middle of the page right before COMMISSIONER HAMILTON;, second line above that. I don't know how many lines done it is. It's the third paragraph, the second line from the bottom. That's all the changes I had. Can I have a motion to approve the minutes with changes?

COMMISSIONER GARCIA: So moved.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: Approval by Commissioner Garcia, second by Commissioner Roybal.

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

I. H. Moment of Poetry

John Graham read his poem "Nexus".

II. CONSENT AGENDA

A. Resolutions

1. **Resolution No. 2019-1, a Resolution Requesting a Budget Increase to the Enterprise Water Fund (505) in the Amount of \$121,738. (Finance Division/Stephanie Schardin Clarke)**
2. **Resolution No. 2019-2, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Grant #18-C2569 for the Eldorado Trails Project in the Amount of \$100,000 (Finance Division/Stephanie Schardin Clarke)**
3. **Resolution No. 2019-3, a Resolution Requesting a Budget Increase to the Clerk Filing Fees Fund (218) to Budget in the Amount of \$25,483.20 for the Purchase of Various Information Technology, Equipment, and Supplies (Finance Division/Stephanie Schardin Clarke)**

B. Miscellaneous

1. **Request Signature Authorization Be Granted to the County Manager to Sign Purchase Orders with Multiple Source Vendors to Purchase the Vehicles and Necessary Emergency Equipment for Multiple County Sheriff's Vehicles (Purchasing Division/ Bill Taylor)**
2. **Request Signature Authorization for the County Manager to Sign Purchase Order No. 192968 in the Amount of \$350,000 Payable to the Santa Fe Solid Waste Management Agency for Solid Waste Disposal Fees at the Caja del Rio Landfill (Purchasing Division/ Bill Taylor)**

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3. Request Approval of Amendment No. 8 to Agreement No. 2015-0307-FI/MY with HK Advertising to Provide Lodgers Tax Advertising and Promotional Services; Increasing Compensation an Additional Amount of \$156,124, Inclusive of Gross Receipts Tax, for a Total Contract Sum of \$1,606,721.96; and Authorizing the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor)

CHAIR HANSEN: Does anyone have anything they'd like to pull or remove off of the Consent Agenda?

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

COMMISSIONER HAMILTON: Second.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: I have a motion by Commissioner Garcia and multiple seconds by Commissioner Hamilton and Commissioner Roybal.

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

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

III. ACTION ITEMS

B. Appointments/Reappointments

1. Request Approval of Appointments/Re-Appointments of Members to the Santa Fe County Planning Commission from Commission Districts 1, 3, 4 and 5

TONY FLORES (Deputy County Manager): Thank you, Madam Chair, Commissioners, Commissioner Garcia. Paul and I were laughing in the back that we actually would never believe to see you up there. So welcome to your first meeting. Madam Chair, the next item on the agenda is item III. B. 1. We are requesting the approval of appointments and reappointments of members to the Santa Fe County Planning Commission from Commission districts 1, 3, 4, and 5. As the Commission knows, the Planning Commission is comprised of seven members, five of them are appointed by district and then two of them are appointed as at-large members based upon recommendations from the Commission.

We currently have Districts 1, 3, 4 and 5 that require either an appointment of an individual or reappointment of an individual. Based upon the vetting that staff has done, staff is recommending that for District 1 we reappoint Commissioner Leroy Lopez to a two-year term expiring January of 2021. For District 3 we appoint Mr. J. J. Gonzales for a two-year term, also expiring in January of 2021.

For District 4 we reappoint Commissioner Frank Katz to the same two-year term, and in District 5 we appoint Mr. Fred Raznick to the same two-year term. All the applicants and current Commission members have submitted their paperwork, letters of interest and they're included in the packet and with that I'll stand for questions.

CHAIR HANSEN: Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, I'd like to ask staff, Mr. Flores, Tony Flores, the Deputy County Manager, how does staff go about vetting these applicants, because you see in some of the districts there's actually two or three applicants in some of the other districts there's four applicants?

MR. FLORES: Madam Chair, Commissioner Garcia, staff takes a look at a couple things. One, we look at the existing structure of the Commission. The Land Use or Growth Management staff as we know it know sits down and tries to understand what that individual applicant that either we're asking for appointment or reappointment can bring to the Commission. So we look at experience with the Planning Commission. We look at experience that they bring in their professional life to the County. And based upon those criteria, staff and the County Manager's Office evaluated each of those and those are the recommendations that we brought forward.

COMMISSIONER GARCIA: Thank you.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: I had a similar question and it was answered. I know that there's several districts that are involved but I want to make a motion to move for at least District 1 the reappointment of Leroy Lopez.

CHAIR HANSEN: Okay, I have a motion to appoint Leroy Lopez to District 1. Do I have a second?

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: I have a second by Commissioner Garcia.

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

COMMISSIONER GARCIA: Madam Chair, I'd actually like to make a motion for District 3 to go with J. J. Gonzales.

CHAIR HANSEN: I have a motion by Commissioner Garcia for J. J. Gonzales. Do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Second by Commissioner Roybal.

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

COMMISSIONER HAMILTON: I'd move in District 4 to reappoint Frank Katz.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: I have a motion by Commissioner Hamilton to reappoint Frank Katz and a second by Commissioner Garcia.

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

CHAIR HANSEN: District 5?

COMMISSIONER MORENO: District 5, Madam Chair, I'm honored to recommend Fred Raznick for District 5.

COMMISSIONER GARCIA: I'll second.

CHAIR HANSEN: I have a motion by Commissioner Moreno, a second by Commissioner Garcia.

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

III. B. 2. Request Approval of Appointments/Re-Appointments of Members to the Santa Fe County Ethics Board

MR. FLORES: The next item on the agenda, Madam Chair, is item III. B. 2. This is dealing with the appointments and reappointments of board members to the Santa Fe County Ethics Board. As the Board knows, we have a five-member Ethics Board. Those are at-large members and not assigned to a particular district. We currently have one vacancy on the Ethics Board and we have a request to reappoint the four existing members that have remained on the Ethics Board.

We brought this up before, this Ethics Board after it was re-stood up to work on the changes that the Commission has requested. We feel that with the reappointment of the four existing members we maintain some continuity to the work that they've done and brought before this Board on two occasions. With that, Madam Chair, we're recommending that the four existing Ethic Board members, which are Ms. Carol Thompson, Mr. Peter Dodds, Ms. Linda Ramos and Mr. Michael "Rosey" Rosanbalm be reappointed, and that the Board consider the appointment of Mr. James Allen Hayes, Esq. to serve as the board member for the vacant position, and I stand for questions.

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

COMMISSIONER GARCIA: Madam Chair, I make a motion for staff's recommendation.

COMMISSIONER HAMILTON: Second.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: I have a motion to approve from Commissioner Garcia and multiple seconds from Commissioner Hamilton and Roybal.

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

III. C. Resolutions

1. Resolution No. 2019-4, a Resolution Adopting the Santa Fe County Open Space, Trails and Parks Strategic Management Plan [Exhibit 1: Power Point Presentation]

CHAIR HANSEN: Welcome, Maria. It's so nice to see you.

MARIA LOHMANN (Growth Management): Hello, Madam Chair, Commissioners. The presentation that I'm hoping to show you is excerpts from the plan that is included in your packet. If I need to I can direct you to the pages.

CHAIR HANSEN: Please proceed.

MS. LOHMANN: I will give a quick overview. Madam Chair,

Commissioners, my name is Maria Lohmann. I'm the Open Space and Trails Planner. I'm here today to give you a brief overview of the Santa Fe County Open Space, Trails and Parks Strategic Management Plan. This plan builds on the work that was started in 2000 with the creation of COLTPAC, the adoption of the Open Land and Trails Plan from 2000 and the voter approval of \$20 million to acquire open space property for conservation and recreation purposes.

COMMISSIONER GARCIA: Madam Chair, could you explain the \$20 million thing that you just said please?

MS. LOHMANN: Voters approved \$20 million in bond money in 1998 and 2000 to acquire open space property for conservation purposes and recreation purposes, and that started the open space program as we know it today. So this plan that's before you was developed in alignment with the Sustainable Growth Management Plan in order to guide the Open Space Program, which I might refer to as OSTP, because that's how I've been referring to it for a while – to guide the program forward for the next 20 years.

The first part of my presentation today will be going over the plan framework and how this plan outlines the important values and goals of the Open Space Program, and then I will quickly go over what the plan itself includes.

The focus of the Open Space Program has shifted over the last 20 years from acquisition to resource management and the creating unique and meaningful outdoor experiences. This is a very large document. We have some really incredible images. So over the last 20 years the Open Space Program has shifted its focus from acquisition earlier in the program to resource management and creating unique and meaningful outdoor experiences for the residents of Santa Fe County. The vision of the Open Space Program hasn't changed since 2000 but we did refine it and update it as part of this planning process, just to better reflect today's goals.

The vision of the Santa Fe County Open Space Program is just to sustainably manage and conserve a vibrant network of cultural, historical, recreational and natural community resources that inspire a deep sense of regional identity and stewardship among current and future generation. And the mission is to provide innovative leadership in local land management and conservation that enhances the quality of life for county residents, provides access to public lands for unique outdoor experiences, advances community stewardship through partnerships and effectively leverages community investments in the Open Space and Trails Program. Management of County open spaces and trails networks provides sustainable and resilient ecosystems with landscape-wide benefits for human, plant and wildlife communities.

So that's the goal that is driving the Open Space Program. The Sustainable Growth Management Plan is the County's overarching policy document that outlines goals and principles that underlie what and how the County moves towards providing services and guiding development. The SGMP outlines three principles which you can see on this chart: environmental responsibility, economic strength and diversity, and community livability and quality of life. There are also what are called keys of sustainability and together the SGMP principles and the keys to sustainability are high level principles towards implementing the SGMP goals relating to open space.

So this strategic plan uses the SGMP to outline what we are calling OSTP

directives, and all of the SGMP goals, including economic development, public health, protection of natural and cultural resources, creating a countywide network of open space and trails – all of those are inherent in the OSTP directives, and these directives will guide the Open Space Program strategies and actions that I'll outline in a little bit.

So the three OSTP directives are: Santa Fe County will lead by example to demonstrate innovative science-based and collaborative land management practices that promote natural, cultural, conservation, environmental, habitat restoration and adaptability. The second: Santa Fe County will contribute to the regional identity that is unique to Santa Fe County and deepen the sense of community pride in order to inspire stewardship in current and future generations. And Santa Fe County OSTP will offer diverse and unique outdoor experiences that celebrate our special landscapes and traditional communities in a way that enhances the quality of life for residents and grows life-long conservation and stewardship ethics.

And then another significant part of the plan is what we're calling core elements. Core elements are fundamental concepts for implementation of this plan. All of these fundamental concepts work together to ensure success of this plan. I'm not going to read all of that because that's a lot, but the headlines: we're working together; conservation and recreation are mutually beneficial; we need diverse support from everyone in our communities; we need to minimize impact; stewardship and education is very, very important. We need to respect and value the cultural identity of our place. We need science-based management to help us make decisions, and we need stable funding.

As I said before, all of these are fundamental concepts to ensure success.

So now I'm going to talk about what's in the plan, the different parts. Chapter 1 is the history of the program and it outlines past projects and planning, includes a timeline of different program highlights. This is really fun to look through. There's also a description of all the different open space properties and what makes each of them so special. I'm not going to go over any of that right now today, but I do want to highlight a special section in this chapter called Management Landscapes. These are new designations that we are highlighting in this plan in order to focus project areas. And I'm also going to talk about property classifications in a little bit too.

So management landscapes focus project areas and opportunities for collaborative landscape-wide management with partners. Regional trail corridors have also been identified to connect these management landscapes and there are six of them. We have the Thornton Ranch-Lamy management landscape, Madrid-Cerrillos, the La Cienega area; the foothills trail area, the San Pedro area and Los Potrerros.

This will again guide how we manage each of these different habitat types in particular. We also classified each open space property in order to guide the intensity of access and development at each property. For example, Arroyo Hondo open space is a well loved property. It has three miles of trails that are open to the public. But we have now classified this property as a Class 1 conservation area, which means that while these trails are open to the public, we may need to close the area temporarily for habitat restoration projects or a seasonal nesting bird population, or something like that.

We've also classified trails and parks, and the details are in the plan which is in your packet.

So now, Chapter 2 is our strategy section and this describes the issues, objectives

and actions for the Open Space Program. Key issues: identify needs and challenges that have slowed progress towards implementation of our vision. Objectives: identify the approach to address the issues and actions are the tools used to make progress towards the objective. You can see here that the objectives and actions are organized into four categories. This is the planning and program development section where we've identified the objectives relating to that topic. We also have objectives and actions related to resource management, educational programming and stewardship, as well as project development and implementation. And we've used these four categories throughout the plan to help us guide projects and based on the different open space staffing organization.

Generally, throughout all four of these categories we've identified that objectives can be grouped into educational programming and events; coordination, messaging and outreach; partnership development enhancement; resource management, program development and analysis; capacity building; project development and implementation and funding.

So Chapter 3 is kind of the meat of this plan. It's the work plan. The chapter includes priority actions for years one through five, as well as program project actions for the program for the next 20 years, and this section of the plan is considered a living document and will be updated annually in order to clearly outline and communicate priority projects and focus areas in the years to come.

So the short-range work plan outlines projects for the next five years. In years one and two priority projects have been identified for each of the sections, OSTP sections, and they're highlighted. You can see those are the colored items. And there are also additional projects that we know that we need to do listed here as well. And you can see in year one the projects are very specific. And in year two, they're a little less specific, and again in years three through five they're even less specific still. But we will update this annually to make sure it reflects how we're moving forward.

And then we've done the same thing in the long-range work plan but on a 20-year timeframe. And we did this because it helps us to understand resource and staff capacity issues in the long term. And so you can see on this slide – the yellow table is planning and program development tasks for the next 20 years and the green table is project implementation and development. And we also have similar tables for resource management and outreach and stewardship.

And we've also consolidated those four tables into this one table and outlined our priority projects. And these projects are priorities because of past investments, partnership opportunities, community support. One of the things that's inherent in this document is it's very ambitious and one of the best ways for us to make progress on this plan is to leverage partnerships and so these priority projects have been identified as priorities because of the opportunity to leverage those partnerships.

And then finally we have Chapter 4 which is Plan Elements, and these are additional guiding documents for open space operations. This section will be amended as additional documents are developed and right now this section includes best management practices towards managing all of our open space properties throughout the county. It also includes an OSTP signage plan, which outlines how signage should be designed and placed in order to create a consistent feel and message for all of our open space properties, and then we've also included a list of management plans so that we can

manage each specific property as uniquely as we need to.

So this draft plan that you have before you was released for a 30-day public comment period, beginning November 1st and also included in your packet is a matrix of all the comments we've received on this plan and how those comments were incorporated if that was applicable. COLTPAC reviewed this plan at their regular meeting on December 5th and recommended this plan for approval at that time. So with that, I will stand for questions.

CHAIR HANSEN: Questions from the Board? I have a few questions. I'm going to go to the original plan because that's what I read at home. So on page 21, under the Santa Fe River Trail, I want to know how come it doesn't include the Agua Fria Village.

MS. LOHMANN: It does. We certainly can include that the trail does go through Agua Fria Village.

CHAIR HANSEN: It just isn't stated here, and I know that it does but it's not mentioned.

MS. LOHMANN: And the reason that La Cieneguilla and La Cienega were called out was because that's where the trail will eventually get to. So I can certainly include Agua Fria in the description of where it exists now.

CHAIR HANSEN: It's just that we have a whole section that has not been completed on the River Trail, even though it is being worked on. But I do want to say, Maria, it's fantastic what you have done.

MS. LOHMANN: Thank you.

CHAIR HANSEN: And it's incredibly impressive and thank you. Then I had also highlighted on page 41 in the plan under the BCC determines – then specialized expertise that will benefit OSTP projects should be considered when appointing COLTPAC members. I just – To advise staff and Board, and not regarding operations. I just wanted to make sure that that was very clear for the COLTPAC members. Do you have all of that covered on your COLTPAC membership, that you're requesting here specialized experts?

MS. LOHMANN: The resolution as it currently exists does outline specific expertise that would be desired for COLTPAC members. It wasn't listed here because we felt that we could better address that in a resolution.

CHAIR HANSEN: Okay. But you have what you need.

MS. LOHMANN: Yes.

CHAIR HANSEN: I just want to make sure. Then it says, on page – somehow I got to page 43, it says on the last line of the economic development, the plan is currently being updated; coordination with this update process should be addressed. So how is that being addressed?

MS. LOHMANN: That will be addressed at a staff level. We'll just make sure that goals relating to open space and trails will be addressed in that plan. We don't anticipate that there will be anything that's in conflict.

COMMISSIONER GARCIA: Madam Chair, could you repeat your question, please? I didn't get it.

CHAIR HANSEN: I'm on page 43 of the plan in our book and it's on Santa Fe County economic development plan, and I wanted to know how the plan is

currently being updated; coordination with this update process should be addressed in relationship to the Santa Fe County economic development plan. So Maria just stated that this will be addressed at staff level and they are working on it. Because economic development is a very important part of our open space and tourism and recreation. So I just wanted to – I'm glad to know that it's being addressed at staff level but I'm kind of asking maybe for a report or update as this moves forward. I know that both Commissioner Garcia and myself, and I believe all of the Commissioners are really concerned about economic development. So that was just one of my questions.

I wanted to state that I have a number of constituents who are extremely concerned about the monarchs and I am really happy to see that you are planting milkweed and I think the more we can do to encourage our monarch population, which is incredibly impacted and possibly should even be put on the endangered species list because its status as of this morning has decreased in California to less than 13 percent, or something like that. It's quite serious.

Then I have this note here. Part of protection is the plastic trash that we have in our county and I wanted to know how you were dealing with that because even though we are not necessarily near a waterway the impact of plastic on our animal and aquatic life is incredibly serious to me and I just want to reiterate how important that is that we think about how to minimize the plastic trash that we have.

And then on page 52 we have Action 2.4, train staff in safe herbicide application. I know that integrated pest management is incredibly important and I just want to state on the record that I am incredibly concerned about the use of herbicides anywhere and the more that we can minimize that the better.

Then on page 53, Action 3.3, explore opportunities for cross-deputization with BLM, tribal sheriff posses and forest service. I think that that is really important. I just saw Governor Dorame come in. Welcome, Governor Dorame. This is an opportunity where cross-deputization with BLM, tribal and other officers – I think this is something we can work on.

And then I marked your photo-monitoring and really, as a photographer I appreciate all the photos you have and I just want to encourage the more photos that you have the better. I think it is a really great way of monitoring. I guess I'm now in the next section. The Santa Fe County open space best practice manual, which Ecotone did, which I thought was a really impressive document. Thank you for including that.

Then, on page 31 of 102 in the Ecotone, it talks about the greenhouse gas emissions regulation and I just want to remind you that we joined the Paris Accord and we're still in, so I appreciate you having that in here. And then on page 50 of 103, Fuel buildup and wildfire management. So we have numerous constituents on both sides of this issue of wildfire management and I just hope that we look at this in the broadest spectrum possible, which is to protect our wildlife and to protect our forest and be aware of how impactful burning and not burning both are. With that, I think those were all my comments but I really appreciate the depth and the work on this document and I wanted you to know that I read it and am concerned and appreciate the hard work that has gone into this because I really think this is an important document and an important part of Santa Fe County, our open space. We have invested a tremendous amount over the last 20 years and I hope and look forward to us investing more in the next 20 years. So thank

you for your hard work on this. With that, I'd like to ask the Board for a motion.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Are there more questions?

COMMISSIONER ROYBAL: I actually just want to make a comment but also with my comment I want to go ahead and move approval. I just want to thank staff. You guys have done a great job and I really appreciate your presentation. Good job. Thank you.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. Everybody online and watching us today, if you want to weigh in on this plan this here is your chance to make a difference. So let's have some good input so that the plan can be the best it can be.

CHAIR HANSEN: Comments from Commissioner Garcia.

COMMISSIONER GARCIA: Yes. Very good presentation. Thank you. The pictures are good. On page 51, we actually talk about educating the public. What will we be doing to educate the public to the importance of their trails?

MS. LOHMANN: That is actually one of the things that is in the year one project list. I think that it is one of the most important things that we can do right now and there are a bunch of opportunities that we have for educating the public. Not just about the trails and the open space properties that are a well kept secret – and I know that lots of people would like to keep it that way – but I think that there's a lot of opportunity for learning about the different species and the different incredible habitats that we have here in Santa Fe County. So there's a lot of one-on-one opportunities, taking people on hikes and learning about birds and horned lizards and the history of the Ortiz Mine, for example. Or more generally, about climate change and how plastic affects even our local environments here. So that's one thing that I really want to work on in the first year, 2019 with the help of Community Services and the volunteer coordinator and our resource management specialist, who has an incredible amount of knowledge about the different birds and wildlife at our properties and the different groups that are so invested and really love Santa Fe County open spaces.

So that's something that we need to work on, enhancing our partnerships and enhancing our programming and getting the word out about what we're doing and why we're doing it.

COMMISSIONER GARCIA: So really quick, Madam Chair, actually this is a really quick story. Maria and I and about seven other people went on this hike one day in the Ortiz Mountains, the highest mountains in Santa Fe County besides Baldy and those ones here on the East Side. These people started getting their walking sticks out and their backpacks and their water jugs and she's all – do you want some water? I said, no, I have this water jug. No, you need some more water. Did you bring lunch? I'm, no. We actually – it was a very interesting hike and she actually shared her lunch with me and shared all her water with me because it was needed.

Also, that was a good experience for me into how the staff can actually go out there and let everybody know, the general public who doesn't know that that is their open space and there are trails out there. One of the things I'd like to see is where the County is somehow working with the students or kids, somehow, because there are a lot of kids out

there that are unfortunate that actually can't even ride a bike out on a trails because they don't have a bike. Just so if we keep that in mind.

MS. LOHMANN: But I do just want to add we all made to Placer Peak, even the Commissioner.

COMMISSIONER GARCIA: With regards to the Management Landscapes page. Can you bring that up on the screen by chance?

MS. LOHMANN: I can. Also zoomed in pictures.

COMMISSIONER GARCIA: So those management landscapes, are they actually six that we're going to start with? Because we have a lot more property than these.

MS. LOHMANN: Yes. And what this management landscape designation does is it groups multiple properties except in a few instances. So on the following pages in your plan, following page 25 – 26, 27 through page 31 are each of the individual landscapes. And you can see that we've grouped different properties into these landscapes because they have similar management needs or goals. There are only a couple that have singular open space properties and that's San Pedro and Los Potros open space. And the reason why those are by themselves is because of their adjacency to other public lands. So we are able to manage on a landscape-wide scale in partnership with BLM or Forest Service, depending on the different property.

COMMISSIONER GARCIA: Thank you, Madam Chair. In regards to this strategy section, what is the timeframe for all this? Is it monthly? I understand it's – I'd like to see what the actual timeframe is so that way we can set some sort of parameters where we're going to be at in two months, six months, eight months, five years.

MS. LOHMANN: Sure. Madam Chair, Commissioner, the strategy section, Chapter 2, that is intended to be general enough that these strategies will guide us for the next 20 years or the life of this plan. But the following chapter, Chapter 3, is the work plan, and that guides us on annual increments, but also helps us expand and program out things for the next 20 years. So Chapter 3 in particular, that section will be updated annually with our projects list, our priorities, how we know we need to budget different budgets, if we need to go out for additional expertise. That kind of thing.

COMMISSIONER GARCIA: And really quick, we have spent the \$20 million, right?

MS. LOHMANN: Yes.

COMMISSIONER GARCIA: So can you go to Chapter 3, the work plan? The La Cieneguilla project, which project is that?

MS. LOHMANN: There's a lot going on in La Cieneguilla open space. Right now we are doing some – there is a management plan for that property that goes into a lot more specifics than what this strategic management plan does. That plan called for some environmental restoration, some opportunities for stewardship events with the community, so we're working towards implementing that plan, doing some – actually in September, I think, we did some milkweed planting along the Santa Fe River on that property with community members. I think we planted 150 milkweed plants. So we're doing those kinds of things. But there are also maybe some larger needs that we need to take care of. Some additional planting that we can do with the communities.

COMMISSIONER GARCIA: So all of those milkweeds are in my district

now? Because they all went down the river, right?

MS. LOHMANN: No. No, no. They're still there.

COMMISSIONER GARCIA: Okay, a couple more questions, in regard to economic development, I think that's actually an excellent idea. Several years ago, two years ago Representative Jim Trujillo actually worked with a gentleman named Andres who he actually wanted to promote economic development, which the governor signed, \$50,000, and that was actually to work with the national parks in order to put a nice monument out there. I said how does this work with economic development? So what it actually helped is everybody that goes to state parks, that travel to state parks throughout the country, so they actually just created a new stop there, so it brings people to see what the Glorieta Monument is. So I definitely understand how the economic development could work. Thank you.

MS. LOHMANN: Thank you.

CHAIR HANSEN: Thank you, Commissioner Garcia. Just one more comment from me. As a graphic designer I am incredibly fond of fonts and I really appreciate the fonts that you are using and the signage. I really liked that and I thought they all looked really beautiful and I loved the consistency. So I really just wanted to recognize you on that also. So I believe that Commissioner Roybal, you made a motion to approve. Do I have a second?

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: I have a second from Commissioner Garcia. Is there anything else you need from us?

MS. LOHMANN: Can I just verify that you would like the Agua Fria mentioned on page 21?

CHAIR HANSEN: I would. The traditional village of Agua Fria. I know my constituents would be happy to see that in there, if any of them read it. So I have a motion and a second.

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

CHAIR HANSEN: Thank you so much. It is incredibly good work, so thank you very much.

MS. LOHMANN: Thank you.

III. C. 2. Resolution No. 2019-5, a Resolution Modifying the Santa Fe County Fire Department's Volunteer Recruitment and Retention Incentive Program and Rescinding Resolution No. 2007-158, as Amended by Resolution Nos. 2009-10 and 2014-62

CHAIR HANSEN: Chief Sperling, and I would just also like to recognize Governor Mitchell. Thank you for being here also. Chief Sperling, welcome.

DAVE SPERLING (Fire Chief): Thank you, Madam Chair, members of the Commission. I'm here today to bring forward a resolution modifying our volunteer recruitment and retention incentive program by rescinding a couple of previous resolutions and coming forward with something new. Joining me today is District Chief from Galisteo, Jean Moya. She is also president of the District Chiefs Association. What I

thought I'd do is just introduce to you what we have brought forward. She said she would like to make a couple of comments, if that's possible, and then we'll stand for any questions that you may have.

CHAIR HANSEN: Welcome, Chief Moya. Of course you can make comments.

CHIEF SPERLING: Madam Chair, Commissioners, you know that the Santa Fe County Fire Department relies heavily on its volunteer firefighters and emergency medical technicians to supplement its career firefighters. By way of background, in 2007, the Board of County Commissioners passed Resolution 2007-158, called the Volunteer Recruitment and Retention Incentive program, to provide a nominal incentive for volunteers to the Santa Fe County Fire Department and this was done in response to a decline in volunteerism nationwide.

That resolution done ten years ago was subsequently amended in 2009 and 2014 in order to increase incentives and adjust some of the program procedures. The County has historically budgeted funds from the Emergency Communications and Emergency Medical Services gross receipts tax to support this program as volunteer reimbursement is not an allowable expense from state fire funds. It's important to note that these funds that have been budgeted through the years have never been fully expended in nominal fee payments during any of the last ten years of the program, even after increases in the nominal fees that were approved in 2009 and 2014.

Over the course of the last year, and actually it has been a full year, through recent discussions in collaboration with the Santa Fe County Volunteer District Chiefs Association we've together evaluated some of the ongoing difficulties in recruiting and retaining volunteers. The Fire Department has determined that obstacles to gaining participation include increasing emergency call volumes throughout Santa Fe County, as well as increased training and certification requirements for volunteers. We agree that these concerns should be addressed through the adoption of a more flexible and robust volunteer incentive program that can be efficiently modified over time to better adjust the changing concepts and procedures for a successful program.

It is believed that these efficiencies can be accomplished by granting the Santa Fe County Fire Department the authority, as detailed in the attached resolution, to periodically adjust the training and certification requirements for volunteers who participate. The resolution authorizes the Fire Chief to adopt the program in the form of a policy in substantially the same form as attached in Exhibit A, which will be approved and periodically updated by the Chief in collaboration with the volunteer district chiefs.

The resolution also allows the Fire Chief the necessary flexibility to periodically adjust the nominal fee paid to volunteers, the fee hereby requested at \$9 for each approved training and fire prevention activity, and \$14 for each emergency response. [inaudible] amended after July 1, 2020, no more than once annually, and in increments of no more than three percent of the existing nominal fee. It's important to note that the Fire Chief will always be constrained by the amount budgeted annually for the program, if any, by the Board of County Commissioners and the laws restricting the amount of the nominal fee allowed for volunteer firefighters.

The current fee of the program is \$8 for each approved training, and \$11 for response. So you can see that there's an increase of a dollar for training purposes and an

increase of \$3 per fire response. We have also incorporated in the new program a fire prevention component allowing is to provide a nominal fee of \$9 for approved fire prevention activities participated in by the district volunteers. Such activities might be education and fire prevention activities related to schools and so forth.

The Fire Department requests the Board to grant the Fire Department the necessary flexibility to periodically review and improve its signature program to recruit and retain volunteer firefighters and emergency medical technicians by approving the attached resolution modifying our existing program and rescinding resolutions 2007-158, 2009-10, and 2014-64. With that, I thank you for your consideration and if Chief Moya would like to make a few comments.

CHAIR HANSEN: Welcome, Chief Moya.

JEAN MOYA (President, Volunteer Chiefs): Thank you, Madam Chair, Commissioners. Thank you for the opportunity to speak as president of the Santa Fe County Chiefs Association on behalf of the 14 district chiefs along with the support of Chief Sperling. Throughout the years, the Board of County Commissioners have been extremely supportive of the volunteers. We thank you for that and we look forward to working with you in the future, along with new Commissioner Garcia.

As you are aware, volunteers are a vital part of the day to day operations of Santa Fe County Fire Department, supplementing the career firefighters and emergency medical providers. One of our greatest tasks as district chiefs is recruitment, training and retention of our volunteers. As volunteers you must be willing to be able to commit to hours, months, and years of training, not to mention 24/7 availability to respond to calls. We no longer are just firefighters and EMS providers. We are now jacks of all trades to respond to any emergency.

Most of our volunteers also have full-time jobs. That is why the volunteer recruitment and retention program is so important to the Santa Fe County Fire Department. It allows us to acknowledge each and every volunteer firefighter with a small token of appreciation for their dedication and commitment to this organization. The amended resolution would allow the Fire Chief in collaboration with the volunteer district chiefs to have more flexibility with the volunteer incentive program in order to keep the organization moving forward in the right direction for the future. Thank you very much.

CHAIR HANSEN: Thank you, Chief Moya. Commissioner Hamilton.

COMMISSIONER HAMILTON: First I want to thank Chief Moya for coming and recognize we have another chief sitting in the audience, Chief Hamilton of Glorieta Pass. And then since I'm also a volunteer firefighter I'd like to recuse myself from any further action or discussion. So I excuse myself, but thank you very much for coming.

CHAIR HANSEN: Thank you, Commissioner Hamilton. With that, what is the pleasure of the Board?

COMMISSIONER GARCIA: Madam Chair, I'd like to make a couple of comments.

CHAIR HANSEN: Yes.

COMMISSIONER GARCIA: Madam Chair, first of all, thank you for all the volunteer firefighters, the 14 district chiefs, to yourself, Chief Moya. I've known your family since roughly 1993 through your dad and some extended family members. Thank

your family for being very long, long-time Fire Department volunteers. Thank you for that.

I was actually in HR today and I saw this poster, and I thought this was a really cool poster that we have for Santa Fe County. It actually has this here that says now hiring, Sheriff's Department. And I was wondering if we actually have some sort of budget or something to that effect so we can put this all over town – community centers, possibly schools, vo-tech. If somehow we can just keep this in mind, if we can do something similar to this, it would be a great idea. It might help.

CHIEF SPERLING: Madam Chair, thank you, Commissioner Garcia, and actually we have purchased a number of posters through some grant funding that we received through the International Association of Fire Chiefs. They have been posted at districts and elsewhere around Santa Fe County. I think we can probably incorporate them into senior centers or community centers. Not necessarily senior centers. A number of our volunteers are on the graying side and they do a wonderful job, but I don't know about senior centers, as I say. But we can do a little more outreach. I think that's a great idea. Thank you.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I also just want to say I'm really excited to see these changes that we're trying to find ways of keeping our volunteers. They're the unsung heroes for our neighborhood. Without them – a lot of times they're one of the first ones to respond to a neighborhood where there's an issue that they need to be at. We can't emphasize enough the importance of these volunteers, so thank you guys for doing this and I'd also like to make a motion for approval.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I think this is a really great program. I would like to see it spread around the country and in other areas, like education and medicine. This could be a model that brings forth a lot of volunteerism in this community and we really need it now. Thank you. Thank you for this program.

CHAIR HANSEN: Thank you. I have a motion from Commissioner Roybal and a second by Commissioner Garcia.

The motion passed by unanimous [4-0] voice vote. [Commissioner Hamilton recused herself.]

III. C. 3. Resolution No. 2019-6, a Resolution Adopting the Santa Fe County Debt Management Policy [Exhibit 2: Supporting Material]

CHAIR HANSEN: I just want to be clear about what you said earlier, County Manager Miller, that we need to approve this by – is this the –

MS. MILLER: Madam Chair, so we have a rating agency cell on the 29th, but I was talking to Stephanie, even if you want to – I think our next BCC meeting is the 29th. So if you want to just allow us to present both of these items, go through them, and

defer the vote to the 29th, I think that will be fine too. So I completely understand if you have not had enough time to review these policies I think it will be okay because even though we do our call on the 29th we still have – we provide follow-up information to the rating agency before they actually put the rating out, so it would give us time if you do approve it on the 29th to get it to them before they issue the rating.

So I think it's fine if you want to defer the vote on both of these items until the 29th and you have more time to look at it. If you feel more comfortable with that, we're fine with that. But I would like Stephanie to go through it. Both of these policies are in what we're trying to accomplish.

CHAIR HANSEN: I would also really like to hear the presentation and then make the decision at the end of the presentation to make sure that people have had an opportunity to hear the presentation and then make the presentation.

COMMISSIONER GARCIA: Madam Chair, real quick. This is for staff and Manager Miller. Has the policy changed since the last policy at all?

MS. MILLER: Madam Chair, Commissioner Garcia, we don't actually have this policy. This is what we – what we're trying to do is put what our practices are in writing. So we have how we have been handling our debt, how we've managed our debt in writing. So it was really to get that – as we go through this you'll see this is pretty much how we have we have conducted ourselves. We just didn't have it down as policy. And best practices recommend that it is a written policy .

COMMISSIONER GARCIA: So Madam Chair, Manager Miller, once we actually adopt this policy we can actually patent it so that way we can actually sell it to other counties and they can utilize it? Just kidding. The County's done an excellent job.

MS. MILLER: Actually, I appreciate that comment. I doubt we're the ones to get a policy out there first.

STEPHANIE SCHARDIN CLARKE (Finance Director): We're piggybacking on the state and other local counties and locals.

MS. MILLER: Right. But GFOA, the Government Finance Officers Association, actually provides a list of policies as well as best practices, and this follows local guidelines as well as Stephanie said, the State Treasurer. We're actually incorporating some of the ones that have already been approved around the state in our policy. But as I said, we actually use most of these practices currently.

COMMISSIONER GARCIA: Thank you.

CHAIR HANSEN: Welcome.

MS. CLARKE: Thank you, Madam Chair, members of the Commission. It's nice to be presenting this before you today. As County Manager Miller mentioned, what's before you for consideration today would be the first Santa Fe County Debt Management Policy, and as Manager Miller mentioned, the GFOA does recommend a debt management policy as a best practice in financial management just to basically lay out the guidelines that we will use to manage our not just long-term bonds but also loans and other forms of indebtedness. And so kind of think of it as sort of an umbrella of how we expect in the normal course of business how we will manage out debt issuance.

And as Manager Miller mentioned, there's nothing in this policy that's really any different from the way we've always, in anyone's recent memory, managed our debt programs. We're just putting it in writing and continuing the same practice of

conservative debt issuance and high coverage ratios and all of that.

So I'll go through the policy in a little bit more detail and mention and echo that probably since about 2010 or 2012 is when different local governments and state agencies have been more in the line of adopting these types of policies. I believe the state adopted its first debt management policy around 2012 and that was written in line with what a lot of local governments have adopted since, so when it was time to adopt our own we looked to the State Board of Finance's policy and then we looked to, for example, the City of Rio Rancho, Bernalillo County, City of Albuquerque, and they all kind of are similar. They have a lot of very similar language. And so ours has been tweaked from that, just to kind of reflect the specific types of bonds we issue and a couple unique circumstances that apply to counties but not state agencies, for example, but it's in line with all of those policies.

So the types of topics that are covered in the policy. I'll go through it pretty quickly and stop me if you have questions. We talk in II. about the types of financing alternatives that we'll consider. For example, we'll consider cash financing prior to long-term debt. It's a more conservative way to use our cash position. We'll consider options such as going to the open market, including the New Mexico Finance Authority. Under part III. Debt Affordability, we'll always work with our municipal advisor and our bond counsel to make sure that we have legal bonding capacity and that the debt is affordable. In other words we won't be over-leveraging our debt and getting ourselves into more debt than we can afford.

Section IV. Issuance of Debt. Once we've determined that it's legal and we can afford the debt we can issue long-term GOBs and revenue bonds in the open market and so there is a preference for using the open market versus a negotiated sale or private placement. That's considered a more transparent approach unless you're issuing some sort of special bonds that take special understanding, which we tend not to do. So we'll generally use competitive sales – this is Section V on page 2 and we'll go through an online bidding platform that makes the whole process completely transparent and competitive.

On VI. we talk about using bond advisors and experts that we will procure following the procurement code, and that the main ones that apply to bond issuance are the municipal advisor, formerly called a financial advisor, bond counsel, and then it says that we'll also employ professional arbitrage consultants, which is part of post-issuance compliance on your earning. On the debt structure and investment section, which is Section VII, we talk about again, just being as conservative as possible. In general, we're going to have level amortization. In other words, we're not going to backload our debt so that some future versions of us get stuck with a balloon payment. We're going to kind of tend to not issue variable rate debt because of the uncertainty that that creates in the future.

We will always consider call provisions and if they're advisable we'll make our bonds callable. I don't want to go into this in too too much detail but basically we're going to follow best practices, make sure that we don't commit ourselves to anything that we shouldn't that could come back to bite us down the road, and be very transparent and competitive in our issuance.

There's some specific language on page 4 about issuance of general obligation

bonds and revenue bonds referencing the sections of the New Mexico constitution and state statute that allow that. We talk about not going – on page 4, I think it's important under revenue bonds, so there's a paragraph III. B. The County shall maintain a coverage ratio whereby revenues are equal to or exceed 250 percent of the maximum aggregate debt service. So it's basically committing to a 2.5 times coverage ratio, which is very strong. For example, the New Mexico Finance Authority on GRT bonds requires a 1.25 times coverage. We're saying we're not going to go below 2.5 times coverage – double that.

So onto page 5, Section VIII. It talks about our disclosure and reporting and basically that we will comply with all rules established by the SEC and other national entities that oversee tax exempt bonds. We will do thorough and full disclosure, truthful disclosure. We'll provide them our annual CAFR so that they can monitor our financial position. On page 6, I'm on to Section IX. Rating Agency Communications. Just kind of formalizes that the Finance Director and the County Manager will be the lead people on rating agency communications and we'll always work with our municipal advisor to schedule those calls and provide them everything that they request.

Section X, Investment of Bond Proceeds, just talks about when bond proceeds are invested with the Treasurer we'll treat them specially like they need to be treated. We'll make sure that we follow the investment policy that's approved by yourselves as the County Board of Finance. And on post-issuance compliance, which is the last section, in this area we actually already did have a policy that was established in 2013, and so we incorporate that by reference. But that separate post-issuance tax compliance policy just basically talks about what you can and can't do with tax-exempt bond proceeds. They have to be treated very specially and carefully and reporting – if we earn arbitrage on our bonds. In other words, if we borrow at a low rate and we earn more than we're allowed to retain, that we'll calculate that and rebated it back to the IRS to comply fully.

So with that, I know that's a quick rundown, but that's what's in the proposed policy and I'd be happy to stand for any questions.

CHAIR HANSEN: Are there questions from the Board?

COMMISSIONER GARCIA: I have a couple questions, Madam Chair.

CHAIR HANSEN: Commissioner Garcia.

COMMISSIONER GARCIA: Under Section VII, Debt Structure and Instruments, Section 1. F, capitalized interest, it says under city revenue bonds may require a capitalization. Should that say city?

MS. CLARKE: You're right. That should say county. Thank you. We'll make that change in any final version.

COMMISSIONER GARCIA: And then another question, in regards to Section II, General Obligation Bonds, item D says, It is the County's policy to schedule general obligation bond ballots on a four-year schedule. Is that actually a policy that the County Commission makes? Could it be two years? Could it be four years? Could it be six years?

MS. CLARKE: Commissioner, this is the policy where you could make that. You can't do it more than every two, just to align with the general elections, but for example, the state does it every two years. The County has tended to do it every four, but this policy wouldn't stop you from scheduling them more often than four years or less

often, but that's what has been the best practice.

COMMISSIONER GARCIA: I'm just wondering. Thank you. Because we're actually – it is a policy so we're creating for the next Commissions once we're gone that actually lays out that they can do a two-, a four-, or a six-year. We're laying out the policy for the next 15, 20 years, right.

I had one other question, but I think that's it.

MS. MILLER: Madam Chair.

CHAIR HANSEN: Yes.

MS. MILLER: Could I comment on Commissioner Garcia's question about the four years?

CHAIR HANSEN: Of course.

MS. MILLER: So the County – let's go back maybe 20 years ago, was a little more sporadic about when they did general obligation. We actually got into a pattern and that pattern is every four years. And what we try to do with that four-year cycle is also spread out as you're bringing on debt you're retiring debt as well, and what we've tried to do is plan that we take the questions to the voters every four years but we sell the issuance over two tranches. Last time it was even three. But we did so if we go to the voters in November, we usually do our first bond sale out of that. So say we had \$35 million approved. We might do \$20 million the following spring and get a lot of the projects going and those that are actually shovel-ready, we'd sell that \$20 million worth of bonds, get that money in, and then also in that issue, do planning for the second half of the bond issue.

So then in about a year or two after that, then we sell the other \$15 million. And so our rationale behind this is that you can fund what you've already got planned for construction and you can fund planning the next two years worth of construction. So it helps us spread our projects out. If you do the questions every two years you're not as likely to have your projects completed by the time you go to the next bond question and so you might be stacking them up. Plus your timeline for planning is a little more difficult.

If you go six years, that's kind of too long before you want to put it out to the voters. So that's how we've come up with that kind of four-year schedule and it does seem to work with sizing our bonds, and that's the other thing is the size of the issuance. What we try to do is keep the debt service rate to the property owner the same. So if it's two mills. Right now it's like 2.09, I think, but we have stayed in the range of about \$1.85 to \$2.10 per thousand taxable value. And so we've always – that's another thing and we didn't put that in the policy but that is something that we try to do, but it's always up to the Board. At the end of the day it's up to the Board to say when you would like to go out to the voters for a bond question. But that's just to kind of give you how we got to that every four-year cycle. It kind of evolved over time and has probably for the last 16 years, so the last 16 to 20 years has been our cycle.

COMMISSIONER GARCIA: Thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So in part, looking at Part III, the debt affordability, made me think of the relationship of this process, especially in the second paragraph of looking at Countywide debt affordability. First of all, it does

seem to me that we have done, especially given what Manager Miller just summarized, a pretty good job of looking at affordability and what not. But this is the way – this is addressing process for the way we fund a lot of capital investments. And capital planning is part but not necessarily a part of strategic planning. And we've talked this year about – at least we've had some discussions – about looking at that capital planning and it seems to me that this would be a good thing to introduce and incorporate in that as first of all a briefing to the Commissioners as part of that capital planning, and frankly, the very first thing that occurred to me was the discussion here has to do with potentially looking at advisors to do this. But this is something that I believe you guys do as a matter of course and can be well integrated into that sort of rolling planning that we have been making this big effort recently to do.

MS. CLARKE: Right. And if I may respond to that, Madam Chair and Commissioner Hamilton, the debt affordability study, calling it that is a little bit more formalized I think than what's been done in the past, certainly. The Finance Division and the County Manager's Office were routinely looking at debt affordability and sizing capacity and working with the financial advisor to figure out basically how much we can afford to borrow and on what terms. But what I'm envisioning here is a roughly annual informational presentation to you that just gives you metrics to comparing how our debt ratios – for example, how much debt do we have per capita. How those ratios are trending over time and where they will go if we issue what we plan to issue over the next five years. So it would be more informative, I think, to get that regularly.

COMMISSIONER HAMILTON: I think that's really valuable and important. I'm glad to see it in here. It was very thoughtful-wise of you to incorporate this, and it clearly does fit in with what we've been attempting to do and are attempting to improve our process on. Thank you.

CHAIR HANSEN: Any other questions from the Board?

COMMISSIONER GARCIA: Just one last comment. I think Santa Fe County sits very well. It starts to do anywhere from the residents that are moving here, the residents that live here, anywhere from the Tax Assessor actually picking up the valuation to the Treasurer collecting the valuation to the management staff overseeing the financial aspects of Santa Fe County to anywhere from the Road Department to helping with the roads, planning, all this stuff. Santa Fe County sits in a very good position. I'm okay with moving this forward if the rest of the Commission is okay with moving this forward. Just so staff can go through the document and make sure everything is good with it. And this next time if we can just have it in our packet, because it is a huge policy that the County policy makers are doing up here next time.

MS. CLARKE: Yes. Thank you.

CHAIR HANSEN: So can I consider that a motion?

COMMISSIONER GARCIA: Yes.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: So I have a motion by Commissioner Garcia and a second by Commissioner Hamilton.

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

III. C. 4. Resolution No. 2019-7, a Resolution Repealing and Replacing the Santa Fe County Fund Balance, Reserve, and Budget Contingencies Policy [Exhibit 3:Supporting Material]

MS. CLARKE: Thank you, Madam Chair and members of the Commission. This is another policy. Although whereas the previous one we talked about was a brand new policy, this is a repeal and replace of a policy that was previously adopted by the Board of County Commissioners in June of 2015. It's less – not that the other one couldn't have waited but this is less time-sensitive. The way that this policy is implemented is that by the end of June of each year you would need to take action to commit various reserves so that the commitments can be reflected in the County's CAFR. So that's why your action has to happen by June 30th of each year, so that they're committed during a fiscal year.

And so it's a repeal and replace, but really there's one main substantive change. There's a lot of language cleanup and little tweaks throughout, which is why it's a repeal and replace rather than just amending one section, but really the only substantive thing that's happening is reflecting that since 2015 when the original policy was put in place we created our self-insurance fund and left the state's insurance pool. And so in discussing with the County Manager and others and staff we felt it was a good idea to add a specific, special reserve requirement for the self-insurance fund because it's a very unique liability for the County to be self-insured.

And so if I can call your attention to – I'll bring you to that substantive change. Please look on page 5 of the policy. There's a paragraph 4, Internal Service Funds. Is everyone there?

CHAIR HANSEN: Are you under B?

MS. CLARKE: Yes, B, and then on page 5 there's a paragraph 4 called Internal Service Funds. Okay. The County just has one internal service fund and that's the self-insurance fund. What's proposed here – I see a typo. There's a little r we would take out on reserve. And so we're proposing a long-term buildup of the reserve in the self-insurance fund from where it currently sits, around, say, 20 percent, to creep up over the next more than ten years to above 45 percent. And so the way that that's laddered it allows for about a two percent increase gradually over time. We would like to get there sooner if it happens but our intent is not to tie the hands of the Board.

For example, if the reserves aren't building as quickly as we hoped we don't want to tie your hands into, for example, increasing premiums or reducing benefits when we have a very strong reserve. It's a great target to get to 45 percent but if for example we're already at 20 or 30 percent I personally would advise that it would be hard to say we need to raise premiums right now more than is warranted by inflation because we're not yet at 45 as fast as we want to get there. So it's a gradual, long-term goal over ten or eleven years to build up to that level.

CHAIR HANSEN: Commissioner Garcia.

COMMISSIONER GARCIA: So real quick, what is the amount of fund that's in there right now for the 20 to 35 percent?

MS. CLARKE: Let's see. I don't have the numbers with me but what I can tell you is that the claims per year might be about \$6 million or \$6.5 million and we've

built up about \$1.5 or \$1.8 million to date. Somewhere around there is how I'm just roughly giving you that 20 or so percent.

COMMISSIONER GARCIA: So this is kind of where Manager Miller actually talks about working in regards to our claims being self-insured, what we talked about earlier?

MS. CLARKE: Yes. I should note though that the first year of being self-insured, the first year you have what's called sort of a not a mature claims year. So you expect to build a pretty hefty reserve in your first year, because you're taking in a full year of premiums but you're not yet paying a full year of claims, and we did that. And so you might say to yourself, well, we've only been self-insured for about two years and we're at, say, 20 percent. Can't we build ten percent a year? But you have to recognize that you start off with a really good year of building and then it kind of levels off.

COMMISSIONER GARCIA: So this actually helps out, for example, we had this huge big claim, let's just say at one of our facilities for something, this actually helps cover it. Correct?

MS. MILLER: Madam Chair, Commissioner Garcia, we have two insurance reserve funds. So we have in this policy, if you go back to under general fund, on page 4, we have uninsured loss reserves, so paragraph B.1.c, we have that uninsured loss reserve. So that is something that we do in case our insurance with New Mexico Counties pool does not cover something. We have our own reserve fund for that. And then this particular paragraph that Stephanie is referring to goes solely to when we moved off of the state's health insurance plans for health benefits for employees. So we moved off of the state plan and went to what we call self-insured, which is we have just Presbyterian right now for County employees and we have our own County plan.

And we pay for all the claims. So all the employees pay a percentage of the premium and the County pays a percentage of the premium. All that money goes into this fund. And then we pay everybody's healthcare claims out of that fund. And we have insurance for large claims, if somebody had a very large claim that went over – if they had healthcare that was \$200,000 or \$300,000. We have insurance that covers that claim anything over \$175,000. But everything up to that is paid out of our own fund. And that's why we're considered self-insured. So we pay out of own fund and what we're trying to do is get this percentage up over the years of if we have in a given year, \$6 million worth of claims and administrative costs, as Stephanie said. If we have 25 percent in reserves we would have \$1.5 million in reserves above and beyond what will come in that year in premiums to pay health claims.

What we want to do, and we're at about \$1.6 million right now I think. So the first year we accumulated close to a million and then the second year, as Stephanie said, as claims mature and you cover a full year you tend to pay out a little bit more and have less left over. But what we're trying to do is actually get to 45 percent, so if we stayed at \$6 million in claims we'd want to have close to \$3 million in reserves by ten years.

And what Stephanie was getting at is we get to set, the Commission gets to set how much health insurance goes up for employees. If we don't have much of a reserve it pushes the stress on the Commission to raise premiums on the employees in a year where the healthcare providers or Presbyterian says we have to raise rates by five or ten percent. If we have built up a good reserve we have some flexibility not to hit employees and

ourselves with a huge premium increase all at once.

So we don't want that reserve, that amount to be too low. So we would never recommend less than the 20 percent, and you know me, I'm very conservative so I'm kind of like, hey, why not 100 percent? But I think that's probably excessive. So this was a way of getting to what we think is a good protection for the County, good protection for employees not being hit with a really high premium increase if the providers, if the cost or our insurance goes up, but to try to balance that out and work our way, accumulating a little more reserves.

Now what we've done, we didn't start off the first year with \$2 million in the bank but what we did do is take some general fund and budget it just in case. So that's what we've been doing as we're building up the reserve. We have had a budgeted amount in the County's general fund budget just in case we went over our premiums in paid out claims.

COMMISSIONER GARCIA: Thank you. A good explanation. I learned a lot in five minutes. With regards to 35, 45 percent, that money comes from where? From the general fund?

MS. MILLER: Well, Madam Chair, Commissioner Garcia, it comes from two things. It comes from the premiums. So when an employee elects to have County health insurance, out of their paycheck a portion is paid, of that premium is paid by the employee, and another portion is paid by the County. That's what's paid into this fund. So what's paid in – and then we pay out of that fund when somebody goes to the hospital or to the doctor's and that claim is then submitted to us, then we pay that claim. And we have a third party administrator, but that's essentially cutting out all the details. That's what happens.

So over the course of a year, there's 26 pay periods, there is money coming from the County. If it's a general fund paid employee, it's general fund. If they're fire funds, it's fire. If it's one of the other funds. It's wherever their salary comes out of. So we take salary and benefits out of those funds and a portion of that goes to cover their health insurance from the employer side, the County, and from the employee's side, out of their paycheck. Those two payments are combined, go into this fund to ultimately pay all the health claims that any County employee or their insured family members would have.

COMMISSIONER GARCIA: Madam Chair, just really quick. I was in HR again today filling out my paper process for my new job and it amazed me because I guess I haven't been out there to HR for 20-some years, but how much money the County actually puts in per employee, which is really good. And it made a lot of sense, what you said earlier, that you want to protect the employees so that way if they do get hit and in later years to come the employee doesn't take that large of a hit. Thank you.

CHAIR HANSEN: So what's the pleasure of the Board?

COMMISSIONER ROYBAL: I'd like to move approval.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: I have a motion by Commissioner Roybal, a second by Commissioner Garcia.

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

- III. C. 5. **Resolution No. 2019-8, a Resolution Declaring the Intent of the Board of County Commissioners of Santa Fe County, New Mexico, to Consider for Adoption an Ordinance Authorizing the Issuance and Sale of Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019, in an Aggregate Principal Amount not to Exceed \$30,000,000 for Purposes of Financing Costs of (1) Planning, Designing, Acquiring, Constructing, Renovating, Rehabilitating, Equipping and Furnishing a County Administration Complex and Related Facilities; (2) Planning, Designing, Surveying and Constructing Roads Pursuant to a Settlement Agreement with the Pueblo of San Ildefonso; (3) Planning, Designing, Acquiring, and Constructing Capital Improvements Necessary to Comply with the Americans with Disabilities Act Countywide; and (4) Paying Costs of Issuance of the Bonds; and Directing the Publication of a Notice of Meeting, Public Hearing, and Intent to Consider and Ordinance Authorizing the Series 2019 Bonds in a Newspaper of General Circulation within the County, as Required by Section 4-37-7 NMSA 1978**
[Exhibit 4: RBC Capital Material; Exhibit 5: Resolution Text]

MS. CLARKE: Thank you, Madam Chair. Thank you for reading all of that, and members of the Commission. With me here today I have two of the County's bond advisors, the folks we were talking about in the debt management policy. Our bond counsel is Peter Franklin from Modrell Sperling, and our municipal advisor, formerly known as financial advisor, from RBD is here, Eric Harrigan. I think if it's all right with you I would recommend that you hear – there's a slide deck from Eric Harrigan on the terms of the bonds, the affordability, and what the market is doing currently, and then we would go to Peter Franklin who could review the intent resolution that's before you.

CHAIR HANSEN: That's fine. Welcome.

ERIC HARRIGAN: Great. Thank you. Good afternoon, Madam Chair, Commissioners. Eric Harrigan, RBC Capital Markets, as Stephanie mentioned, municipal advisor to the County. So I understand there's a presentation in your packet which covers a pretty high level. The bonds that are being issues, the proposed 2019, that'll be funding the various projects as mentioned in the resolution will be senior to the two 1997 bonds that are outstanding and parity on the 2016 bonds, which refunded the County's 2008 gross receipts tax bonds for interest rate savings and also had a small component of new money for planning of the proposed projects.

From a timing standpoint, we expect to be in the market by February 14th. In the latter part of this month we will have conference calls with Standard & Poors. As you may recall, when the County sold its general obligation bonds, this is a different security though. When the County sold general obligation bonds earlier, I guess late in 2018, that security did get upgraded to AAA. These bonds, the 2016 bonds were rated AA+ by Standard & Poors, which is one notch below the highest possible rating. We do anticipate that that rating will be maintained at that level.

The bonds will be sold with a final maturity of 20 years with an optional redemption date of eight years, meaning that the County has the ability to either call or redeem those bonds early, or if interest rates provide, to refund and lower the interest cost on the bonds.

Based upon current interest rates we anticipate the borrowing rate to be about 3.7 percent on average over that 20-year period and with that, I will stand to answer any questions that the Commission has, and if not, turn it over to Peter Franklin with the Modrell law firm.

COMMISSIONER GARCIA: I have a question, Madam Chair.

CHAIR HANSEN: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: So whenever we go out to bond and the market actually gives us a 3.7 rate, that rate's locked in. Correct?

MR. HARRIGAN: That is correct. So these would be fixed rate bonds that would be locked for the life of the bond issue. As I mentioned, there is an optional call provision for an eight-year optional call provision so after eight years if interest rates were such that the County could refund the bonds and lower the interest rate, that's possible but over that 20-year period the average rate would be fixed for that period of time.

COMMISSIONER GARCIA: Madam Chair, you're bonding counsel. When was the last time you guys went out for a public bond like this? And was that the – the 3.7, is that just average or you guys went out a week ago? A month ago to get a 3.7?

MR. HARRIGAN: So the County went out for its general obligation bonds in December. That interest rate was right around the same. It's a little bit shorter debt than the proposed bonds. What we have seen though is we've seen a fairly significant decline in interest rates since October. The ten-year treasury was about a 3.50 and now the ten-year treasury is about a 2.80 or so. And so it's a pretty opportune time to be in the market to sell these bonds. We're being conservative on that interest rate. Again, when we factor in the debt affordability we want to be conservative in the interest rates that we assume, so we anticipate that if rates were to hold we'd be able to do better than that 3.7, but that's what we're estimating conservatively right now.

COMMISSIONER GARCIA: So you're also the bonding counsel for the schools, right?

MR. HARRIGAN: Yes.

COMMISSIONER GARCIA: So whenever the schools go out for bonding as well, they're pretty much the same bonding, or do the schools actually piggyback on our bond ratings? On the County's bond ratings? If we have a great rating, so the schools are part of our tax collection, tax base. So whenever they go out for bonding do they use our rating?

MR. HARRIGAN: Madam Chair, Commissioner Garcia, so they have their own rating. The County is actually rated higher than the school district. The school district is rated AA by Standard & Poors and you are rated AA+. It's a different security. That's gross receipts tax bonds. Your general obligation bonds, which are rated AAA, which is more comparable to what Santa Fe Schools issues, and that rating is based upon several factors. Not only the tax base, which is fairly consistent with the County; it's slightly different, but also the financial health. Obviously, with school districts they rely

significantly on the state for their budget. And so all of those get factored in. But specifically, Santa Fe Schools, they have a AA rating; the County has a AAA rating on its general obligation bonds of equivalent security.

COMMISSIONER GARCIA: Thank you.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: So what was the differentiator that gave our general obligation bonds a AAA rating, and I assume that impacts our affordability and what not, and this one that's a AA+.

MR. HARRIGAN: The difference is the pledge. With general obligation bonds, those are backed by property taxes and that tax rate gets set annually, every year to pay the debt service. So it's really considered the most secure form of municipal financing and typically, general obligation bonds will have a rating that is one notch above a gross receipts tax, which is the case for these bonds.

COMMISSIONER HAMILTON: Okay. Thank you.

CHAIR HANSEN: Are there any other questions? I have a question. So when we go out for this \$30 million, we are approving the bond of the \$30 million, but I am concerned about, number one, the planning, design, acquiring, construction, renovation, rehabilitation, equipment and furnishing administration complex and related facilities. So I know that's a mouthful. I want to know – we're only approving the money to do that but we as a Commission, will we be seeing the plan for that planning of the design and construction. So I'm requesting that that plan be also presented to us.

PETER FRANKLIN: Madam Chair, members of the Commission, Peter Franklin with Modrell Sperling, with some of his voice. That language is really just the statutory language that authorizes the County to issue these bonds for various purposes. My understanding of the County's process, and Stephanie should probably chime in here, is that – I honestly don't know. Do the plans come back to the Commission?

MS. CLARKE: Let me try on that, Commissioner. As far as the bond ordinance and resolutions are concerned we're setting what the allowable uses of these bond proceeds, this \$30 million is for, and then we'll work with bond counsel over the expenditure period to make sure that everything we expend them on is in line with what you've approved here. And so within that \$30 million we've set aside \$24 million for the two downtown projects here, the new admin complex and then this renovation of this building. Four million for the Pueblo of San Ildefonso road projects that are part of those road settlement agreements, and then \$2 million for ADA improvements Countywide.

And so from a bond perspective, we need to make sure that everything we do is covered under those verbs: planning, designing, constructing, acquiring. And then as far as how the Commission chooses how to allocate its capital, that's part of the capital budgeting process, and so these projects are approved through the budgeting process.

MR. FLORES: So Madam Chair, I apologize; I was in the back having two different discussions. So are you requesting or stated that you haven't seen the plans for the new project? Because you've been provided those plans through email numerous times. So I'm a little confused on what you're looking for.

CHAIR HANSEN: I don't think that we've seen those numerous times but I wanted the breakdown, which is one of the things that I wanted to know about this bond. But I also want to know the design, the plan, it says designing, acquiring,

constructing. So I know what we're planning to do on those two buildings.

MR. FLORES: Actually, Madam Chair, we're already constructing –

CHAIR HANSEN: Right. We're already constructing. So this part, this \$24 million is for designing, planning, acquiring and construction.

MR. FLORES: The easy answer, Madam Chair, is we have funding sources that this Board has approved to fund this project. This is the second portion of the funding.

CHAIR HANSEN: Okay.

MR. FLORES: Of the same project.

CHAIR HANSEN: Okay. Nothing changing?

MR. FLORES: No. What we're doing with this resolution – correct me if I'm wrong, Stephanie, is building the second amount of funding into the project, which we had not done before.

CHAIR HANSEN: Okay.

MS. MILLER: Madam Chair, maybe I can assist. So when we did, when the Board approved the project to do both of these buildings it was probably 2013. We actually put about \$7 million into the budget at that time. We had actual cash from our gross receipts tax that was put to that project to start planning and design. And then in 2015 – and so that's what a lot of the preliminary archaeological work and geo-testing and all that stuff on that site and space programming and everything with contractors was done. In 2013-2015.

In 2015 the BCC approved one of the 1/8 hold harmless increments to actually fund through a bond issue, which is this bond issue – actually we also did another \$6 million in a bond. So we did \$7 million in the cash we had. We did \$6 million in the bond, and then this is the remaining portion we need to actually do construction of the site on Catron Street and to renovate this. And so it's – the amount you see in the resolution is what's left of what we need, left on the project on Catron Street and then what we need to do this building when we renovate it.

CHAIR HANSEN: Okay. Thank you. I just wanted to be clear about the amounts, because it's not really broken down here. Okay, what's the pleasure of the Board?

MS. CLARKE: Madam Chair, if I may? It would be good to just briefly have our bond counsel go through the intent resolution to just explain on record what its effect is and what the next step is as far as resolutions.

CHAIR HANSEN: Okay.

MR. FRANKLIN: Thank you, Madam Chair, members of the Commission. First of all, let me apologize for the length of the title. We'll try to shorten those in the future if they're going to be read into the record in full. The basic purpose of this resolution is just to authorize the County to publish a notice of hearing on the bond ordinance. The bond ordinance will be – the bond ordinance is scheduled for adoption on Tuesday, January 29th at the BCC meeting. That's essentially the purpose of this resolution. Everything else is just describing some general matters about what the purpose of the ordinance will be so that we can give notice to the public.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I'd like to move to approve this resolution.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: I have a motion by Commissioner Hamilton to approve, a second by Commissioner Garcia.

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

III. D. Miscellaneous

1. Request Approval of Memorandum of Agreement between Santa Fe County and the North Central Regional Transit District (NCRTD) to Provide an FY2019 Contribution of Operational Funding for Route 255 – Mountain Trail

BRETT CLAVIO (Transportation Planner): Good afternoon, Madam Chair, Commissioners. The item I'm presenting to you today is I'm asking to approve an MOA with the North Central Regional Transit District. This MOA will provide NCRTD with a \$25,000 match in County funds for the Route 255 Mountain Trail. The Mountain Trail operates year-round, seven days a week. And I stand for any questions you may have.

CHAIR HANSEN: Do I have any questions from the Board? What's the pleasure of the Board?

COMMISSIONER GARCIA: Madam Chair, I have a question.

CHAIR HANSEN: Yes, Commissioner.

COMMISSIONER GARCIA: This MOA is for how long?

MR. CLAVIO: This is a one-year MOA, sir, for fiscal year 2019.

COMMISSIONER GARCIA: And this MOA was actually around I think, three, four years ago and it was actually a trial-type basis, I believe so, back in the days. And so do we have any data to show how many people are riding it?

MR. CLAVIO: Yes, sir. The ridership has been pretty consistent. For example, this past fiscal year, 2018 we had a ridership of 4,546 people. It kind of breaks down to about 20 people a day riding that bus up and down the mountain. I did a little breakdown of the cost contributions. Santa Fe County's cash contribution will be about nine percent of the overall cost to run this route year-round.

COMMISSIONER GARCIA: Just really quick, what are the hours that the bus runs?

MR. CLAVIO: The bus runs twice up, that's one at 9:00 am and one at 1:45 pm. And then twice down, one at 10:15 and one at 3:00, during the weekdays. On the weekends it has a 10:30, 1:00 and 3:30 pm trip up, and an 11:45, 2:15 and 4:45 trip down.

COMMISSIONER GARCIA: Madam Chair, so does the bus actually go in conjunction, let's just say, during the winter months when the ski lifts are up? Does it go at a different time or is it the same time all the time? And do you have more ridership in the – obviously when there's snow on the mountain? Do you have any of that data?

MR. CLAVIO: Yes, sir. Ridership definitely peaks during the ski season

and as you may recall, last year was a pretty poor snow event. So ridership was fairly low in comparison to the previous year. For example, in 2016 we had 1,500 people in December. And then last year it was only 720, so about half. So snow does have a big impact. But folks also ride that bus for recreational purposes in the summer, primarily to do mountain biking and hiking and stuff.

COMMISSIONER GARCIA: Thank you, Madam Chair. I'd like to move for approval.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Okay.

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

III. D. 2. Request Approval of Amendment No. 8 to the Project Management and Fiscal Services Agreement for the Buckman Direct Diversion Project

CHAIR HANSEN: Who is presenting this?

COMMISSIONER HAMILTON: Madam Chair, I believe Bruce and I were going to provide background information. Bruce, if you wouldn't mind.

BRUCE FREDERICK (County Attorney): Thank you, Madam Chair. So this is amendment #8, like it says, to one of the foundational agreements of the Buckman Direct Diversion joint powers agreement. It's an agreement that's called for in the joint powers agreement. It's been amended several times before, relatively minor amendments. This one's not earth-shattering although it does include one thing that we'll have some discussion on I don't doubt. So what I'd to do here is go through the articles that are causing the amendments which are fairly straightforward. There's a lot of background so I'd like to then answer any specific questions that you have about the background. So if I may I'll just go through this one at a time beginning with Article 1, the change to the definition of Las Campanas. In the Project Management and Fiscal Services Agreement, and that is just reflecting the fact that Las Campanas is not a single entity now. It's been divided into two entities – the water and sewer cooperative and the Club at Las Campanas.

In Article 3, that's a very simple amendment and it's just reflecting the fact that the JPA has been amended, so we just kind of added "as amended" at the end.

The next article is Article 6 of what we call the PMFSA, it's more substantial. It's the most substantial amendment. If you look at the current agreement it only says the first sentence basically, that the project manager, which is the City, will provide all necessary staff materials, supplies necessary to operate and maintain the project consistent with board funding. We worked on a committee. I worked with the attorneys from the City. I worked with Commissioner Hamilton. I think the other Commissioners have probably seen this draft as well. We added the three paragraphs that follow this and essentially what it does is it gives the board some influence over the hiring and firing of what's called the facilities manager of the Buckman Direct Diversion project.

Under the main agreement, the City is the project manager and of course under the City's charter, the City Manager has hiring and firing authority over all City

employees. We have finessed that so that under this amendment the citizen member of the BDD Board can be appointed to the hiring committee for the facilities manager. And right now, by the way, in case you don't know – Yes, Madam Chair.

CHAIR HANSEN: I want to make some changes to this agreement because I don't feel, especially in the second paragraph, prior to hiring, especially since we are in the process and we are going to be hiring a new Buckman Direct Diversion manager, I first of all want to change in this language that the BDD Board will – not may – appoint the citizen member as the alternate to the interview panel. And I feel really strongly that the County Utility Director should be on the interviewing panel also so that we have some representation. And I believe that if we could change this and approve it with that on there we could send it over to the City Council and they could adopt that tomorrow evening with those changes. If Mr. Dupuis would like to comment or anything, I know that I am appointing you to a committee but I think you are more than qualified to be on this committee and I would like to see your expertise on the hiring process.

JOHN DUPUIS (Utilities Director): Madam Chair, I agree. That sounds very reasonable.

CHAIR HANSEN: Thank you. I appreciate that, Mr. Dupuis.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: So I think we have to retain the perspective that this has been part of a bigger process which you participated in. There was a lot of negotiation that went into these particular items and I would suggest that we also remember that there is a joint committee that is tasked with – which I'm on, and the County is well represented on. It includes our Utility and our Legal Counsel as well as that of the City, to actually revise, do a bigger revision of the JPA that is intended to take as long a time it will take to get, achieve, what you're rightfully concerned about, which is the County having more say on the BDD Board, to have more authority, etc., etc.

But that process was deemed to take several months and realistically, going back and forth for that level of legal alteration is going to take several months. The motivation for putting this amendment through while that was still in process is because the City is currently operating on a month-to-month basis with inadequate compensation for the management position. So we've kind of had all these discussions about whether to move forward and use amendment 8 to approve the increase which was initially put in as an estimate for four percent operating costs 2 ½ years ago and it was in fact, arguably, the City taking 2 ½ years to talk about small refinements in language. It was certainly not the BDD Board that sat on that for any period of time.

The fact remains that they have now been operating the BDD charging one percent. So we agreed, after quite a bit of discussion, to accommodate doing this justified increase in operating costs, and then continue the discussion and over the next six months come to an agreement on a greater revision of the JPA. I for the record want to state that I believe that we always have the option of disapproving this. I think changing the language in this right now is tantamount to disapproving it, which I think is an inappropriate action given that we've been doing this in good faith for months now.

CHAIR HANSEN: So what I am concerned about is that we have this opportunity to have a say about who the next facility manager is going to be, and I

recognize that maybe changing this agreement causes heartache but I am concerned about the County having a say in who the next facility manager is going to be. And I recognize that I have been pointed out by legal counsel that only the County Manager can appoint somebody to do the job because to personnel so therefore I cannot actually appoint Mr. Dupuis. But I feel very strongly – this is the only time we’ve had any leverage. I know you say – and I’m hoping to be the primary member of the Buckman Direct Diversion but I was not privy to a lot of these discussions and if I would have been I would have suggested this in those discussions. And I did not have that opportunity.

So I am concerned about us having a say about the next facility manager because – and since we as Commissioners cannot have a say I would like either the County Manager to have a say if I can’t appoint Mr. Dupuis, since it would be violating personnel agreements, which I do not want to do, but I really am concerned about the City consulting with us, which they have a tendency not to do and I’m not afraid to say that in public and I will say that from the dais that the City does not always give us the amount of credit or responsibility that we have on the board, and I feel like there was a problem with the way that the last facilities manager was released and now we’re coming into another discussion and I want to make sure that the communication is more open and apparent.

COMMISSIONER HAMILTON: Well, I appreciate that. What I’m trying to transmit to you is I myself participated in months of negotiations about this and we had very strong back and forth between the City and the County on the way the JPA is currently structured and their position on hiring practices. It was a reasonable concession to get a board member on, and it can’t be one of us. And the reason they didn’t have one of us is because they absolutely cannot have a City Councilor. That’s totally against their policy. So the agreement was to have the public member on the hiring committee.

The “may” is totally irrelevant. We have the complete option of putting it on there. All that means is the board itself is not obligated to do it if we decided we didn’t want it. That’s what that wording is. So my feeling is that I, personally, am in agreement that the negotiations are complex to alter the JPA, which we need to do. We’ve had lot of discussions about the structure of the BDD and the lack of power of frankly, the City Councilors but also of the County Commissioners, but that will take time. This is a temporary compromise. I feel like it’s one that is reasonable to agree to because we’ve had – I’ve had the City come forward to continue scheduling the ongoing committee meetings.

So I’m just stating my opinion that – I mean the Commission is perfectly welcome to totally reject this, but I don’t recommend it.

CHAIR HANSEN: I don’t really want to recommend it. I don’t want to reject it. I just want to make sure that we have some say in the discussion. I’m glad that you have faith in the City.

COMMISSIONER HAMILTON: It’s not an issue of just having faith in the City. It’s an issue of an ongoing process and trying to negotiate reasonably and achieve certain steps forward and then try to proceed with other steps forward.

CHAIR HANSEN: Wait a second. Katherine.

MS. MILLER: Madam Chair, I will say this. Back before the previous director, let’s say about four or five years ago, was selected we did have our Public

Works Director at the time; it was Adam Leigland, he did participate in that hiring process. This has been an issue of contention for quite some time and that is who does that manager work for and who actually gets to have the say in who that is. Obviously, the County has felt like the County should have some say in it since we're a 50 percent partner in the facility.

I could offer to step out of the room and call the City Manager and say do you have a problem with us at least adding County staff to the interview team. Not so much recently, but previously they have asked me to participate in their hiring process of their previous Finance Directors and HR Directors and things because they just wanted some other experience on their interview committees, but they haven't done that recently. So I don't know if they would have an objection to it. I know they have not objected to it in the past. It might be something they would be okay with us including in the agreement.

I don't think it's a big ask. I think the issue really became more about elected official and elected official parity, and nobody thought to say, well, what about having County Management involved in the hiring process.

CHAIR HANSEN: And since I was not in the negotiations I would have brought that forward but after reading this I recognize that that was something that I felt needed to be put in this agreement and the County staff has some input into this. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Manager Miller, is the County going to be taking over the BDD in the next years to come? I thought the agreement was in so many years that becomes a County facility, County-run operation.

MS. MILLER: Madam Chair, Commissioner Garcia, in the agreement it says that every seven years, I believe it is, we will review who is the manager of it, who is the project manager, is what it's being called. And we did that back about two, three years ago and it was decided at that particular time that the County was not in a position to be able to take over managing the facility. But the intent always was that at some point it may switch over to be under County as the manager of the facility, in which case that person who is the director would be a County employee and all the people in the facility would be County employees.

And it's also anticipated in our agreement, our JPA, that it could be completely independent as well. It could be more like SWMA that runs on its own and is not a part of either the City or the County government.

COMMISSIONER HAMILTON: And I want to add that that's exactly what's on the table with these ongoing discussions. So we're actually asking for a lot more and I do appreciate the fact that there's another person being hired now. On the other hand we've had turnover, three people. So that opportunity is going to come up again. It's not very satisfying to suggest being patient and it can sound obnoxious and that's really not what I mean. I feel like what this is is an interim measure that frankly was intended to primarily address the reimbursement for the management position and to make a few other improvements that were at least a fractional step forward representing what we were trying to achieve in the ongoing committee meetings.

COMMISSIONER GARCIA: Madam Chair, really quick. I still have the floor. So let's read this. Prior to hiring the facilities manager the City Manager will brief the BDD Board in executive session regarding the candidates for the position. The BDD

Board may appoint a citizen member to be on the interview panel. So what if you're sitting in executive session and you don't agree with interviewee number three. Does the BDD Board in that executive session say we don't want Rudy Garcia to be hired?

COMMISSIONER HAMILTON: So my understanding, Madam Chair, is that the ultimate hiring authority lies with the City. But the idea is that they listen to your input. I suppose you can't force somebody to take your suggestion.

COMMISSIONER GARCIA: Okay, but you could actually give –

COMMISSIONER HAMILTON: It doesn't provide the board itself with any veto power or any ultimate deciding power; that lies with the City.

CHAIR HANSEN: And that is why I am requesting and wanting County staff or County management on the interviewing panel.

COMMISSIONER HAMILTON: Recognize that that would give the County staff the same recommendation authority that the BDD member has. It would be a good idea, but the ultimate hiring authority still lies with the City. So putting the County staff on the committee doesn't give them the power to say this is who you're going to hire. It gives them input. And so right now, the board has that input as well.

COMMISSIONER GARCIA: So really quick, I still have the floor. So Madam Chair, County Attorney, are we done with your presentation or are we stuck here on this challenging part?

MR. FREDERICK: I was going to go through a couple more – there's a couple more amendments, a couple more articles that I could go over.

COMMISSIONER GARCIA: Okay, Madam Chair, we should move on and then we can call for the question as we get done with the presentation.

CHAIR HANSEN: Okay. I'm good with that.

COMMISSIONER GARCIA: Thank you.

MR. FREDERICK: All right. And I would just add in that same article that if the City is contemplated an adverse personnel action against the facilities manager this amendment would require the City to contact the City Attorney and the County Attorney and the BDD Board attorney before that takes effect and to brief us on how that is going to affect operations and we in turn would brief you all. That's more advanced notice than we currently have any right to.

And later on, Article 7, that is a technical change and alls it's doing is saying we're going to provide these financial statements to the parties at the end of the fiscal year rather than within 90 days. And Mackie Romero is actually here from the BDD project and if you have questions about that you can ask her and she's here to answer those questions. But essentially, the way we are interpreting or they're interpreting this is that they had to provide audited financial statements to the parties and they just can't do that within 90 days so this would make those available as soon as they are available to the BDD, not necessarily within 90 days.

Then on Article 8, that's the article that increases the compensation from one percent to 4.5 percent. That compensation that the project manager gets is actually 75 percent, approximately 75 percent payable by the City itself, because they take approximately 75 percent of the water. The County pays a lesser percent and then Las Campanas pays the remaining percentage of that.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: So an additional comment on the 4.5 percent because that's been questioned several times since a couple of years ago the suggestion was for four percent. But that four percent was based on a baseline that included all the current budget including litigation expenses which are volatile. So some years you have big litigation expenses. Some years you have low litigation expenses. They went through the process of re-justifying all the expenses, which we did not agree with all of the things, but we used the stable budget baseline that excludes litigation and 4.5 percent was suggested. Frankly, I suggested it as a number that brought it up to not what they were asking for in total dollars. It was substantially less than everything they felt they justified but it was comparable to what had been justified at four percent of the higher baseline. So it seemed like a fair compromise and it meant that BDD wouldn't be in the position if in the coming several years litigation expenses went up very high of paying more for management.

CHAIR HANSEN: So, Katherine, I would like to request that you ask the City Manager about you, County Management, being involved in the hiring process, since that is something that we are moving into with the BDD Board.

COMMISSIONER GARCIA: Madam Chair, I just have one comment before Manager Miller goes and calls the City Manager and you get into their hiring practices. In regard to – I understand what the situation is or what's happening. I think that we should go forward with what the proposed language is. Commissioner Hamilton has been involved in this for quite a while. She had been on the BDD Board for what? A year, two years now. And for us to say that we don't trust the City in their hiring practices, I'm not for that, because I don't think that we should get involved in the City hiring practices because this is one community. And I hope and I know, just looking at the people that have signed this, the Council as well as the chair, they would take the most and the best opportunity to help out this community.

So I don't think that we need to actually call the City Manager and ask if he would be in agreement to that because he has to get direction from his leaders as well or his policy makers as well.

COMMISSIONER HAMILTON: So Madam Chair I'd like to move to approve this amendment.

CHAIR HANSEN: We have a motion on the floor but we also have Commissioner Moreno who would like to comment.

COMMISSIONER MORENO: Thank you, Madam Chair. I'm not involved with the BDD but my preference would be that the City and the County jointly find a way to properly and equitably have responsibility for the operation of the facility. That should be the ultimate goal. If this can't be reconciled I would favor a system like the SWMA is organized. Thank you, Madam Chair.

CHAIR HANSEN: We have a motion.

COMMISSIONER HAMILTON: I made a motion to approve this amendment.

COMMISSIONER GARCIA: Madam Chair, I think we should call for the question.

CHAIR HANSEN: I need a second. So do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Okay, so we have a second. We also have someone from the audience who would like to speak. Would you like to come forward? Please make it brief.

COMMISSIONER GARCIA: Wait, wait, wait. So we're in the middle of a motion for – and we have the general public that's coming to speak?

CHAIR HANSEN: We have discussion.

COMMISSIONER GARCIA: For us, not for everybody out there.

CHAIR HANSEN: I have the right to call on somebody. Go ahead.

JONI ARENDS: Good afternoon. My name Joni Arends. I am with Concerned Citizens for Nuclear Safety. Ultimately, having been involved with the BDD since 2002, watching and participating and opposing different aspects of it, I think there's a big void with regard to when this agreement – when the JPA is going to be done. Having witnessed over the years, the JPA has taken many years to come to conclusions and if this is an interim measure, when is it going to be done?

I think that there needs to be a date certain. Going back and looking at the BDD minutes from November 1st, which is five pages of conversation, it never says when it's going to be done. When's the end of the fiscal year for the BDD? It's unknown at this time. There is concern about, as you said, Commissioner Hansen, about the number of different facility managers that have come and gone and people have disappeared really quickly. And the manager that you said, he was gone like in 24 hours or something and it's just like how do we run a facility such as this that has additional threats? How do we have somebody who's there for the long term is really what our primary concern is about this.

So Chair Hansen, thank you so much for this opportunity.

CHAIR HANSEN: So Commissioner Garcia, I'm not saying that I distrust the City but since we have had a new Mayor both Manager Miller and I have constantly requested meetings and discussion on numerous topics and nothing of fruition has come from that. And that is a constant ask. Manager Miller has constantly tried to meet with the new City Manager. That has not been as successful as it has been in the past so it is not that I distrust the City. I would like to have really good working relationships with the City. I want really good working relationships with the City, but the BDD Board and the facilities manager is incredibly important to me. It is the quality of our water.

It is the water that we are providing to the citizens, and having a proper, long-term facility manager is incredibly important to me and that is why I believe like somebody like Mr. Dupuis or our Public Works Director needs to be on the hiring committee so that we can find somebody who is going to commit to this facility and is going to be there for the long term, instead of having gone through, in the last five years of the existence of the BDD we've had three to four different managers and continually having interim managers and so it is a concern that we have some stable direction at the Buckman Direct Diversion. Because that is really important to me because it is the quality of our water and to have someone working there who is really committed to building this facility, because this is a great facility and I want to see a good manager there and I want to see that the County and the City are both working together to create that. That is my goal. And it is continually my goal to have as good working relationships as possible with the

City. I meet with the Mayor. I have lunch with him kind of on a regular basis, but that's the extent of our meetings with the City. And so Commissioner Garcia, I appreciate all the help you can bring to the table in getting them to the table. Commissioner Hamilton.

COMMISSIONER HAMILTON: There is nothing that you said that isn't a very reasonable request. But with all due respect, appointing – getting Mr. Dupuis, who is incredibly competent on the hiring board isn't, in my view, all that is necessary or even the most central part of what is going to keep a higher level manager at BDD. Frankly, part of the problem and part of what we've been discussing in the joint meetings and part of why we've been talking about the SWMA example of how BDD could be organized more independently and in a way that would result in the City and the County jointly, the BDD Board specifically, having more power over what goes on at the BDD is because the challenges of managing BDD, especially with the litigation that's going on, begs for a higher level than some facility operations manager than somebody who is simply reporting two layers down within the City Utility. This amendment is not going to change that. That is exactly what is going to take more time.

COMMISSIONER GARCIA: So, Madam Chair, I think we need to call for the question. We've already – the motion is again? Just for clarification?

CHAIR HANSEN: The motion is to approve amendment 8 to the Project Management and the Fiscal Service Agreement for the Buckman Direct Diversion project. So I call for the question.

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

III. D. 3. Request Approval of Contract 2019-0003-PW/KE for Engineering Design Services for the NE/SE Road Connector Project between Santa Fe County and Souder Miller and Associates in the Amount of \$1,102,456.38, Exclusive of GRT and Authorizing the County Manager to Sign the Purchase Order

CHAIR HANSEN: This is an exciting day. So, yay. Welcome, Bill.

BILL TAYLOR (Purchasing Director): Good afternoon, Madam Chair and Commissioners. Thank you for this opportunity, finally, to come to the Board for approval of this contract. In July 2018 Purchasing Division issued an RFP on a qualification-based selection for engineering services for the design of the northeast/southeast connector. We received five proposals. The committee short-listed three. We invited those three, which was Stantec, Souder Miller and Associates, and Bohannon Huston to oral presentations and the result of the oral presentations was that Souder Miller was deemed the most responsive and qualified engineering firm to provide these services, and with that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Questions. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Mr. Taylor, who were the two respondents to the RFP, you said again?

MR. TAYLOR: Madam Chair, Commissioners, we received five

proposals. Horrocks, Bohannan Huston, Santa Fe Engineering, Stantec, and Souder Miller and Associates.

COMMISSIONER GARCIA: Thank you. Really quick, what is the timeframe for the engineering firm to design this project?

MR. TAYLOR: Madam Chair, Commissioner Garcia, we have put into the scope of work a preliminary schedule of 12 months, but it will be discussed in the final notice to proceed with the engineer to meet or beat that schedule. But we're looking at a 12-month time period for final design to go out to bid.

COMMISSIONER GARCIA: So, Madam Chair, Mr. Taylor, meet or beat. So hopefully we don't go past the 12-month schedule?

MR. TAYLOR: That's our hope, Commissioner.

COMMISSIONER GARCIA: Move for approval, Madam Chair.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: Commissioner Moreno, would you like to second?

COMMISSIONER MORENO: Yes.

CHAIR HANSEN: Second by Commissioner Moreno, but I will have some discussion. Do you have anything?

COMMISSIONER MORENO: Yes, I have comments. People of District 5 welcome this. Madam Chair, I think this is an occasion for celebration because at last we are getting started. This phase has been long in the making. The engineering and design will bring some visual and graphic structure to the project and I'm really excited about and that's another step forward on this long-awaited project. It's a great day. Thank you.

COMMISSIONER GARCIA: Madam Chair, I'd actually like to take my motion back and I'd actually like Commissioner Moreno to actually make the formal motion. It is in his district and he is correct in all the words that he just said.

COMMISSIONER MORENO: Let the record show that I so moved.

COMMISSIONER GARCIA: I'll second.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I just want to make some comments. We've been dealing with trying to get this project going for a good many years, since before I was even on the Board and I'm in my fourth year now, so I just really want to thank staff for all their hard work and I'm really glad to see that this is actually moving forward. So thank you.

CHAIR HANSEN: Thank you. So I want to just say that this is my baby, since I got the federal right-of-way to create the northeast connector, which we would not have without that which was at the direction of the County to Oshara Village to create and get the federal highway. So this is really my baby. I am so excited to see this project be moved forward. I think it is an exciting thing for the residents of that district. I feel I've worked on this since 2005. To see it moving forward, I really appreciate all of the people at the County and the Public Works Department, all of the people who have worked on this road issue. It is such an important thing for the constituents of that district, especially for the people in Oshara Village who have been overburdened by numerous, numerous cars going through their village, so it is an exciting day and I hope that it moves forward faster than a year, but I want the best road that we can possibly have and I

know that it will be an exciting time for the Community College District to have these roads connecting people in a healthy, positive manner. So thank you so much, Mr. Taylor, for bringing this forward.

MR. TAYLOR: Thank you, Madam Chair.

COMMISSIONER MORENO: Madam Chair, one more thing.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: I met with the leadership of the Community College a few months ago or so. We committed that we would have a meeting in January sometime for the residents to get the latest information and I want to put that on the table. I don't think we set a date but it will be forthcoming. Thank you.

CHAIR HANSEN: Thank you, Commissioner Moreno.

COMMISSIONER GARCIA: So Madam Chair, Commissioner Moreno, Mr. Taylor, does the engineer responsible have community meetings throughout their design phases?

MR. TAYLOR: Madam Chair, Commissioner, yes, they will.

COMMISSIONER GARCIA: Okay. Good. Thank you.

MR. TAYLOR: That's part of their tasks.

CHAIR HANSEN: I think both Commissioner Moreno and I have been to a number of these community meetings. and we look forward to having more community meetings out there. I think it's important.

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

IV. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Is there anybody from the public who would like to speak? Yes, Mr. Coghlan, would you please come forward?

COMMISSIONER GARCIA: Also, real quick, Madam Chair. Just really quick. For the lady that actually came up and spoke in regards to the BDD, did you get the information from the County Attorney, actually outlining some of the questions you had emailed all of us?

MS. ARENDS: No. Not yet.

COMMISSIONER GARCIA: Okay. I need to check with him to see if we can actually release that to you. There are answers to your questions. Thank you.

CHAIR HANSEN: Thank you, Commissioner Garcia. Welcome, Mr. Coghlan.

JAY COGHLAN: Thank you, Madam Chair. Thank you, members of the Santa Fe Commission for this opportunity to speak. I wanted to make two points with respect to an agenda item that you'll be considering before long. I need to add that I have a conflict should you have any questions. I will have to leave but should you have any questions I'd be more than happy to do my best to answer them, if I can.

The two points I want to make concern the Santa Fe County's continuing participation in the Regional Coalition for LANL Communities. To summarize my two points, and I'll get into them a little bit as I go, but to summarize them now, I want to argue that the Santa Fe County's continuing participation is not in the public interest and

should be terminated. And then secondarily, or as a corollary to that, if, nevertheless, the County's participation continues, I will argue that representation from the County should not be by a Commission member who is either or a LANL or DOE contractor in play.

Now, with respect to the first issue, and why I argue that being in the Regional Coalition is not in the public interest is that it contains a little bit of history and of course I'm going to try to be brief. But originally, there was a 2005 consent order that governed cleanup at Los Alamos. It was strict. It had specific milestones. It was enforceable. Under the Martinez administration, that consent order was eviscerated in closed-door negotiations between the then division director of the Environment Department and the then acting head of Environmental Management at Los Alamos, both of them who went on to work at the DOE contractor or at a DOE contractor that's presently involved in both a prime LANL contract and the LANL cleanup contract. And I think that basically that doesn't pass the smell test.

Now, concerning the 2016 order, again, it eviscerated enforcement. The original objective of the 2005 consent order was to make DOE and Los Alamos go out and get more money for cleanup. Because of the lack of enforcement that stick has been taken away. That was followed by a baseline lifecycle cost – this is a DOE projection of costs of future cleanup at Los Alamos, and they low-balled it at a total of \$4 billion. And even more seriously in my view, they explicitly stated that only 5,000 cubic meters of radioactive and toxic waste are to be treated. They willfully ignored the 200,000 cubic yards of radioactive and toxic waste that are actually in the ground above our groundwater aquifer and three miles uphill from the Rio Grande.

And that pretty much gets to the point that is the gist of why I argue that County participation in the Regional Coalition is not in the public interest, because the Regional Coalition, by virtue of the fact that it does not oppose that consent order condones incomplete cleanup on the cheap.

Now, my second point of why, should County participation continue in the Regional Coalition, the representative should not be a LANL or DOE contractor in play, I'm going to of course argue that that's a conflict of interest to do so. I first note that there's a body of both federal law and federal regulations that prohibit lobbying by government employees or contractor employees, but I'm the first to point out there's a lot of ambiguities and exceptions and it would take a lawyer to parse through that and I'm not a lawyer. But I will take the opportunity to point closer to home to a Santa Fe County ordinance, and this is 2010-12, that establishes a code of conduct for elected officials for the members on the Commission.

And I'm going to quote from it. First of all, this code of conduct explicitly states that elected officials, elected County officials must recognize that the public interest must be the prime objective, and I've already explained why I don't believe that County participation in the Regional Coalition is in the public interest. But knowing that I've got to abbreviate my remarks, I urge this body, the Commission, the members, to go through this code of ethics which is quite strong, quite admirable, holds up a high ideal, a high level of integrity that I believe must be adhered to. So I'll simply close by reiterating my two points, that the County's continuing participation in the Regional Coalition of LANL Communities is not in the public interest, and secondly, if participation continues, the County representative should not be a LANL or DOE contractor representative or

employee. So Thank you.

CHAIR HANSEN: Thank you very much.

COMMISSIONER GARCIA: Madam Chair, a really quick question.

[inaudible] dialogue with Matters from Public.

CHAIR HANSEN: Commissioner Garcia.

COMMISSIONER GARCIA: What is your occupation, sir.

MR. COGHLAN: I'm sorry. I should have stated that. I'm executive director of Nuclear Watch New Mexico and have been so – I've been in this field just short of 30 years.

COMMISSIONER ROYBAL: Madam Chair, so you're affiliation is with the Nuclear Watch. And what was your name, for the record, sir?

MR. COGHLAN: Jay Coghlan. The last name is spelled. C-O-G-H-L-A-N.

COMMISSIONER ROYBAL: Thank you.

MR. COGHLAN: All right. Thank you.

CHAIR HANSEN: Thank you very much. Is there anybody else from the public who would wish to speak? Governor Dorame and Governor Mitchell. Please come up. We're honored to have you here. Or maybe I should call you Chairman Dorame. Which one would you like, Charlie?

CHARLIE DORAME: I like either one.

CHAIR HANSEN: Can I just call you Charlie.

GOVERNOR DORAME: That's fine. First of all, thank you, Commissioners and chair and co-chair for giving us the opportunity to voice some concerns that we have. But before I do that, our new governor, Milton Herrera sends his greetings and an invitation to attend our dances that signify the authority that's given to them for the year. And it is a privilege that they've been appointed to serve on the tribal council. So we do have two new members on the tribal council that are fairly young men. They must be around 55.

Anyway, today, along with Governor Mitchell, we had a discussion with the governor this morning about projects that are happening here in Santa Fe County. And the main concern we have is that there was a bill that was passed, and maybe Governor Mitchell can let me know what number it is. Anyway, it was a bill that was passed that requires county governors to advise tribes in the area of any findings of historic preservation sites. I know that I attended a meeting here quite a few years back when the project that's up the road, the new County office was being taken over and construction was going to start and during that meeting the tribe, under my authority requested that the archaeologist, whoever that was going to be, would be informed of the bill that exists within state government and to advise us of any findings or updates.

We have not seen any, to our knowledge. If they're sending them somewhere that we don't know about we'd like to find out if you've all received any reports from the archaeological people that were assigned to that site. I wouldn't be surprised if there are findings, but sometimes it's easier to just dig around or cover up sites that are important to the tribes. So with that I stand for questions, unless Governor Mitchell wants to say something.

CHAIR HANSEN: Governor Mitchell, would you like to also say a few

words? Welcome.

MARK MITCHELL: Thank you, Madam Chair, members of the Commission. Thank you for allowing us to come up and say a few words here. I just want to re-elaborate a little bit on what Governor Dorame is talking about so you can put on your thinking hats. Back in 2015 we had the same issue with the City, with their building there. I was governor that year. For the record, I'm employed with the Pueblo of Tesuque and Tribal Historic Preservation Officer. And so Governor Dorame is talking about the NAGPRA law and the APRA law, is what he's talking about. And the other bill he was talking about was the 2009 State Collaboration Bill, which is supposed to be a communication bill amongst government to government.

And so your project up the street here, as he was referring to -- I know it was stated earlier that you all decided this back in 2013. I was governor in 2013 and I don't recall any information coming through. Before we came here today that was the question that was given to us by our current governor and that was one question. We'd much rather like to work with you all on your project. We kind of already know the history of the area. If you don't, I can sit with you all and let you know why we're so interested in the area and other areas of the county as well.

The other issue was I know for a couple years now we've been dealing with the cross-commission cards for law enforcement in the hope that we can come to a happy medium some place down the road regarding that issue. We did come to the County Sheriff's Office and they were in favor of this but when they came here to the Board, it didn't go nowhere. So we're willing to go down that road again and hopefully be able to succeed because again, we are heavily invested in our economic development and we want to make sure that 84/285 that comes through our property, the reservation area, that it's safe. And we want to make sure that everybody abides by the law, the speeding laws, those few that are speeding through the area. Without those commission cards we can't enforce state law. And keep in mind that that funding, it does come to the state.

So however the state divvies up that portion of it, we just want to make sure that we're holding the public up to par when it comes to all this stuff. So with that, I just wanted to make sure that I got your ear and I hope that you all understand, and for the record, and from my own opinion, I think when it comes to public comment, we're not the public. We're a tribal government and we'd much rather keep it that way as in a government to government basis and I understand your protocol. So with that, thank you for your time. I stand ready for questions if you all have any.

CHAIR HANSEN: Thank you so much, Governor Mitchell and Governor Dorame, for being here and we too want to respect that you are a tribal government and work with you on that level also. I would like to extend our congratulations to Governor Herrera as the new governor and congratulate him. We look forward to working with all of you, of course. I can't really answer the questions that you were bringing up but I believe that Mr. Flores can answer those questions. So we'll let Mr. Flores answer those questions because I think it's his -- he's the project manager on that.

MR. FLORES: Thank you, Madam Chair and Governor and Governor. The only good thing about this project from five years ago is that we did contract with the state of New Mexico Office of Archaeological Services to do the entire archaeological report of that site and this building when we do the renovations. I just talked to Paul.

We'll get the final report and that will be sent to you. The only artifacts that were found by the Office of Archaeological Services dealt with the 1830 and forward and First Presbyterian School on the site. There was excavations, I believe, as deep as 40 feet in some of the areas where there was water ways and some trash, if you will. But we will make sure that we get that report over to you. Absolutely. Thank you.

CHAIR HANSEN: Yes, Governor Mitchell.

GOVERNOR MITCHELL: And then just for your all's information and for the record, the whole city of Santa Fe is sitting on the ancestral homelands of Tesuque Pueblo, and the convention center was just the tip of the iceberg. So that's why we're interested in what's here beneath us. That's why we're asking for information so that we can work together as we move forward.

CHAIR HANSEN: And Governor Mitchell and Governor Dorame, we completely respect that we are participating and living and working on your ancestral homeland and I completely – I know the rest of my Commission also respects that. Thank you. I really appreciate you being here taking the time from your day to come and talk with us. So thank you. Are there any comments from Commissioners?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to thank you guys for being here also today, and I want to say that if in the future, if you guys would like, we can probably put you on the agenda if you let us know, instead of for public comment so that it's government to government. We appreciate it. Thank you guys for coming.

CHAIR HANSEN: Yes. I agree. We would be happy to put you on the agenda. Just let us know ahead of time so that we can do that. And thank you, Tony and Paul.

GOVERNOR DORAME: Madam Chair, members of the Commission, thank you very much for allowing us to make our presentation. There was one thing that I forgot to mention. I was working with Ms. Hansen here, the Chair, about the possibility of having the tribal-Santa Fe County summit once again. I know it requires a letter from my tribe to go ahead and begin this process of planning for a summit, hopefully this year. It's up to the County and don't spend too much money doing other stuff; think about the summit. We hope to invite other tribes because we want to show them the good working relationship that we have with our Santa Fe County.

CHAIR HANSEN: Thank you, Charlie. I personally would love to have a summit and I think it is a good thing that we should work towards. And with the cross-commission, we now have a new Sheriff in town, as I've said earlier, and I think working with him on this cross-commission is something that we hope that he is open to and we look forward to working with him on that and see where we can go.

COMMISSIONER GARCIA: Madam Chair, real quick.

CHAIR HANSEN: Yes.

COMMISSIONER GARCIA: Governor, there's been legislation at the state legislature for the last two or three years on cross-commissioning. Do you know why it hasn't moved?

GOVERNOR DORAME: I don't know what happened with the last efforts. I also belong to the All-Pueblo Council of Governors Legislative Committee. We

make recommendations to the governors of the pueblos of New Mexico here, and I'll make sure that that is on our agenda. We are going to have a meeting next Monday and then hit it hard on Tuesday. I believe that's when the doors are open and the walls come down. So we'll see you all on Tuesday at the Roundhouse, and I'll have some answers for you. If not I'm sure you and I can work together and get her done.

CHAIR HANSEN: Thank you very much. Is there anyone else from the public who would like to speak? Seeing none, I am closing Matters from the Public.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. Legislative Update

a. Discussion of, Direction on, and Possible Vote of Support for or Opposition to Bills Introduced or Proposed for Introduction in the First Session of the 54th Legislature of the State of New Mexico [Exhibit 6: Session Report]

MS. MILLER: Madam Chair, I'd like Tony and Hvtce to do the legislative update and then I think Penny is going to do the presentation on the Sustainable Land Development Code, and then I'll be doing number 3.

CHAIR HANSEN: Welcome, Hvtce. Good to see you.

HVTCE MILLER (County Manager's Officer): Good evening, Commission Chair, Commissioners. I provided to you earlier with your informational packets was the report here, the 2019 Legislative Session Report. Within this report, it's just very basic information about what's going on before the start right now, and contained within the report is the calendar of events going on, some statistics on bill introduction, who are our senators and representatives within the county. Page 7 is resolutions that the Commission has passed so far regarding the upcoming 2019 session. And then finally on the last three, four pages are pre-filed pieces of legislation which myself and Tony and other staff have been looking at that might have some bearing on Santa Fe County itself.

Right now we're just still looking for any input from the Commission as to any particular matters other than those that have already been mentioned or passed through resolution which we are to follow and keep track of and take actions again if necessary. With that, I can go through explaining any of the items within the report if you like.

MR. FLORES: So, Madam Chair, just real quickly, what Mr. Miller indicated, there's been 364 pre-files entered. From our perspective, based upon the estimation of 5,000 to 6,000 bills for this session that seems awfully low. The ones that Mr. Miller has included in this report are the ones that we've started tracking because there is some implication potentially for the County, such as Senate Bill –

CHAIR HANSEN: What page are you on?

MR. FLORES: Page 10, Senate Bill 83. It's dealing with senior center meals. This is Senator Stefanics bill for the Health and Human Services Committee recommendation for \$500,000 for the purchase of fresh foods, vegetables, produce, etc. at senior centers. This goes along with legislation this Commission has already supported for Pam Roy's fresh meals in schools for the school meal programs. This list is not all

encompassing. It's just those items that we find that have a tickler or a phrase word in there that we feel has some implication for the County.

There's another one, Senate Bill 106 that Senator Sapien from Bernalillo has introduced which basically deletes an occupancy tax exemption. Right now, occupancy tax is for those locations with three or more rooms. This actually removes that so we could potentially have occupancy tax on anybody like an AirB'n'B. I think this bill does not dovetail with former Representative Trujillo's bill in changing the Lodgers Tax Ordinance but I think this is an end-around to that piece of legislation.

So the legislation we're providing for you on the pre-file is just a tickler of what we're trying to track to see what the implications are for Santa Fe County, then we'll be bringing back, every two weeks, an actual analysis of those ones that we would be looking for direction by the Board to either support or oppose during the session. So that's kind of the first report of the month.

The other item is February 5th is Santa Fe County Day at the legislature. This is our fifth annual so please mark your calendars. Mr. Garcia is on that side of the desk now, so he unfortunately will be on the rostrum while Hvtce and I are the ones maneuvering people up there between both chambers. So February 5th is Santa Fe County Day at the legislature so please put that on your calendar.

V. A. 1. b. Discussion of and Direction on Various Capital Outlay Requests Submitted on Behalf of Non-profit Organizations
[Exhibit 7: Capital Outlay Request Form]

MR. FLORES: Madam Chair, I'd like to go to item V. A. 1. b. I've provided for you, and we've had this discussion at two previous meetings, because this seems to be the perfect storm of capital outlay funding and we're still getting differing numbers on what each delegation member will actually receive. We have been receiving requests from non-profit organizations for Santa Fe County to act as fiscal agent for their projects. We received a request via Representative Trujillo to act as the fiscal agent for the First Presbyterian Church, our neighbor up the street, to do capital outlay funding and the request would be for \$305,188. That project does not reside on Santa Fe County's ICIP.

I'm asking on these two projects – the second one was for Santa Fe Recovery Center. They're looking for two projects under this year's capital outlay under phase 2 and phase 3, approximately \$8.2 million of funding through the legislature for their residential treatment facility and their traditional housing units. Again, they've requested Santa Fe County act as fiscal agent.

So one of the discussion points we've had, at least at the three previous meetings is is the Board interested in Santa Fe County submitting capital outlay forms whereby we serve as fiscal agent? That's the base, fundamental question. And if we are, we can proceed. If we're not, we can proceed in that fashion. By us acting as fiscal agent does not guarantee any funding, but it does put the County in a difficult situation if we are successful in receiving funding how we would go about actually administering and executing those funding agreements. So with that I'll stand for some discussion.

CHAIR HANSEN: Isn't this an anti-donation? Wouldn't it fall into this?

MR. FLORES: Madam Chair, the anti-donation – and this is where it gets a little interesting. With Santa Fe Recovery Center Santa Fe County under a former capital outlay director's oversight actually received funding from the legislature and we became a fiscal agent for a facility that we own and lease back. That's permissible with those kind of funds. We have to own the asset.

CHAIR HANSEN: The facility.

MR. FLORES: With the church, we wouldn't be owning the asset. With the Santa Fe Recovery Center's two projects, there's indication from the director that we would own the assets. So we still have to work through those issues if you want to entertain these types of requests.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So there's multiple potential issues and one of them – so on the one hand it seems appealing and maybe even appropriate for the County to serve a function that can help forward what are otherwise good causes. On the other hand, this is an opportunity the County uses and its one mechanism for funding certain kinds of, or supplementing the funding for certain kinds of County projects, projects that are directly owned by the County. There's only so much capital outlay in the legislature to go around. And so now, anything that we're fiscal agent on is something that is considered in the County's pot and it competes in two ways. It competes directly in the eyes of legislators who are seeing how much money they're giving to the County, and then every place else. And it competes for bandwidth in terms of our ability to manage that funding.

So I'm not sure what kind of additional information to ask for because I want to be a good neighbor and these are both good groups that we have good relationships with and it's important work, but it's like not within the County ICIP and it gives me concern that we are forwarding somebody else's agenda, which is not what we're – we're supposed to be forwarding, I think, a lot about the County agenda. We do strategic planning. We're trying to up our game in terms of capital planning and integrate that more closely with strategic planning, but it is to a great extent because of the good way the County does things. And so we're not actually forwarding our own strategic plan; we're pushing forward somebody else's.

I feel bad that that should bother me but I have some concerns about that.

CHAIR HANSEN: Any comments from any other Commissioners? I happen to actually agree with Commissioner Hamilton. My number one issue is I want sewers in Agua Fria. That's my number one priority, besides solar on all of our buildings. So those are – if that money is competing with these other good causes – I also want to see the money going to our Health Policy Board or our own Community Services area where we're actually providing things and of course we want to be good neighbors. But there's only so much money to go around and it's a struggle. Other comments from other Commissioners? Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, can we actually give you direction to possibly leave it under your discretion? Because I don't see how the government could actually give money to a church. Isn't that kind of – that can't be done at all. So for the church to ask for money from the state legislature, I kind of find that very interesting. But I can see where we can receive money for the Recovery Center,

because like you said, we do own the building. We do own a portion of that property. So if they want to actually expand on that governmental property then we actually could receive the dollars.

MR. FLORES: So, Madam Chair, Commissioner Garcia, I'd like to say you and I created this problem for the County many years ago. I have a different perspective on County services and other organizations. I think the church request about a qualifying entity, they have to meet the definition of what a qualifying entity is to be able to receive funding. That's very clear in the statutes. Manager Miller knows qualifying entity language in her sleep, backwards and forwards. I am not of the opinion to say today if the church meets the definition of a qualifying entity. They have stated they do, but that's a decision that hasn't been determined.

I think leaving it up to the County's discretion, some staff member that's not a policymaker, while on the surface I'm flattered, I think it does create a problem of then having staff lobby and push requests based upon the Commission's direction of the top priorities for the ICIP, and then competing with something else. I don't know if my boss wants to jump in.

MS. MILLER: Madam Chair, this is a real challenge. I can tell you from experience when I worked at the state, the governor had appropriated money to a church for kids to have laptops in school. We could not get laptops to the kids, even trying to bypass – it's not really the church that was receiving them; it was the students. And so I tell you that it's incredibly challenging to find a legal, legitimate way to expend public funds on private entities. And item three under my heading here is this same issue. It is the violation of the anti-donation clause in the New Mexico constitution that makes this difficult, and it's intended to be, because no matter how good the cause, essentially the courts have upheld that that provision in the constitution says we can't give tax dollars to private entities no matter how good the cause.

So what you end up having to do is find some way to either contract for some service, or manipulate some form of an agreement if you don't own the facility. So we have facilities that own and we have tenants in those facilities that are non-profits and we have found ways to create market rate leases that basically are providing services to county youth.

It gets much, much harder the further away from our core mission these entities are. So I think that we probably – and they do need to be looked at on a case by case basis. It's not a simple one stroke fits all kind of thing, because it doesn't. Because some of the, for instance Boys and Girls Club actually wants to go forward and request funding but they want to request funding to improve our facilities at our housing sites that we own. They provide youth programming for the kids in the public housing. So that's not a problem. That's not a problem because we own the facilities and we actually contract with the Boys and Girls Club to provide services in those facilities. So that one's not a problem.

You go to something that's a little further removed from that, where we don't own the facilities but we contract with them, that gets a little more complicated, but if we don't even own the facilities and we don't even contract with them for services, it really gets completely out of the realm where we can actually accept that appropriation and expend it. And then what ultimately happens is you have that appropriation sitting there

not being spent and tied up at the state level.

And as I've said before, we don't want to offend legislators by not accepting them, but on the other side of it if we can't – I think it's incumbent upon us if we really know we won't be able to expend it – they only get so much capital outlay that they can allocate so I think it's incumbent upon us to let them know ahead of time that we don't see how we could actually expend that.

CHAIR HANSEN: And I think that we tried to express that at our legislative dinner about this issue of non-profits and the conflicts that arise from having to look at these requests and deal with it. It puts us in a challenging situation.

MR. FLORES: Madam Chair, on these two particular items, the only one that would actually potentially meet the intent of what we would do in our mission would be the Recovery Center. My concern with the Recovery Center is, as Manager Miller indicated, bandwidth, and we're not going to receive either a full \$3 million or \$4 million in one shot to get something done. So that appropriation sits there. So I think from my perspective, Santa Fe County can support requests. Santa Fe County should not be acting as fiscal agent for these types of requests unless they're within an existing County facility that we have some type of contractual relationship with. And that would be the recommendation or direction I'd like to receive from the Commission.

CHAIR HANSEN: I accept that.

COMMISSIONER HAMILTON: I support that.

CHAIR HANSEN: So I think we have unanimous agreement here. Thank you. And also I wanted to thank Hvtce for the list of all the new governors that you sent out to us. I really appreciate that. And if you could, would you please also send us again – and I know I've asked for this, but a list of dances throughout the four pueblos specifically that are in Santa Fe County and then throughout the state. It's really helpful, especially since Governor Dorame invited us, it's respectful.

MR. MILLER: Absolutely. I'll make sure and get that to all the Commissioners.

CHAIR HANSEN: Okay. Thank you.

V. A. 2. Presentation on Public Review Draft on the Sustainable Land Development Code, Chapter 11 Revisions [Exhibit 8: Chapter 11 Draft Amendments; Exhibit 9: Public Meeting Schedule]

CHAIR HANSEN: Welcome, Robert and Jacob. I want to just – I know this is a little off-topic, but Robert, I just want to congratulate you for your wife being appointed Secretary of Cultural Affairs. That's really exciting. It's exciting for us at the County and exciting for you too at home, I'm sure.

ROBERT GRIEGO (Planning Manager): Thank you, Madam Chair.

JACOB STOCK (Growth Management): Madam Chair, Commissioners, I'm Jacob Stock with the Planning Division. So when the Sustainable Land Development Code was adopted in 2016 it included Chapter 11 regulating developments of countywide impact. Section 11.13, regulations for mining and resource extraction was left as a placeholder at that time. Article 3, Section 5 of the 1996 code continues to apply to mining in the county.

Paul has handed out a public review draft of some proposed amendment to Chapter 11 of the SLDC to include new regulations for mining and resource extraction, and there will be copies in the back as well for anyone who would like to pick one up and review it.

In addition to adding regulations for mining this draft clarified requirements applying to all developments of countywide impact. The draft intends to establish regulations to protect water and other environmental resources in the county, to ensure adequate financial bonding is provided, and to require that an applicant sufficiently prove that their proposed activity poses no risk to public health and safety.

Staff has gone through an extensive process to develop this draft working with a group of external stakeholders, consulting with technical experts, and collaborating internally with multiple departments including staff from Growth Management, Public Works and the County Attorney's Office. Staff will release the public review draft for the proposed amendments to Chapter 11 for a 30-day public comment period lasting through February 9th. During this 30-day period we will hold meetings in each of the County's growth management areas, and Paul has also provided you with a schedule for those meetings.

We'll also accept public comment throughout the process as well, so not just at those meetings. Following completion of the public comment period staff will return to the Board to request publication of title and general summary for an ordinance to amend Chapter 11 of the Sustainable Land Development Code. This concludes my presentation and I'll stand for questions along with my colleagues. Thank you.

CHAIR HANSEN: I'm wondering, has this schedule been published, and will it be published in any newspapers, or how are you getting the information out?

MR. STOCK: Madam Chair, it has not been published yet but it will be published in newspapers.

CHAIR HANSEN: Only because just now am I getting comments about us raising the water rates. We did that quite a while ago so I want to make sure that constituents know what we're doing. I think it's really important.

MR. STOCK: Yes, and Robert just reminded me that we'll also be publishing a notice on the website and a press release and sending emails to all of our community organizations as well.

CHAIR HANSEN: Good. Comments or questions from the Board? I know that this has been a long time coming. I know that many constituents have approached me and asked me where this was so I'm happy to see it being brought forward and I look forward to our community meetings and further input on this.

COMMISSIONER GARCIA: I have a question, Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER GARCIA: Thank you for your presentation. With regard to the meetings, I'm trying to see what the closest area is to the Cerrillos/Madrid area. So if you're in Cerrillos or Madrid and you actually want to attend these meetings, which meeting – I guess it all depends on where you want to drive, right? You could go all the way down to Edgewood or the Nancy Rodriguez. Would it be appropriate to have something in La Cienega? The La Cienega Community Center?

MR. STOCK: Commissioner Garcia, there is a meeting scheduled for the

Galisteo Community Center as well and I think that would be a decision –

CHAIR HANSEN: I think Nancy Rodriguez would be also fairly close to La Cienega. Is it possible to schedule another one in La Cienega?

MR. GRIEGO: Madam Chair, Commissioners, one of the things we looked was ensuring that we had representation of each of the four growth management areas and so for the Galisteo area, we have it specifically within the Galisteo community. The Nancy Rodriguez Community Center does kind of serve that area. It's easy access off of 599 and I-25, so we thought that might be sufficient. This schedule hasn't been published yet. We did want to have a discussion with the Board. We can do a La Cienega meeting but if so, maybe we might want to do it instead of one of these other ones, I think if we have the four meetings we're proposing, four meetings total, based on the direction from the Board.

COMMISSIONER GARCIA: Madam Chair, I'll get with Manager Miller or Deputy County Manager Tony, possibly. Maybe we could have it at the Turquoise Trail Elementary School off of State Road 14. I'll get with Manager Miller. Thank you.

CHAIR HANSEN: Maybe also with that area we can encourage people to come to the Nancy Rodriguez Center. It is convenient to both Highway 14, right off of 599. But I think it's important that we reach out to those communities and make sure that they know that this is available and that there will be a public meeting.

MR. GRIEGO: Madam Chair, we will be providing significant outreach in addition to the newspapers and website information.

CHAIR HANSEN: Thank you.

COMMISSIONER GARCIA: Madam Chair, Robert, so has the general public seen this yet or this is the first time?

MR. GRIEGO: We've been working with stakeholders on our draft but this draft is first presented to the Board before we're going to release it to the public for review.

COMMISSIONER GARCIA: Thank you. And just really quick, I'll talk to Manager Miller about it. Thank you.

MR. GRIEGO: We'll be available for any questions that the Board has.

CHAIR HANSEN: Any other questions from the Board about this update from the Sustainable Land Development Code? Okay. Thank you, Jacob, very much.

MR. STOCK: Thank you.

V. A. 3. Discussion on Weather Related Occurrences

MS. MILLER: Madam Chair, I put this on because as you know, last week we had quite a few inquiries that came via the state legislature, the Commissioners, the Speaker of the House, the governor's office, etc. about snow in the Madrid area. And we had snowfall before Christmas or right around Christmas that actually started making it difficult for residents to get out of the community that they live in. It's south of Madrid, in between Highway 14 and I-25. It's a remote area. It's actually off the grid, all of the homes in that area, and there's quite a road network there as well but all of those homes are off of the grid. They do not have phone. They have cell phones but they don't have hard lines. They don't have natural gas. They don't have electricity. And most of them

use wood-burning stores or smaller propane heaters. Propane trucks will deliver in that area.

I'm very, very familiar with that area. My mother actually used to live out there and I lived there when I first moved here.

The roads are not what I would call roads. It is a network of easements across private property. And they are not improved roads either. They are easements that people have driven over individual's lands that have easements across them. And they are not up to any kind of standard of a dirt road or a basecourse road in the county. So this particular snow event, they ended up with quite a bit of snow. Meteorologists even called it like a snow hole. I think they got more snow than most areas of the county. But they also had drifting, because the roads are lower than the land around them from being worn down over decades.

The request was why can't the County come plow all our roads? They are private roads. Just like throughout the rest of the county, there are numerous private roads and hundreds of miles. We have 530 miles of County roads but within the county there's hundreds of miles, probably double that of private roads, honestly. And people are responsible for maintaining and clearing their own private easements and private roads.

What we did do, from the time that the snow event occurred, and we knew that it was fairly deep out in that area, our emergency management was in contact with residents in that area and probably was in contact with anywhere from ten to twenty residents who had particular needs – medication needs, potential food needs and what not. And I have to say, Martin Vigil and his staff and the community that worked with them with the Food Depot and PNM and volunteers, really were paying attention to the well-being of the residents in that area and their safety.

At any point, at any time that they received notice that somebody was either out of medication, out of water, out of food, needed to go to the hospital, needed to see a doctor, they found a way to get to their property and either bring them the supplies they needed or to take them out.

One of the big questions and what I wanted to bring up here was why can't the County just come and plow our roads; we pay taxes. Well, County taxes, property taxes, yes, a portion of the property taxes you pay do come to the County. Not 100 percent. It comes to the County and then leaves the County. We get about maybe 25 to 35 percent of the total tax bill, depending on where you live. The rest of it goes actually to other entities. It goes to the Community College. It goes to the school districts. It goes to the state. It might go to a special assessment district if you live in a special assessment area. So that's one thing.

Secondly, of that money, it goes to fund all of County government, not just roads. That's actually a smaller portion of it. Most of it goes to public safety as you know, to fund our detention facilities, the Sheriff's Office, the Fire Department. But it wasn't an issue of whether we wanted to spend the money. That was a lot of the dialogue was why doesn't the County want to spend the money? It wasn't an issue of whether the County wanted to spend the money. It's an issue of we can't take our equipment and go plow on private property, on private easements, unless there is an emergency.

So then other people have said, well, why don't you just declare an emergency? What are the politics of declaring an emergency? And I believe that's why many people

contacted state legislators and the governor's office is they thought that that rose to the level of declaring an emergency.

I spoke to the Secretary of Homeland Security about whether the state would consider requesting the governor to declare an emergency and they also felt that it did not rise to the level of that type of emergency. That type of emergency that's declared by the governor or even by the County Commission is one where you're saying this is a critical issue for many, many people. It's not just a matter of not being able to get out of your home right now, but it's if we had numerous people in a life safety situation. And that was where we were trying to gauge, do we have people in that situation.

Our emergency management staff were on the phone with any residents that they had received a name and a phone number for, or an email, asking do you have any life safety needs. In the case of that community we had two individuals who needed medication. We had about five individuals who needed some type of food or water, and predominantly the food needs were for pets, people who had animals that they had run out of food or neighbors who had left their animals and couldn't get back in to feed them. So our emergency management staff actually did coordinate with, and PNM assisted us in taking food and water and supplies to those individuals who said, yes, I'm going to be out in a couple days and I don't see an ability to plow my way out within those few days.

So what we did do is – we also, because of the type of roads they are, our road plow equipment will not go down those roads. Not under those circumstances. They're very narrow and they're crowned with deep bar ditches on the side. So we only had one piece of equipment that could go out in front of our graders and that was a Unimog that we actually mounted a snow-blower on the front of. I really want to commend Public Works, our road maintenance crews, because they were very creative in how they could get down there and clear a path for the first responders to take food and supplies to those individuals who had requested that they needed something.

We were not there to plow all of the private roads. We went down three roads where there were individuals at the terminus of those roads that needed us to bring supplies to them. And this goes back to I had several questions from residents who said, well, why not? And this goes back to the anti-donation issue that we just discussed in the previous item about actually spending tax dollars on private entities or on private property and not for government programs.

So it is a fine line to determine when does the County Commission call a state of emergency, but even if the County Commission had done so it wouldn't change the equipment we had available to get down those roads. The residents in that area had hired people. They lost a grader down the bottom of a hill. They lost several plows on the side of the road, and so it wasn't just that; it was a challenge, and one of the things that we also were really trying to do was coordinate if an emergency was declared by the County Commission and the governor, what equipment would we get? Who could we get besides who we already had assisting us and that was PNM with a sno-cat with a plow on it.

So the state doesn't necessarily have that kind of equipment either. What they would have likely done, if people had run out of fuel to heat their homes, is what they said is they would send the National Guard in to retrieve people and bring them out until such time as the snow had cleared and they could go back in. I don't think that's what the

residents wanted, but that's what the state's response may have likely been if the governor had declared an emergency and if people were in imminent danger.

I just would like to acknowledge and thank Commissioner Garcia. He went out. He looked. He listened and tried to see what we could do for those residents. Staff in the Speaker's office, in the governor's office, they were very good and Senator Wirth's office, former Commissioner Stefanics', Senator Stefanics' office, of sending me everything that they were being requested. I think one of the things for us is we need to get the word out that that's not the place to make the request. The requests do need to come to the County – to the County Commission, the County Manager's Office, and then if it does rise to the level of an emergency we make the request to the governor to declare an emergency.

So there was a lot of confusion with that. I completely sympathize and empathize with the residents in that area. It is difficult in that area to get down to some of those roads. They're more like jeep trails. So they had a challenge but there was only so much that the County can actually do. They also, as a follow-up said we think that the County Commission should be able to find a way to plow our roads. It really is an issue of the constitutionality of anti-donation and going onto private property and doing improvements or maintenance on private property, and it's also a liability issue. Once we touch that property then where does it stop to bring that property to whatever standard that property owner believes it should be brought to.

As I said, these aren't actual roads. They are easements through each individual person's property, and that presents a very large challenge because in theory you'd need to go to each one and get permission from each one of them. We went – our response was an emergency response. We responded in helping our first responders get to those properties and that's the appropriate level of response that we could provide in the circumstance.

So I just wanted to let you know because I know a lot of you got emails. I know that many legislators got emails and then forwarded them all to some of you and to me. We contacted every single person that we got a communication from, whether it was an email or what, we tried to reach every single one of them to see what their concern and their need was and we tried to address those.

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

COMMISSIONER HAMILTON: I really appreciate the response everybody did. We do have concerns about safety but there are these constraints. How was it that our emergency response crew was mobilized? Did people who needed medications, did they call Martin Vigil directly? And was it – or did they call 911? If somebody calls 911 and it's a medical emergency or whatever, and the ambulance has to get in, you plow up to the door. That by itself triggers an emergency justification. If somebody is out of medications, did they call 911 and that triggered Martin to respond?

MS. MILLER: Madam Chair, Commissioner Hamilton, some of the calls were 911 calls. Some of them were that staff has people on a watch-list in that area because we know them, so they know that they are people who have – I'd say they are a vulnerable population that we're aware of, and so there was some just checking on them, because they are known to County staff.

COMMISSIONER HAMILTON: So it's okay for Martin to check on them and do stuff for them? As long as he's not plowing for them or something.

MS. MILLER: No. Madam Chair, Commissioner Hamilton, our Public Safety staff. They are aware of individuals who are a vulnerable population, just like our senior staff our. We take meals, for instance, to seniors. So we're aware of these people that we current serve throughout current programs. And so I can't tell you each one – I mean I can't tell you the circumstance of each call, but I know some of them were calls, some were – for instance, we know of seniors who we currently serve and deliver meals to. So they're going to be on our kind of watch-list. Hey, do they have enough meals? Do they have medication that they need? That type of thing. And then some of them we were called because their neighbors had contacted us and said we have concerns for our neighbors.

And so then we got emails, we got phone calls, we have people that we know are a vulnerable population that we deliver meals and services to already on our Meals on Wheels through our seniors program. And then we have people who called 911.

CHAIR HANSEN: Any other comments from anybody? Thank you. I really appreciate your explanation about – I know that many of those people were suffering and possibly there was a tremendous amount of fear of being snowed in, stuck and on roads where there was no way out being able to get to their animals and I did see some of these images and things that were happening and I'm glad that we could find a way to help them in a limited way that we could. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, I'd actually like to thank Manager Miller and her team, obviously, the Public Works Department team and for all the calls that you and I both took during that day or two was probably something that I didn't realize the volume of calls that were coming in from that area. And there are people out there that realize that they are on private roads and then there's the few that called and they certainly – once again, thank Manager Miller for making the call that she did and with her Public Works team, Robert, Mike, thank your employees. Those guys are awesome.

When you see some of them on the news, those graders are moving five, six feet of snow, but just be sure and thank your staff. They did an excellent job out there. And thank you all for working with the community. Thank you.

CHAIR HANSEN: Any other questions? Anything else from you, Manager Miller?

MS. MILLER: No, Madam Chair.

VI. MATTERS FROM COUNTY COMMISSIONERS

B. Election of Board of County Commissioners Chair for 2019

CHAIR HANSEN: I want to say I've been grateful to serve as County Chair for the last year and I look forward to the next couple of years as a Commissioner. So our first item –

COMMISSIONER GARCIA: Madam Chair, I'm sorry to interrupt you. Can I bring up something really quick in regards to the snow removal? I just want to thank, once again, Mike and Tony. We actually drove out there. But I just want to know

how Mike's hands are doing, because we were going up and down some of those hills, the steering wheel was like bent and he was just like – I wonder if he could still open his hands because he was kind of –

CHAIR HANSEN: I want to thank Public Works Director Mike Kelley for picking me up and taking me home during the swearing in service and ceremony. Otherwise I might now have made it here because of the amount of snow we had. So I am grateful for that also. Some of us don't have four-wheel drive even if we live in the city.

COMMISSIONER ROYBAL: White knuckle driving.

CHAIR HANSEN: So with that I want to once again go back to Matters from County Commissioners and the first item is election of Board of County Commissioners Chair and I would like to –

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I would like to make a nomination.

CHAIR HANSEN: I would like to make a nomination. I'm sorry.

COMMISSIONER ROYBAL: Go ahead and make the nomination. I'll second.

CHAIR HANSEN: I would like to nominate Commissioner Hamilton as Chair of the Board of County Commissioners.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Okay.

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

VI. C. Election of Board of County Commissioners Vice-Chair for 2019

CHAIR HANSEN: I would like to nominate Commissioner Roybal.

COMMISSIONER HAMILTON: I second.

CHAIR HANSEN: And I have a second.

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

CHAIR HANSEN: Congratulations to Commissioner Hamilton and Commissioner Roybal.

COMMISSIONER ROYBAL: Just for the records I just want to say that I'm humbled to be able to serve as the Vice Chair to Commissioner Hamilton and I look forward to it. So thank you.

COMMISSIONER HAMILTON: Thank you. I look forward to it too. This Commission is a very special Commission and I look forward to being able to serve it even more.

COMMISSIONER ROYBAL: Madam Chair, I also want to thank you for your services. You did a great job and it's always nice, as I was the Chairman when you took over after me and you were my vice chair and you did a great job. So I'd like to thank you for the great year of 2018.

CHAIR HANSEN: Thank you very much.

COMMISSIONER GARCIA: Madam Chair, Commissioner Roybal took the words right out of my mouth. He beat me to the punch. But yes, thank you for serving as the Chair for the 2018 season. Good job.

CHAIR HANSEN: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: Congratulations to everybody and thank you for serving on this Commission and I will be happy to serve in any capacity that is required.

CHAIR HANSEN: Thank you, Commissioner Moreno.

VI. D. Request Appointments of County Commissioners and Staff to Boards and Committees of the Following Entities: Buckman Direct Diversion, Santa Fe Metropolitan Planning Organization, North Central New Mexico Economic Development District, North Central Regional Transit District, Regional Coalition for LANL Communities, Santa Fe Solid Waste Management Agency, Santa Fe County Investment Committee, Santa Fe County Audit Committee, the Estancia Valley Economic Development Association, Northern Rio Grande Heritage Area and the New Mexico Association of Counties Multi-line and Worker's Compensation Pool Boards and General Membership

CHAIR HANSEN: First we will go the Buckman Direct Diversion and I will state for the record that I would like to be a primary member of the Buckman Direct Diversion.

COMMISSIONER ROYBAL: Madam Chair, I don't know if it would make a difference, but I wonder if we should go through what all the appointments are and then maybe – I know I do want to state for the record that I've sat on the Board for the Buckman Direct Diversion for the last two years and it's been great. I know that in the future we're possibly, hopefully, we'll have a regional water system in my district, so I wanted to get the education and also the time and experience on the Board so that I knew what to expect when the regional coalition comes forward. But I know that you've stated in the past that you'd like to sit on this board. So I'd like to say on the record that I would go to actually being, I guess, the alternate. Unless there's somebody else that wants to serve as an alternate to the BDD, but I would be willing to make that change. But I think it might be a good thing to hear all the different boards that the Commissioners are on just so that we kind of maybe see – I think that's really the only change that I'm looking at. I'd like to keep all the rest of my assignments.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Are you going on to something else, because I was going to express my interest in continuing, noting that I'm in line to chair the BDD Board this coming year. So I would very much like to stay on it.

CHAIR HANSEN: So I'm going to read off the boards that we have: the MPO, the North Central New Mexico EDD, the NCRTD, the Regional Coalition, SWMA, the SFCIC, the Santa Fe County Audit Committee, the EVEDA, and Multi-line and Worker's Compensation. So we've dealt with the Buckman.

MR. FLORES: Madam Chair, we have to do this in order. So we have two primary members for BDD, and from what I'm understanding is Commissioner Roybal will serve as the alternate, Commissioner Hamilton and Commissioner Hansen as the primaries. Is that the direction I see from the Board?

CHAIR HANSEN: Yes. Next we will go to the MPO.

COMMISSIONER GARCIA: Wait, wait, wait.

CHAIR HANSEN: We've done the Buckman.

COMMISSIONER GARCIA: Do we have to make a motion on this stuff?

MR. FLORES: Madam Chair, Commissioner Garcia, what we've done in the past, we've done motion and a second for those things so that the Board has agreed upon these appointments. You can either do it as a slate for all of them but I need to be able to keep track of what boards are being assigned to what Commissioners.

CHAIR HANSEN: Do you want us to do a motion for each board?

MR. FLORES: Yes.

COMMISSIONER GARCIA: I think that's just appropriate because we might get into some boards here where we're not all going to agree on stuff. So that way it's just clear on the record who gets it and who doesn't.

MR. FLORES: So Madam Chair, so what I understand your motion to be – I'll put words in your mouth.

CHAIR HANSEN: I move that Commissioner Hansen and Hamilton be the two primary members of the Buckman Direct Diversion and Commissioner Roybal be the alternate.

COMMISSIONER MORENO: I second.

COMMISSIONER GARCIA: I'll be upfront on the record. I just have a little bit of concerns, just in regards to the stuff that was brought up earlier in regards to the Buckman Diversion as to Commissioner Hansen being on the Buckman Diversion, the BDD. And the only thing that I have concern about is regarding just possibly micromanaging the City whenever they're going to go hire somebody. I just don't want to get into that because it seems that we have this working relationship with the City and we should continue that. So that's the only concern that I have. So if you can guarantee me that that won't happen –

CHAIR HANSEN: I'm going to continue to advocate for the County to have a say, because I think that is incredibly important. Since you have not served on this board for the last two years and have not experienced what has happened with the facility manager, I think those comments are out of line.

COMMISSIONER HAMILTON: I don't think they're out of line.

COMMISSIONER GARCIA: I don't think they're out of line either. Just because in reality, there's no way we can guarantee if we have ten engineers on this committee that five engineers are going to stay working on that committee, so I think we should take the votes on separate and let's see how it goes. Instead of nominating three people, four people at one time, if we could just actually go with one person at a time.

CHAIR HANSEN: No. That's not how we do it.

MR. FLORES: Madam Chair, just to be clear –

CHAIR HANSEN: We have a motion on the floor.

MR. FLORES: We have a motion and a second, based upon the primary

numbers and the alternate numbers by board. So from what I understand, we have a motion by Commissioner Hansen and a second by Commissioner Moreno for Commissioner Hansen and Commissioner Hamilton to be primary members of the BDD Board with Commissioner Roybal being the alternate. And there was a call for the vote, and I'm sorry, I didn't get the vote. There was discussion before the vote.

COMMISSIONER GARCIA: So at any time during the year, if there's 3-2 votes or 3-1 or 4-1 we could bring these committees back up, right? For reappointments.

MR. FLORES: Madam Chair, Commissioner Garcia, I don't know if there's any preclusion from having the Board reconsider those memberships. So they could be brought up at any time based upon direction to staff.

COMMISSIONER GARCIA: Thank you.

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

MR. FLORES: So Madam Chair, the next Board is the Metropolitan Planning Organization. I'm looking for three primaries and one alternate. Currently Commissioner Roybal is an alternate, Commissioner Hansen, former Commissioner Anaya and Commissioner Moreno were all primaries. So I stand for a motion.

COMMISSIONER GARCIA: Madam Chair, I'm interested in the Metropolitan – MPO – organization.

CHAIR HANSEN: Okay, so that means that you would take Commissioner Anaya's position?

COMMISSIONER GARCIA: Sure.

CHAIR HANSEN: Okay.

COMMISSIONER ROYBAL: I'll remain as an alternate unless there's somebody else who would like to be an alternate.

COMMISSIONER GARCIA: So the other two are yourself and who else?

CHAIR HANSEN: Commissioner Moreno is the chair; I am the vice chair of the MPO.

COMMISSIONER GARCIA: Then me and Henry, right.

CHAIR HANSEN: So you would be the other member and Henry would be the alternate.

COMMISSIONER GARCIA: Motion to approve.

CHAIR HANSEN: Second?

MR. FLORES: Madam Chair, just to be clear. So you two would remain on the MPO?

CHAIR HANSEN: Yes.

MR. FLORES: Okay. Thank you. So the motion would be Commissioners Hansen, Garcia, Moreno as primaries, and Commissioner Roybal as the alternate for the MPO.

COMMISSIONER HAMILTON: You did say Hansen, right? That's correct.

MR. FLORES: Hansen, Garcia, Moreno as primaries and Commissioner Roybal as an alternate. That's the motion.

COMMISSIONER ROYBAL: Second.

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

MR. FLORES: So Madam Chair, the next one is the North Central New Mexico Economic Development District. I need one primary member. The current primary member is yourself, Madam Chair, and I need two alternates. They were Commissioner Anaya and Commissioner Moreno.

COMMISSIONER GARCIA: Madam Chair, if you're interested in still being the primary, I'm okay with that. If you want to be an alternate I'm okay with that. It's up to you. Do you want to remain primary?

CHAIR HANSEN: Would you like to be the primary on that?

COMMISSIONER GARCIA: Sure.

CHAIR HANSEN: Okay. I would like to see Commissioner Garcia be the primary, and myself, I will continue to be an alternate. Commissioner Moreno, do you want to continue to be an alternate?

COMMISSIONER MORENO: Yes.

MR. FLORES: So Madam Chair, the motion would be that for the North Central New Mexico Economic Development District, Commissioner Garcia is the primary member and Commissioners Hansen and Moreno would be the alternates. That would be the motion that you're seeking.

CHAIR HANSEN: So moved. Do we have a second?

COMMISSIONER GARCIA: Second.

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

CHAIR HANSEN: Next is the North Central RTD. At the moment the primary is Commissioner Moreno and myself as the alternate. Does anyone want any of those positions?

COMMISSIONER MORENO: I would like to remain as the primary.

CHAIR HANSEN: And I will stay as the alternate.

COMMISSIONER GARCIA: So moved on the motion.

COMMISSIONER ROYBAL: I'll second.

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

CHAIR HANSEN: Next is the Regional Coalition of LANL Communities.

COMMISSIONER GARCIA: Madam Chair, Commissioner Anaya was actually an alternate on that. I would like to remain an alternate on that.

COMMISSIONER ROYBAL: And I'd like to remain as the primary.

COMMISSIONER GARCIA: I make a motion to actually remain as Commissioner Anaya as an alternate and that Commissioner Roybal be the primary.

COMMISSIONER ROYBAL: I'll second.

The motion passed by unanimous [4-0] voice vote with Commissioner Hansen abstaining.

CHAIR HANSEN: I am concerned. I'm just going to – I'm not going to vote on that but I am concerned about what was brought up about conflict of interest for Commissioner Roybal and so I think that that's something that should be thought about, what was said, appearance of conflict of interest with the code of conduct.

COMMISSIONER ROYBAL: Madam Chair, under comments, I know – I heard what was brought up earlier but District 1 is the boundary to the Los Alamos National Laboratory and I don't think that somebody that works at the laboratory, especially in my capacity – I live in the community. My generation and family go back for many years. The primary thing, how I was raised is to take care of my family and friends and there's no way that I would ever allow that judgment to be convoluted in any way because of the fact that I work at a certain place.

So I know that that was sort of direction, the comment was made towards me because I work up there but that is not something that I would – I think it's a statement that was probably simply because of the fact that I live there. I've lived there for generations and I would never put something in front of the health and safety of my own family and kids. And like I said, I have family from – my roots go back to the pueblos that are there and to the first settlers. So there is not a conflict. I plan on staying on this coalition throughout my tenure as a Commissioner, and I think the District 1 should stay in that position because they're the ones directly related to the people that are impacted, primarily on the bottom of that hill. So those are just comments from me. Thank you.

CHAIR HANSEN: I think that we're all impacted by what's happening up at LANL and my district also borders LANL. I'm not challenging you at the moment. I did not say I want to be on this board because I don't, because I actually believe that we should not be on this board. I actually agree with withdrawing from this board.

COMMISSIONER ROYBAL: And one more comment that I'll make to that is I brought issues forward in regards to what was going on with the board and that's where we did start making a changes. Now we're in a rebranding of this board so that we can provide other services instead of just lobbying for legacy waste cleanup. So we're actually doing a study session that's going to take place when I was recently re-elected to be the chair of the board because of the direction that we're going and they wanted to see that leadership continue.

There's a lot – the last direction I gave the County is for us not to pay our membership dues until this is changed and the JPAs are put in place and these changes are made. So I agree that the way that the coalition board was before I don't think we should be on it either. But we are working to change that. So I just want to say that on the record as well. Thank you.

COMMISSIONER GARCIA: I also have a couple comments, Madam Chair. Actually, I see the concerns that you could have in regards to that. I also understand the gentleman's comments that he made earlier. But I actually feel that Commissioner Roybal could make the right decisions ethically if it's something that's involved in where he works at or doesn't work at and he needs to step aside or recuse himself as Commissioner Hamilton did earlier in regards to the volunteer firefighter situation that he would have the responsibility to do that. It's the same exactly as when you have state representatives that work for the laboratory that actually create legislation

at that Roundhouse over there that work for – that are APS teachers, Santa Fe Public School teachers, and they decide whether or not they can vote on legislation that affects their occupation.

So I feel that Mr. Roybal could actually – hopefully he will – make the right decisions ethically.

CHAIR HANSEN: Okay. Let's go on to SWMA.

MR. FLORES: So Madam Chair, I'm looking for three primaries and one alternate. Currently Commissioner Roybal is an alternate, Madam Chair is a primary, new Madam Chair is a primary and Commissioner Moreno is a primary.

CHAIR HANSEN: I believe that we all are wanting to stay on that board.

COMMISSIONER HAMILTON: SWMA?

CHAIR HANSEN: Yes.

MR. FLORES: Madam Chair, just for clarification, Commissioner Roybal would be the alternate as he is today.

COMMISSIONER ROYBAL: I'll stay as alternate.

CHAIR HANSEN: Are you sure? Because you expressed an interest in being a member.

COMMISSIONER ROYBAL: The boards that I'm on currently, I'd like to keep them and if there's a Commissioner that wants to come off SWMA I'd be happy to come on that.

COMMISSIONER HAMILTON: I'm actually still chair of SWMA until February or March or something. It doesn't mean I couldn't come off. There are only a couple of committees that I'm on.

COMMISSIONER ROYBAL: Can the change happen after her tenure as chair? If you're saying you wouldn't mind being an alternate.

COMMISSIONER HAMILTON: [inaudible] It's really just that I have signing authority.

MR. FLORES: Madam Chair, Commissioner Roybal, we'd have to bring back, and I think we've done that one previous time when Stefanics was on. We had a change in mid-stream. So we could do that.

COMMISSIONER HAMILTON: I'm happy with that.

MR. FLORES: So, Madam Chair, the motion would be that Commissioner Hansen, Commissioner Hamilton, Commissioner Moreno would be primary members and Commissioner Roybal would remain as the alternate.

CHAIR HANSEN: So moved.

COMMISSIONER ROYBAL: I'll second.

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

MR. FLORES: Madam Chair, the next one is the Investment Committee.

CHAIR HANSEN: That's already decided.

MR. FLORES: Except for an alternate. We have both the Chair and the Vice Chair, and then we have one alternate to that committee. At the present time Commissioner Moreno is the alternate.

CHAIR HANSEN: Commissioner Moreno. Is there anybody else that

would like to be the alternate?

COMMISSIONER MORENO: I'll be the alternate.

MR. FLORES: Madam Chair, the motion is of course the Chair and the Vice Chair are the two primary members and Commissioner Moreno to remain as the alternate.

CHAIR HANSEN: Okay. Great.

COMMISSIONER GARCIA: So moved.

COMMISSIONER ROYBAL: I'll second.

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

MR. FLORES: The next is the Audit Committee, Madam Chair, and we have historically had the Chair and the Vice Chair on the Audit Committee, so I'll leave that up to the Board's discretion.

CHAIR HANSEN: So the way that it's worked is that it's been myself and Commissioner Hamilton, and according to Manager Miller she has been satisfied with both of us being on the Audit Committee. I would be happy to stay on the Audit Committee with Commissioner Hamilton.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I'd like to make a motion that the two members that are currently on the Audit Committee remain. So we have a motion.

COMMISSIONER GARCIA: Second.

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

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

MR. FLORES: EVEDA, this is the Estancia Valley Economic Development Association that resides primarily in Commission District 3.

COMMISSIONER GARCIA: Not that this isn't a great committee, nobody's interested in it?

CHAIR HANSEN: We think that it's your committee.

COMMISSIONER GARCIA: Yes, I would love to be on it.

MR. FLORES: So Madam Chair, Commissioner Garcia, what we've done in the past is staff from Growth Management, Chris Hyer specifically, has assisted the former Commission in attending these meetings to make sure. This is one of those boards though that does require a policymaker to be there to make decisions.

COMMISSIONER GARCIA: Understood.

MR. FLORES: The motion would be to have Commissioner Garcia be as the primary member of EVEDA.

COMMISSIONER ROYBAL: So moved.

COMMISSIONER HAMILTON: Second.

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

CHAIR HANSEN: The next board, Madam Chair, is new to this year's rotation. The Northern Rio Grande Heritage Area, which encompasses Taos, Rio Arriba and Santa Fe counties has an organizational structure under their non-profit and their federal statutes that has a Santa Fe County representative on it. The board is a rather large board, 25 individuals, from the entire myriad of governmental organizations including eight seats that are currently vacant with the pueblos. We have in the past had staff sit on this board. However, in consultation with the Legal Office, Assistant Attorney Ames, the role of this board is much more in line with EVEDA or the Regional Coalition where the board of directors actually approves contracts, expenditures and grants. It is my recommendation that we actually have a policymaker on that board that would be backed up by staff to sit on this as a policymaking member of Santa Fe County. I think it puts staff at a disadvantage to not be a policymaker and make policy decisions for an organization. So that's why this is a new one on there. I'm looking for one Commissioner.

CHAIR HANSEN: I would be interested in sitting on that board if there is no one else who would be.

COMMISSIONER ROYBAL: Is that the Northern Rio Grande Heritage Area?

MR. FLORES: Yes.

COMMISSIONER ROYBAL: I'd like to move that Commissioner Hansen be on this board.

COMMISSIONER GARCIA: I have a question, Madam Chair. Mr. Flores, what does this board do? I'm not sure.

MR. FLORES: So Madam Chair, Commissioner Garcia, the heritage area was really established to promote economic development, agro-tourism and other functions in the three-county area. The organization, I think there's 43 or 44 heritage area throughout the United States. This is one of them. It encompasses all the way up to the Gorge. They do promotion of small businesses, local farms, economic development promotion for this tri-county region that makes up the heritage area. They also provide grants to small organizations for those similar efforts. We partner with them in Santa Fe County through our Lodgers Tax. They receive funding to promote our attractions and facilities. So they are truly a local economic development organization promoting this three-county region.

CHAIR HANSEN: And part of the reason I am interested in working with them is that I have a long history. I actually know a number of the people on this organization and I have worked with them in the past, and I believe that they are something that we could promote through NACo and I serve on the Arts and Cultural Committee for NACo and I feel that this is something that I could promote through that committee on NACo, and that is one of my primary reasons why I want to be on that, because I want to see – I think this is a really important art and culture organization that needs to be recognized nationally.

COMMISSIONER GARCIA: Madam Chair, the members are made up of who, more or less? Are they senators?

MR. FLORES: They're county commissioners, municipality members, city councilors. There's some public members. There is a state or two representative,

eight seats for the pueblos. So it's made up of policymakers from organizations and governments that are in the three-county area.

COMMISSIONER GARCIA: And who created this board?

MR. FLORES: Madam Chair, Commissioner Garcia, it was established when they applied to become a heritage area. So as part of the federal act the board was created as a non-profit organization and therefore they have to dispense the federal dollars that they get in.

COMMISSIONER GARCIA: That actually explains the difference between the New Mexico North Central Economic Development District board, and this board.

MR. FLORES: Yes.

COMMISSIONER GARCIA: Got it. Thank you.

COMMISSIONER HAMILTON: Madam Chair, isn't this also – because we do deal with this issue in proximity or it covers Commissioner Roybal's district.

MR. FLORES: Madam Chair, Commissioner Hamilton, it encompasses the entire Santa Fe County portion. So Santa Fe County in its entire Thank you, not just a small segment of it, along with Rio Arriba and Taos.

COMMISSIONER HAMILTON: Right.

MR. FLORES: The organizational offices are held north of Española.

COMMISSIONER HAMILTON: Right.

COMMISSIONER GARCIA: So Madam Chair, just on that point, so this is actually the board that was created in order to create the Rio Grande Gorge as a national –

MR. FLORES: Madam Chair, Commissioner Garcia, this is the board that helped assist in that development.

COMMISSIONER GARCIA: As well as La Cienega. I'm okay with nominating Commissioner Hansen.

CHAIR HANSEN: Commissioner Roybal nominated. Are you seconding?

MR. FLORES: Commissioner Roybal nominated.

CHAIR HAMILTON: I need a second.

COMMISSIONER GARCIA: Second.

CHAIR HANSEN: Okay.

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

MR. FLORES: So Madam Chair, the next three are inter-related. The first one is – I still have this as NMAC. It's actually now the New Mexico Counties Multi-line Board. In the past we have taken the position that the Manager be the primary member of the Multi-line Board because of the fiscal implications that our insurance pool that we are in can affect the County's budget. Based upon the reorganization of the Human Resources Division and the Risk Management Division, Mr. Shaffer now is bringing his expertise to the Risk Management side and is much more astute than I am in the legalities of that.

So Manager Miller has graciously directed and Mr. Shaffer has reluctantly agreed to assist the Board and serve as the primary member of the Multi-line Board if it's so

desired, and then one Commissioner would serve as the alternate, which is currently Commissioner Moreno. So my recommendation would be that Mr. Shaffer be appointed as the primary member and then a Commissioner, in this case Commissioner Moreno is the alternate, be approved by the Commission.

COMMISSIONER GARCIA: So, Madam Chair, Tony, so once again, Mr. Shaffer's primary duty is going to be to help us work on this multi-line pool. And is the Manager okay with him taking your spot?

MS. MILLER: Madam Chair, Commissioners, I just thought it would be a good idea. I've done it for four or five years, but it's pretty intense and the meetings are very long and it really does require a lot of knowledge about legalities of law suits. And also about insurance, insurance premiums and how they're structured. So I think it would really be beneficial to the County as well as to the NMAC board to have Greg on that committee.

COMMISSIONER GARCIA: If nobody has additional comments I would make a motion for staff's recommendations.

COMMISSIONER ROYBAL: I'll second.

MR. FLORES: That would be you as the alternate?

COMMISSIONER MORENO: Yes.

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

MS. MILLER: Madam Chair, I do want to clarify something though, because this is a little weird. We have to have – did we do the Workers' Comp? Because we do need a general membership board member. Sorry, because it's really confusing.

MR. FLORES: Unbeknownst to us there was a third appointment we missed. For the first time in my tenure back which is five years, so the next board is the Workers' Compensation Pool board and currently Commissioner Roybal is the primary with Commissioner Moreno as the second. I would like to suggest though that on the same vein as the Multi-line Board that Mr. Shaffer also serve in a capacity on this board, if that would be appropriate.

MS. MILLER: Madam Chair, that part's fine. The part that's the confusing part is once a year they have a general membership meeting in January and that should be a Commissioner.

CHAIR HANSEN: This is confusing.

MS. MILLER: Very confusing.

CHAIR HANSEN: Are we talking about a Workers' Compensation Board or are we talking about the general membership?

MR. FLORES: Madam Chair, the first one I'm talking about on the matrix is the Workers' Compensation Pool board member. That's what I'm on right now. The next item will be the general membership member.

CHAIR HANSEN: Of the Workers' Compensation?

MR. FLORES: Yes.

CHAIR HANSEN: Okay. Okay. I'm just trying to get clear so everybody knows. So the first one is the Workers' Compensation. So is the board you want Mr. Shaffer to sit on?

MR. FLORES: Yes. The second board.

CHAIR HANSEN: The first or the second board?

MS. MILLER: Madam Chair, they will eventually be one board, probably in a year. They're going to combine and be one. So it would be good – unless Commissioner Roybal wants to stay on it for this last year.

COMMISSIONER ROYBAL: I actually would like to. I've only gone to two meetings. I barely was assigned two months ago. Commissioner Anaya actually stepped on but I'd like to stay on.

MS. MILLER: I think that's fine. If Commissioner Roybal wants to stay on. What they're going to do is combine both pools though so it will be one board.

MR. FLORES: Madam Chair, could I suggest then that Commissioner Roybal would be the primary and Mr. Shaffer would be his alternate?

COMMISSIONER HAMILTON: That sounds good.

MR. FLORES: Because right now Commissioner Roybal is the prime and Commissioner Moreno is the alternate. In this case it would be Commissioner Roybal is the prime and Greg is the alternate.

CHAIR HANSEN: So how are you doing this?

COMMISSIONER ROYBAL: I'll go ahead and make a motion to that.

COMMISSIONER HAMILTON: Second.

MR. FLORES: Commissioner Roybal as the primary member and Mr. Shaffer would be the alternate member for the Workers' Compensation Pool board.

CHAIR HANSEN: Okay.

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

MR. FLORES: So now we get to the general membership and I need a Commissioner as a primary and a Commissioner as an alternate.

COMMISSIONER ROYBAL: How often are these meetings? Once a year? I'd be willing to do that.

MS. MILLER: Madam Chair, Commissioners, it's one meeting and they do it at the Association of Counties Mid-Winter Conference next week. So the meeting is next week. What they do is they have the full – all the counties that are members of the Workers' Comp Pool have a representative and they do general, like bylaws and things like that. And then the rest of the year it's not the same. It's very confusing. But they only have the general membership meeting once a year in the Mid-Winter Conference and I personally believe that should be a Commissioner.

MR. FLORES: Agreed.

COMMISSIONER GARCIA: That's actually getting along with 223 commissioners.

MR. FLORES: So Madam Chair, I believe the recommendation is Commissioner Roybal will be the primary and I just need an alternate Commission member to sit on this general membership board.

COMMISSIONER GARCIA: I'd be interested in it.

CHAIR HANSEN: Do I have a motion?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER GARCIA: Second.

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

MR. FLORES: Thank you, Madam Chair.

CHAIR HANSEN: Okay. We're done.

VI. E. Commissioner Issues and Comments

CHAIR HANSEN: Are there any comments from Commissioners?

COMMISSIONER HAMILTON: Yes, I have an item listed.

CHAIR HANSEN: I know but I wanted to go first to comments. Does anybody have any comments, reports, anything you would like to share with the Commission? Okay. When we'll go on to item E. 1.

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

COMMISSIONER HAMILTON: Right. I just wanted to give a little preview of something that I wanted to bring forward. Every Chair gets to do a little bit that's unique over the couple of years we've been on this Board, and it always amazes me how many unique things people that are in the County and that work for the County, not limiting to employees by any means, but how often it is that we find out that people do amazing things that are sometimes related to their primary job and sometimes have nothing to do with it. So there are these wonderful things that go in the County, great efforts people do, talents they have, associations they have and it contributes tremendously to our culture and life here in Santa Fe County.

And I just wanted to make an opportunity for a very short time, once a month, to recognize some of that. So that's something that I wanted to bring forward.

CHAIR HANSEN: That sounds fantastic. Thank you.

COMMISSIONER GARCIA: Madam Chair, I have a – I don't know if it's an amendment or some direction. I'd sure like to thank you for bringing this forward because that is actually important to see what different talents or what different things our County employees do. As you all know, I worked out there and I worked out there 28 years so I know what it is to be in the trenches, per se. What it is to work. I worked here when there was no computers, which is amazing.

So one of the things I would like to see – we do bring up the Quarterly Employee all the time. That's four times a year. I'd like to see if we could actually bring up possibly maybe the Employee of the Year, possibly, maybe, so we can actually have an Employee of the year, an employee that actually does an outstanding job, whether it's the profession, whether it's a grader operator or what not. I'd just like to see if we can some direction to the County Manager's Office to see if we can do that as well.

COMMISSIONER HAMILTON: We can work on that. Thank you.

CHAIR HANSEN: I did have one announcement, actually, which I'm very excited to present. The La Familia Medical Center, the Southside Clinic Expansion, will be celebrating a grand opening of their expansion on February 2nd from 12:00 to 3:00

pm. Admission is free and we have finished the clinic out there and we are able to serve more residents and provide more services in the community. So it's a very exciting event.

VII MATTERS FROM OTHER ELECTED OFFICIALS

A. Elected Officials Issues and Comments

GERALDINE SALAZAR (County Clerk): Chair Hansen, Commissioners, I'd like to announce to you and the public and all in attendance that we will be conducting an all-mail ballot election. Let me give you a little bit of history. So we've had the election code. We've had the municipal election code, and we have school board elections. What has happened is that there was a change, the legislature changed the election processes. They eliminated the municipal code, they eliminated the school board election regulations, and what they created was all non-partisan elections will be held on uneven years.

So we will have the regular gubernatorial elections on even years, and then on an uneven year it will be non-partisan elections. And then after that will be the presidential election. So what's happening now with the school, Santa Fe School Board is that that threw them out of alignment a little bit with their bonds, the money that they require for – they need a question of creating a debt to pay by tax leases for equipment and all that. So what's going to happen is that there will be an election March 5, 2019. The ballots will be sent out February 5, 2019. So this is historic throughout the state. There are other counties that are having these elections and Santa Fe County is one.

The County Clerk's Office, the County Clerk and her staff have been working with the Santa Fe School Board to get this together. We've had the proclamation since I believe October. It was published, and now we're gearing up for the all-mail ballot school election so that the school board can have funds – will request that the voters on the question to see if they will allow this to go forward.

So once again, historically we will have an all-mail ballot election March 5, 2019 and the ballots will be mailed out February 5, 2019. Thank you so much.

CHAIR HANSEN: Thank you very much. I appreciate that.

[Additional discussion below.]

VIII. MATTERS FROM THE COUNTY ATTORNEY

A. **Executive Session: Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:**

1. Aamodt Settlement/Pojoaque Basin Regional Water Authority
2. Evaluation of Santa Fe County Manager

MR. FREDERICK: Madam Chair, we're requesting executive session to discuss the matters mentioned, pursuant to the authorities listed under agenda item VIII. A.

COMMISSIONER ROYBAL: Madam Chair, I'd like to move that we go into executive session –

COMMISSIONER GARCIA: I'm sorry to interrupt. I have a question for the Clerk. So because it's an all-mail ballot, so do we have staff, equipment and everything to do this? Or how does it –

CLERK SALAZAR: The County Clerk has always held the school board elections, so that's not different. There's just been some changes that we're going to handle the canvassing. We've cooperated very well for many years with the school board, with the Community College. We've run their elections. The only major difference is that we will also be running the municipal elections, and those boards had to opt in. Edgewood opted in about two weeks ago. I went to their board meeting and they're opting in but they're opting in to start their election in 2021, I believe. The City passed – they had an election to ask the citizens to have that election. So the County Clerk will now run the elections for the municipalities, the Village of Edgewood and now the school board. Yes.

COMMISSIONER GARCIA: Madam Chair, the reason why I'm asking is because now we're going to mail out – how many registered voters are in – so if you were a registered voter in 1992 and you never ever registered to vote, you're still going to get a ballot, correct?

CLERK SALAZAR: You will receive a ballot if you have participated. There's a federal law that tells us how we manage our voter rolls. It's called list maintenance. And so there are postcards that are sent out to qualified registered voters. If there's no activity, there goes out another card. And so if there's no activity at all eventually they will be removed from the voters rolls in Santa Fe County, or any county. So there's a large process that goes through that with the Secretary of State and all county clerks.

So if you were registered in 1992 and you have not participated at all, voted, it is likely that you are not an active voter, a registered voter. So it's important that anyone who may have registered in 1992 to consider registering, and the opportunity can be online, they can do this online, through the County Clerk's Office website, or through the Secretary of State's website.

COMMISSIONER GARCIA: Thank you.

CLERK SALAZAR: Good question. Thank you very much.

CHAIR HANSEN: Okay, Back to our agenda.

COMMISSIONER ROYBAL: Thank you. Madam Chair, I'd like to move that we go into executive session for the items that were outlined by County Attorney Frederick.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Roll call.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H

(2, 3.6, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

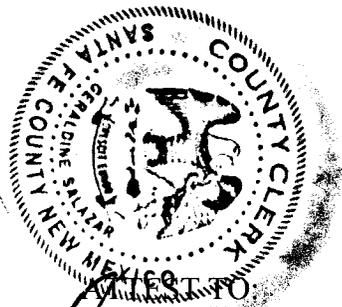
Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 6:48 to 9:10, having discussed only the items listed on the agenda.]

VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 9:10 p.m.



Approved by:

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

Geraldine Salazar
 GERALDINE SALAZAR
 SANTA FE COUNTY CLERK

Respectfully submitted:

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



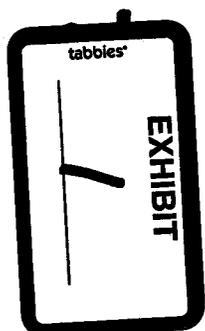
COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 190

I Hereby Certify That This Instrument Was Filed for
 Record On The 14TH Day Of February, 2019 at 08:31:44 AM
 And Was Duly Recorded as Instrument # 1878963
 Of The Records Of Santa Fe County

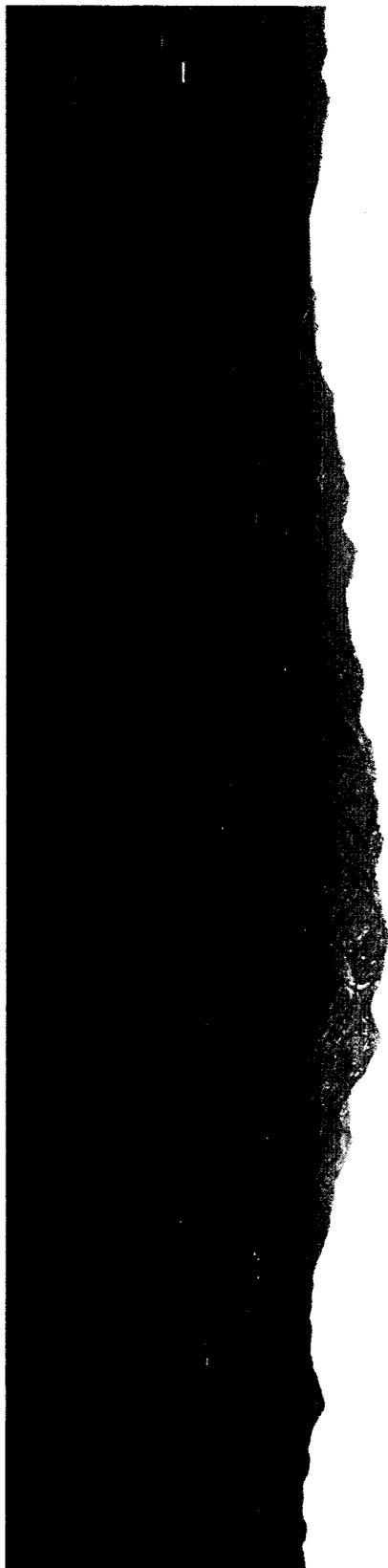
Witness My Hand And Seal Of Office
 Deputy *Estrella Martinez* Geraldine Salazar
 County Clerk, Santa Fe, NM

SFC CLERK RECORDED 02/14/2019



Santa Fe County
Open Space, Trails, and Parks
Strategic Management Plan

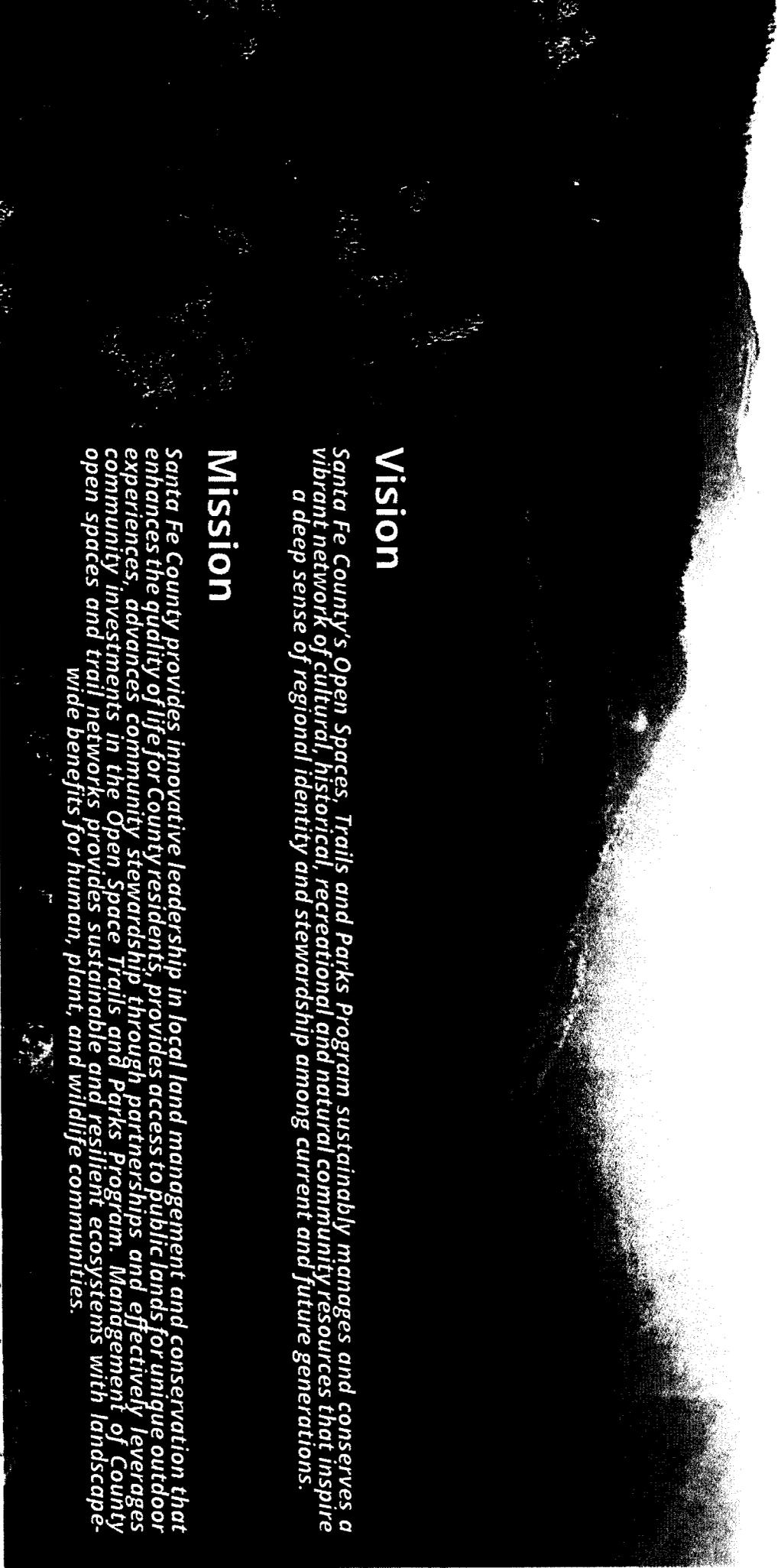
2019



8,600 acres
60 miles of trails
20 years of stewardship

January 8, 2019





Vision

Santa Fe County's Open Spaces, Trails and Parks Program sustainably manages and conserves a vibrant network of cultural, historical, recreational and natural community resources that inspire a deep sense of regional identity and stewardship among current and future generations.

Mission

Santa Fe County provides innovative leadership in local land management and conservation that enhances the quality of life for County residents, provides access to public lands for unique outdoor experiences, advances community stewardship through partnerships and effectively leverages community investments in the Open Space Trails and Parks Program. Management of County open spaces and trail networks provides sustainable and resilient ecosystems with landscape-wide benefits for human, plant, and wildlife communities.

3/1/01

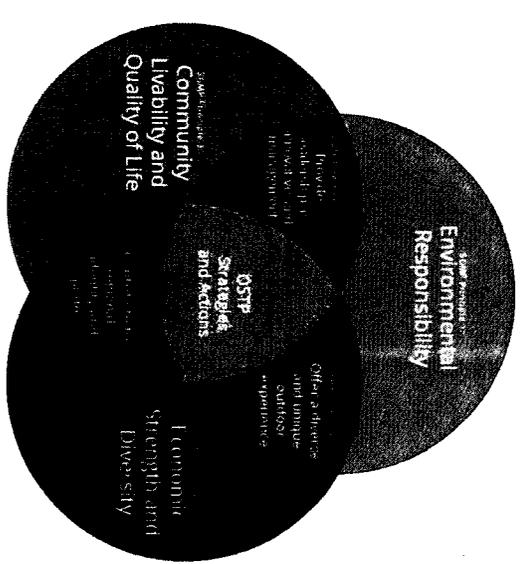
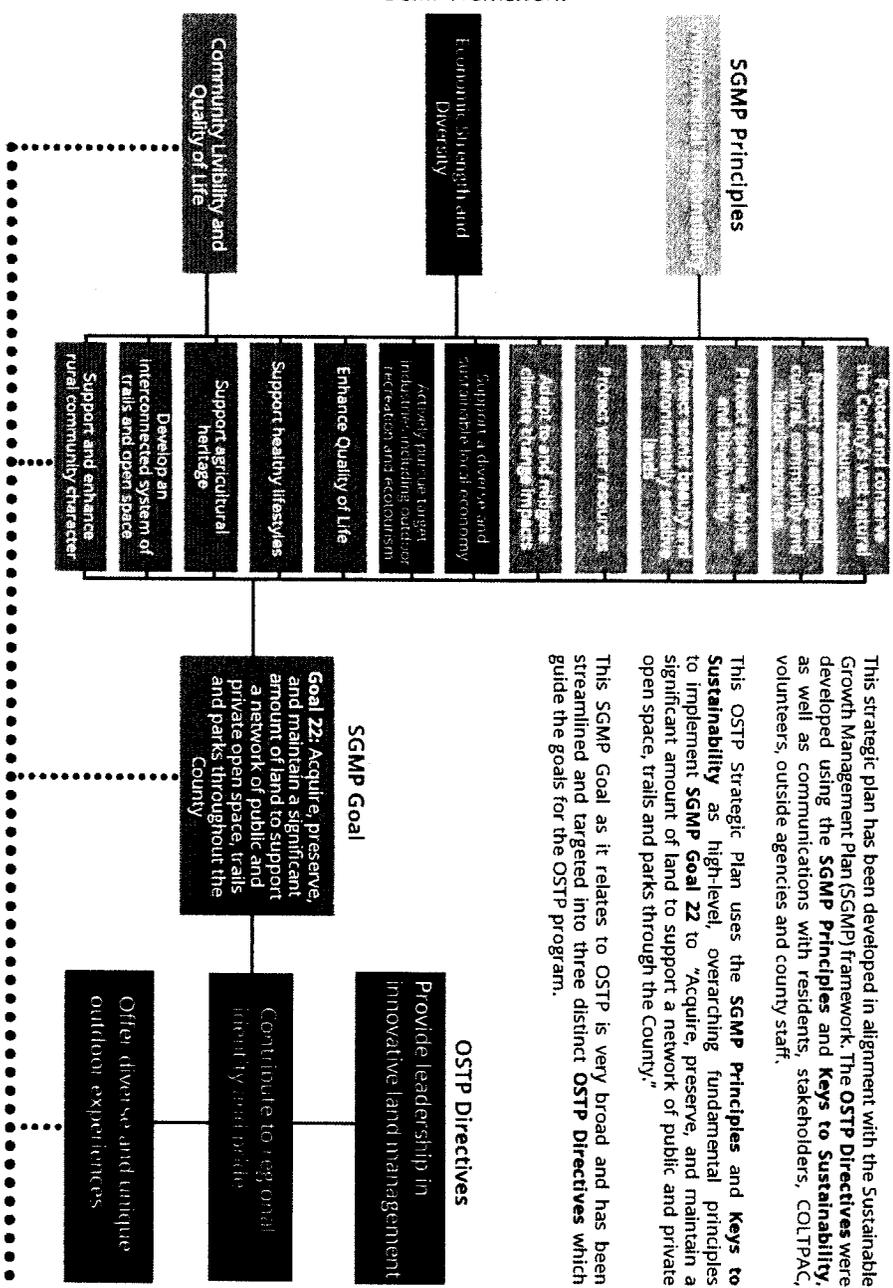
SGMP Framework & OSTP Directives

SGMP Keys to Sustainability

This strategic plan has been developed in alignment with the Sustainable Growth Management Plan (SGMP) framework. The **OSTP Directives** were developed using the **SGMP Principles** and **Keys to Sustainability**, as well as communications with residents, stakeholders, COLTPAC, volunteers, outside agencies and county staff.

This OSTP Strategic Plan uses the **SGMP Principles** and **Keys to Sustainability** as high-level, overarching fundamental principles to implement **SGMP Goal 22** to "Acquire, preserve, and maintain a significant amount of land to support a network of public and private open space, trails and parks through the County."

This SGMP Goal as it relates to OSTP is very broad and has been streamlined and targeted into three distinct **OSTP Directives** which guide the goals for the OSTP program.

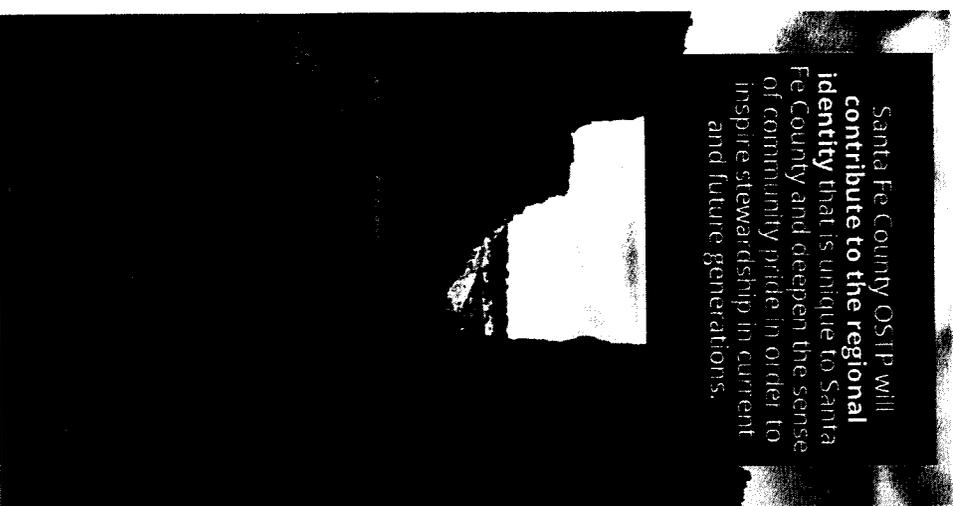


OSTP Directives specifically determine and direct all actions towards implementation of this plan.

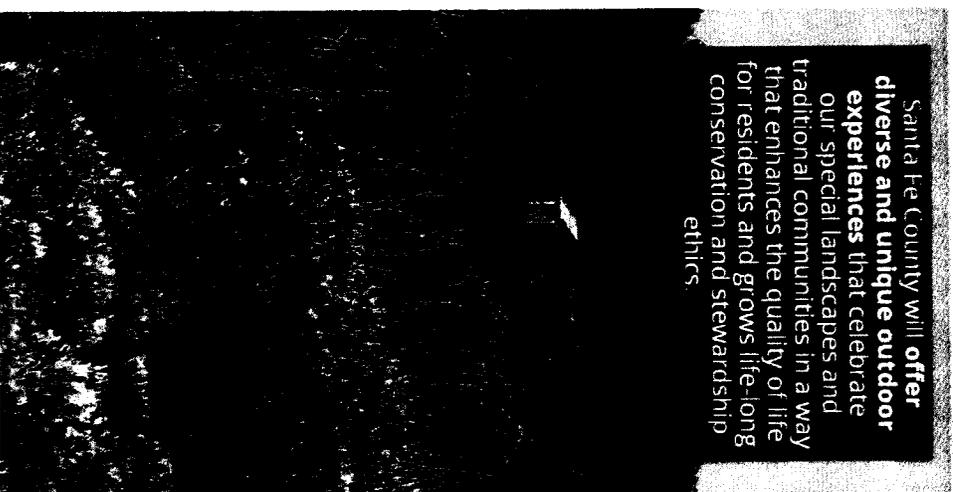
Santa Fe County OSTP will lead by example to demonstrate **innovative, science-based and collaborative land management practices** that promote natural and cultural conservation, environmental habitat restoration, and adaptability.



Santa Fe County OSTP will **contribute to the regional identity** that is unique to Santa Fe County and deepen the sense of community pride in order to inspire stewardship in current and future generations.



Santa Fe County will **offer diverse and unique outdoor experiences** that celebrate our special landscapes and traditional communities in a way that enhances the quality of life for residents and grows life-long conservation and stewardship ethics.



OSTP Core Elements

1. **Working Together** - Conservation and outdoor recreation require that a diversity of lands and resources be available for public access, and cared for properly. Public and private groups working together play a critical role in conserving the ecological integrity of a functional landscape that is necessary for robust and meaningful landscape-wide conservation.
2. **Mutually Beneficial** - Both conservation and recreation are needed to sustain quality of life in Santa Fe County. Both are beneficial to local economic well-being, for personal health, and for sustaining Santa Fe County's natural and cultural resources by building support for protection and stewardship.
3. **Diverse Support** - Conservation and recreation in Santa Fe County must reflect, respect and value the many demographics and diversity of our communities and be culturally relevant to each of those different groups.
4. **Minimize Impact** - All recreation has impacts. Santa Fe County residents have an obligation to minimize these impacts across the places they recreate and the larger landscape through responsible and ethical outdoor behavior that respects the value of connecting all people to the outdoors for future generations.
5. **Stewardship and Education** - Proactive management solutions, combined with active public education are necessary to care for land, wildlife and cultural resources and to provide the protections needed to maintain quality conservation lands.
6. **Cultural Values** - Creating unique outdoor experiences requires working with communities to develop place-based design that captures cultural relevancy, honoring the identity of each unique region of Santa Fe County and developing connections that honor cultural traditions.
7. **Science-Based Management**- Management should be grounded in the best available physical, biological and social science. This science must inform the management of OSTP properties to ensure the protection and the sustainability and resiliency of resources while maintaining and enhancing the quality of outdoor experiences.
8. **Stable Funding** - Stable, long-term, and diverse funding sources are essential to protect the environment and support outdoor recreation.



COLTRANE MEMBERS VISIT THORNTON RANCH OVER SPACE

Chapter 1: History and Planning

This chapter outlines the history of the OSTP program, existing conditions and property background, and significant OSTP milestones.

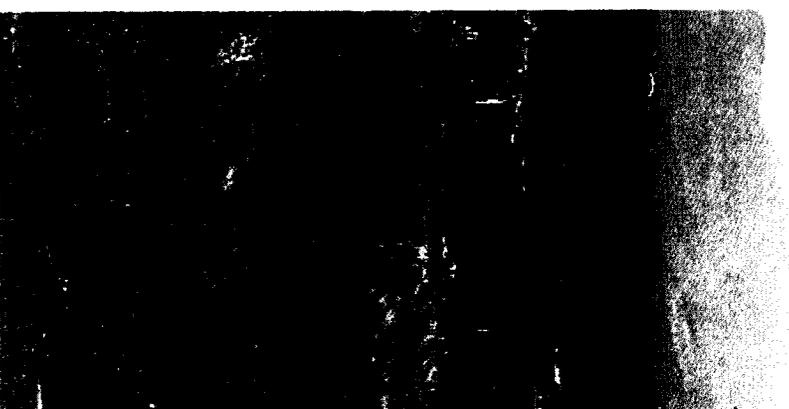
History outlines the evolution of OSTP from 2000 to 2018.

Program highlights depicts significant program milestones.

Property inventory summarizes current property holdings and describes why each property is special.

Management Landscapes organize how County projects will be viewed and properties will be classified.

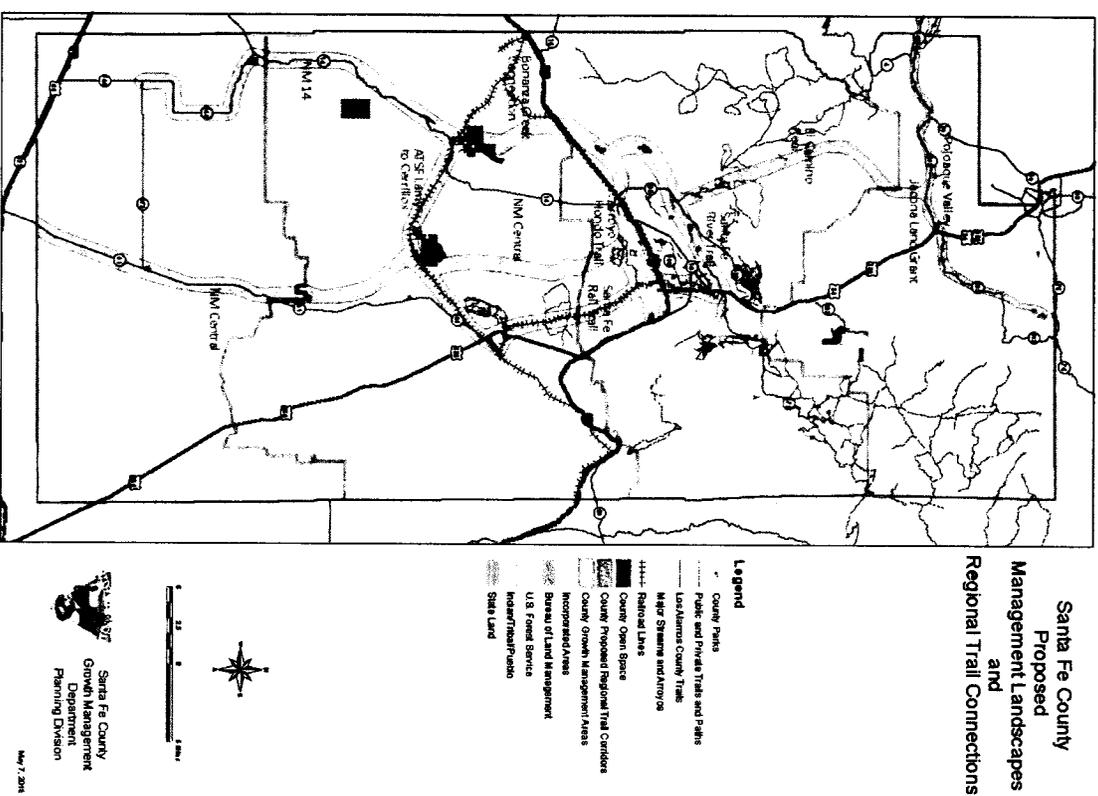
Program structure reviews how the program is currently organized.



Devil's Hole State Park

Management Landscapes

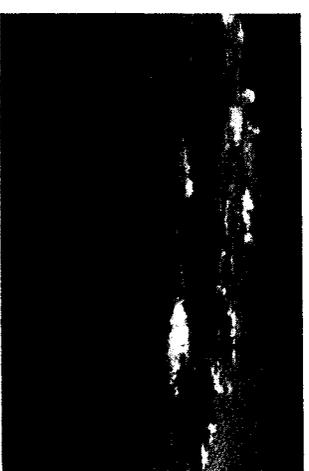
- Thornton Ranch – Lamy
- Madrid - Cerrillos
- La Cienega Area
- Foothills Trails Area
- San Pedro
- Los Potreros



Preserves have limited access, focus on education and protect natural or cultural resources of the land.

Conservation areas have open access, recreation opportunities, and educational programming.

Open Space Classification	Property	Open Space Type	Land Classification	Category	Access Status
Edgewood Open Space	Open Space	Recreation Facility	I	Open, developed	
Lamy Open Space	Open Space	Preserve	III	Unlimited, undeveloped	
Thornton Ranch Open Space	Open Space	Preserve	I	Closed, in development	
San Pedro Open Space	Open Space	Preserve	II	Unlimited, undeveloped	
El Palasco Blanco Open Space	Open Space	Preserve	II	Unlimited, undeveloped	
Las Potencas Open Space	Open Space	Preserve	II	Unlimited, developed	
Outc Mountain Open Space	Open Space	Preserve	II	Unlimited, in development	
Sanita Fe River Preserve	Open Space	Preserve	III	Unlimited, undeveloped	
El Rancho Open Space	Open Space	Preserve	III	Closed	
Mojave Chalkhill	Open Space	Preserve	III	Unlimited, undeveloped	
Arroyo de la Piedra Open Space	Open Space	Conservation Area	I	Open, developed	
Arroyo Honda Open Space	Open Space	Conservation Area	I	Open, developed	
Carrizo Hills State Park	Open Space	Conservation Area	I	Open, developed	
Lilla Teniquea Creek Open Space	Open Space	Conservation Area	I	Open, developed	
Rio del Medio Open Space	Open Space	Conservation Area	I	Open, developed	
Valero Hill Open Space	Open Space	Conservation Area	I	Open, developed	
Los Caminos Wilderness	Open Space	Conservation Area	II	Unlimited, undeveloped	
Madrid Open Space	Open Space	Conservation Area	II	Open, undeveloped	
South Meadows Open Space	Open Space	Conservation Area	II	Unlimited, undeveloped	
La Canequilla Open Space	Open Space	Conservation Area	II	Unlimited, undeveloped	
Old Moon Trail Open Space	Open Space	Conservation Area	II	Unlimited, undeveloped	
Paseo Primo Open Space	Open Space	Conservation Area	II	Unlimited, undeveloped	



Edgewood Open Space, developed as a recreation facility



Sanita Fe River State Park, classified as a forest preserve



Sanita Fe River Trail, a regional trail



Los Caminos Wilderness, undeveloped

Trails

Trails will be designed and constructed in accordance with the following trail types. Where this classification does not provide enough guidance, the Forest Service Trails Management Handbook will be used for rural trails, and AASHTO Guide for the Development of Bicycle Facilities will be used. In urban to rural transitions, special exceptions to the guidelines may be considered. Current ADA Accessibility Guidelines will also be used for appropriate accessible trail designs. When appropriate, trail development may be phased from less intensive construction in the short-term with the intention of long-range development to comply with the standards below. Trails may be reclassified as surrounding land uses change and as demand requires.

Regional Trail

Trails in this category are designated due to their regional scope. These trails are usually wide with both a transportation and recreation function. These major trails are for non-motorized users, including pedestrians, equestrians and bicyclists.

Community Trail

Community trails connect regional trails to local trails.

Local Trail

Trails within open space properties are considered local trails. These trails are narrow, natural-surface facilities. Any use restrictions are designated per individual open space property as terrain and environmental conditions dictate.

Trail Type	Width	Surface	Facility
Regional Trail	2' - 4' (6' maximum in special cases)	Natural surface, crusher fines	Natural look
Regional Trail	10' - 14' (8' minimum in special cases)	Paved, firm and stable	Natural look
Community Trail	18" - 30"	Natural	Natural look
Community Trail	8' - 10'	Firm and stable	Natural look
Local Trail	12" - 18"	Natural, single track	Natural look
Local Trail	5' - 8'	Firm and stable	Natural look

Chapter 2: Strategy

This chapter describes the planning framework, OSTP Directives and Core Elements, and outlines key issues, identifies objectives that address the issues and describes the actions to reach the objective.

Planning Framework outlines how this plan coordinates with other planning documents.

OSTP Directives specifically determine and direct all implementation actions of this plan.

OSTP Core Elements are fundamental concepts for implementation of the OSTP directives.

Issues, Objectives and Actions:

Key issues identify needs and challenges that have slowed progress towards accomplishing the vision of the OSTP program.

Objectives identify the approach to address the issue.

Actions are tools used to make progress towards meeting the objective.

Objectives and actions are organized by OSTP section, Planning and Program Development; Resource Management, Educational Programming and Stewardship; and Project Development and Implementation.



Creation of the divide along the 24th meridian.

Issues, Objectives and Actions:

From the Planning Framework and Directives, the following issues, Objectives, and Actions have been identified and organized by OSTP section to guide staff in implementing the tasks.

Planning and Program Development

Issue 1: Internal coordination and communication within Santa Fe County departments is challenging and limits program effectiveness.

Objective 1: Enhance interdepartmental coordination and communication to ensure effective operations through the following actions:

- Action 1.1: Develop a communications protocol
- Action 1.2: Develop and update annually an OSTP work plan
- Action 1.3: Build and maintain an e-file database for each property in a centralized location for access by all OSTP staff
- Action 1.4: Define chain of command and decision making process
- Action 1.5: Refine COITPAC role
- Action 1.6: Develop a property classification system that identifies resource protection objectives and development limitations
- Action 1.7: Coordinate with other County departments with shared goals, including Community Health, Economic Development and Sustainability.

Issue 2: Need County staffing and expertise regarding natural resource management, trail building, historic and cultural resource management, interpretive and educational programming, as well as grounds and landscape maintenance.

Objective 2: Enhance staff capacity, expertise and capability in order to better protect and manage open space program resources through the following actions:

- Action 2.1: Determine appropriate levels of maintenance for all OSTP properties
- Action 2.2: Determine needed expertise for open space, trail and park/landscape maintenance and identify applicable trainings
- Action 2.3: Build staff capacity and capability in order to focus expertise on natural resources, trail building, historic and cultural resource management, interpretive and educational programming, and stewardship
- Action 2.4: Train staff in safe herbicide application
- Action 2.5: Develop Best Management Practices for OSTP properties

SANTA FE COUNTY OPEN SPACE, TRAILS AND PARKS STRATEGIC MANAGEMENT PLAN

Issue 3: Regular presence by law enforcement and interpretive staff is needed at all properties.

Objective 3: Enhance OSTP presence at properties to proactively address concerns including maintenance, user concerns, enforce laws, and provide education through the following actions:

- Action 3.1: Train staff for interpretive role and provide enforcement capability
- Action 3.2: Develop a volunteer trail patrol program with a protocol for safety and user concerns
- Action 3.3: Explore opportunities for cross-deputization with BLM, tribal, sheriff's posse, Forest Service, etc.
- Action 3.4: Develop dedicated law enforcement ranger with educational/interpretive focus
- Action 3.5: Develop emergency response plan for each property

Issue 4: Conservation and recreation needs are regionally different throughout the County.

Objective 4: Develop a strategic conservation strategy and a facilities analysis that helps guide staff in conservation, recreation, and acquisition planning by completing the following actions:

- Action 4.1: Determine appropriate levels of service to guide where open space, trail, park and recreation facilities are provided in the county according to regional needs
- Action 4.2: Develop a regional trail analysis to identify needed trail connections in the County
- Action 4.3: Develop a park and recreational facility analysis to determine what existing facilities need to be improved
- Action 4.4: Update SLDC Official Map to reflect analysis and new priority trail connections
- Action 4.5: Continue to build trail connections to provide an interconnected network of trails
- Action 4.6: Develop a targeted acquisition strategy focused on connectivity between existing trails and facilities along with long-range conservation goals, and to achieve conservation goals
- Action 4.7: Develop an open space and conservation plan for each of the four County regions (GMAs)

Issue 5: Internal and external communications regarding goals and expectations are inconsistent.

Objective 5: Create a consistent and straight forward approach to communicate goals and expectations for each property, project, and the overall OSTP program by completing the following actions:

- Action 5.1: Update OSTP work plan annually to clearly communicate with the public yearly focus of projects and OSTP activities
- Action 5.2: Align annual budgeting process to implement OSTP work plan
- Action 5.3: Develop useful and realistic metrics to show success of OSTP goals and projects and that aligns the program with other leaders in the nation
- Action 5.4: Publish an annual report to clearly articulate successes and complete projects to the public

SANTA FE COUNTY OPEN SPACE, TRAILS AND PARKS STRATEGIC MANAGEMENT PLAN

Resource Management

Issue 6: Shifting climate patterns will have long term effects on managing habitats and ecosystems.

Objective 6: Develop long range management planning which addresses future impacts of climate change and demonstrates adaptability by completing the following actions:

- Action 6.1: Demonstrate innovative, simple, effective strategies for land management on large and small scales.
- Action 6.2: Research carbon sequestration projects and opportunities for land restoration
- Action 6.3: Conserve and increase diversity of native flora and fauna to help with erosion control
- Action 6.4: Incorporate best management practices of stormwater retention and infiltration of precipitation into open space project planning and implementation.
- Action 6.5: Develop and implement forest prescriptions to improve open space fire resiliency

Issue 7: Natural Resource management is an ongoing activity that requires flexibility and regular continuous monitoring and maintenance.

Objective 7: Develop natural resource management planning which addresses the ongoing needs to achieve desired environmental conditions and demonstrates adaptability by completing the following actions:

- Action 7.1: Develop and implement a regular monitoring protocol
- Action 7.2: Conduct baseline surveys on all OSTP properties
- Action 7.3: Develop an ongoing resource management protocol
- Action 7.4: Develop adaptive management planning
- Action 7.5: Develop and enhance staff capacity for long term adaptive resource management and environmental restoration

Issue 8: Maintaining unique conservation characteristics, cultural resources and habitat diversity on OSTP properties and evaluating appropriate recreation opportunities requires staff time and resources.

Objective 8: Develop appropriate management and access strategies to conserve each property's unique characteristics, cultural resources, and habitat diversity through the following actions:

- Action 8.1: Develop and implement management plans for all OSTP properties that highlights specific resource needs
- Action 8.2: Develop protocols for coordination with Tribal partners
- Action 8.3: Work with internal County groups to adopt and consistently apply OSTP BMRs

SANTA FE COUNTY OPEN SPACE, TRAILS AND PARKS STRATEGIC MANAGEMENT PLAN

Educational Programming and Stewardship

Issue 9: The public is not engaged in stewardship opportunities on OSTP properties.

Objective 9: Enhance stewardship opportunities for the public, including youth programs and existing groups and that build on volunteer opportunities at OSTP properties through the following actions:

- Action 9.1: Actively tailor outreach to diverse groups and demographics within the community
- Action 9.2: Incorporate Master Naturalist Volunteers into stewardship work
- Action 9.3: Develop a Citizen Science Program
- Action 9.4: Develop a volunteer training program
- Action 9.5: Develop a volunteer work plan
- Action 9.6: Work with youth groups as part of stewardship outreach

Issue 10: OSTP program has not been able to adequately provide education and interpretation of important resources within properties

Objective 10: Enhance education and interpretation for the public at OSTP properties through the following actions:

- Action 10.1: Develop education programs and interpretive material that highlight conservation goals for OSTP properties
- Action 10.2: Establish consistent social media presence to highlight property resources and qualities
- Action 10.3: Develop consistent messaging for OSTP program
- Action 10.4: Create interpretive and education plans County-wide, for geographic areas, or for specific properties
- Action 10.5: Work with schools to provide student opportunities

SANTA FE COUNTY OPEN SPACE, TRAILS AND PARKS STRATEGIC MANAGEMENT PLAN

Project Development and Implementation

Issue 11: Coordination between public land management agencies and other conservation organizations in the region is inconsistent and limits integrated project development/implementation.

Objective 11: Ensure the timely, jurisdictional coordination between land management agencies and other conservation organizations furthers conservation, recreation, access and educational goals through the following actions:

- Action 11.1: Participate in regional conservation and recreation planning initiatives and activities
- Action 11.2: Adopt and implement OSTP BMPs with external partners
- Action 11.3: Engage with existing user groups to increase stewardship opportunities
- Action 11.4: Participate in local and regional initiatives with mutually beneficial goals, including public health and economic development

Issue 12: Once a project need is identified in a plan, there is no established process to evaluate the cost/benefit of the project and to further develop the project concept to define the scope of work and budget for design and construction of the project.

Objective 12: Establish a process to evaluate project development in order to maximize resources and eliminate inefficiencies through the following actions:

- Action 12.1: Formalize the project development process in order to implement projects through a streamlined, consistent and community-based process.

Issue 13: Funding for property and trail maintenance, capital development and operations of the Open Space Program is limited.

Objective 13: Develop alternative funding options to diversify and enhance OSTP programming and project development.

- Action 13.1: Leverage other sources of funding including grants
- Action 13.2: Look into developing a "Friends Group" to assist with fundraising activities
- Action 13.3: Develop a funding strategy for new projects and acquisitions

Chapter 3: Work Plan

This chapter includes priority actions for years 1-5, as well as program project actions for OSTP for the next 20 years. This section of the Plan is considered a "living document" and will be updated every year in order to clearly outline and communicate OSTP priority projects and focus areas.

The **Short Range Work Plan** outlines planned projects and tasks to be completed in years 1-5. These tasks are specific in year 1 and 2, and broader in years 3-5.

Priorities have been identified in the short range work plan with specific measurable deliverables and timeframes.

The **Long Range Work Plan** is organized by OSTP section and guides staff in planning resource and capacity needs for each fiscal year.

This information is for planning purposes only and does not obligate budget or capital investments in either time or amount.



A County member entering the doors of Tansu Hill Open Space

Short Range Work Plan and Priorities

In the next five years, the focus of projects will be streamlining operations in order for OSTP to excel in conservation leadership and to provide the best outdoor experiences to Santa Fe County residents. Tasks and projects are organized by OSTP section and to streamline completion of tasks. Priority projects for each OSTP section have been highlighted, and associated measurable deliverables and timelines have been listed.

Year 1:

Planning and Program Development

- Develop policies relating to Tribal communications and concerns including trail development and inadvertent discoveries of sacred items
- Develop an assessment for recreation and park facilities needs in each GMA in the County, and ability to provide related services and infrastructure
- Determine chain of command and decision maker for OSTP
- Determine appropriate level of maintenance for OSTP properties and facilities
- Revise LOS in SLDG
- Develop analysis of long range regional trail opportunities
- Work with local and regional trail planning collaborators to prioritize coordinated projects

Resource Management

- **Complete Santa Fe County Wildland Fire Management Plan**
- Continue to implement existing management plans
- Develop emergency response plan for each property, which could include a volunteer bike patrol for monitoring safety of users and facilities
- Work with internal groups to adopt OSTP BMPs, including Wildland Fire
- Build a database for each property in a centralized location for access by all OSTP staff
- Develop a regular monitoring protocol
- OSTP staff trained in OSTP Best Management Practices
- Determine needed expertise for open space management and grounds keeping, and identify applicable trainings
- Work with Santa Fe County Wildland Program to implement forest thinning on priority properties for ecological and wildlife health
- Work with partners to implement Northern New Mexico Master Naturalist program for volunteer training
- Focus staff expertise on natural resources, trail building, historic and cultural resources, as well as interpretive and educational programming and stewardship
- Work with partners for avian monitoring and research
- Work with partners for native seed collection and native plant research on OSTP properties
- Work with partners in the Bring Back the Pollinators campaign
- Develop and implement an invasive species management protocol
- Perform erosion control actions

Educational Programming and Stewardship

- Develop branding, messaging and education material relating to OSTP program generally
- Develop volunteer training program
- OSTP 20 year anniversary celebration
- Stewardship events including habitat restoration projects along the SF River
- Streamline communications
- Develop an annual report that clearly communicates accomplishments, yearly focus projects and OSTP work plan

Project Development and Implementation

- **SF Trail Segment 3**
- **Pedregal Valley Recreation Complex Phase 3**
- Arroyo Honda Segment 4
- Santa Fe River Trail segment 2 design and acquisition
- Romero Park Phase 2
- Bernier J. Chavez Community Center Park

Priority project goal: Develop message material ready for release by Dec 2019
 Priority project goal: Develop and use volunteer training program by June 2019

Priority project goal: Construction complete by December 2019
 Priority project goal: Construction complete by December 2019



Image: River Edge, Santa Fe

Priority project goal: Baseline surveys complete for all properties by October 2019
 Priority project goal: Management Plan adopted by July 2019

Priority project goal: Policies developed and adopted by December 2019
 Priority project goal: Assessment completed by December 2019

Priority project goal:
 Analysis report and maps
 completed by Dec 2020

Year 2:

Planning and Program Development

- Develop a trail analysis specific to trails needs in each GMA region and determine high priority and social trail connections for "low hanging fruit" trail development
- Work with partners to establish OSTP Interpretive Rangers program
- Update SLDC Official Map
- Develop a conservation strategy that specifically guides future acquisitions and areas of conservation need

Resource Management

- Conduct surveys on properties for bats, frogs, nocturnal birds, Bendire's Thrasher, Pinyon Jay nesting colonies, horned lizard, rare plants and additional baseline surveys
- OSTP staff trained in sustainable trail design and construction
- Develop a Citizen Science Program and implement numerous citizen science efforts
- Continue to implement existing management plans
- Implement monitoring and research program
- Install border fencing on OSTP properties as needed

Educational Programming and Stewardship

- Develop branding, messaging and education material relating to specific properties and programs
- Identify schools or teachers to involve in outdoor education programs
- Involving youth by developing school outreach programs
- Develop a social media presence
- Revise annual work plan

Project Development and Implementation

- **Thorrion Ranch Open Space**
- Mt. Chachihuitl Acquisition and Remediation
- Arroyo Hondo Trail Segment 3



Years 3-5:

The categories for priorities in years 3-5 are focused broadly on providing educational programming and events on OSTP properties; branding and messaging OSTP initiatives; developing partnerships with local groups; resource management; policy development and analysis for OSTP needs county-wide; and capacity building and expanding skillsets among OSTP staff and volunteers. Some known activities for each category have been identified:

This section of the Plan is considered a "living document" and will be updated every year in order to clearly outline and communicate OSTP goals. Each category will be refined annually as this section is updated.

Planning and Program Development

- Secure access to trails already in use
- Develop interpretive and education plans for each property
- Continue interconnected trail projects
- Develop strategy to continue open space acquisition funding options
- Develop a process for development of new trails and integration of social trails

Resource Management

- **Develop management plans for each property**

Educational Programming and Stewardship

- Explore a "Friends of Open Space" program to assist with fundraising

Project Development and Implementation

- Rail Trail Segment 6 and Segment 7 and 285 Trailhead
- Arroyo Hondo Trail Segments 2, 5 and 1

Partnering funding cycles and availability

New projects not included on this list may arise. In order to not limit opportunities, new projects will be evaluated on the capacity of staff and volunteers, alignment with resource management goals, and securing access to existing social trails.



Chapter 4: Plan Elements

The following section outlines actions that address the objectives in the previous section. These items, called plan elements are described in the following pages. Plan Elements are additional guiding documents for OSTP operations. Additional plan elements will amend this plan as they are developed and adopted.

- Best Management Practices
- OSTP Signage Plan
- Open Space Property Management Plans

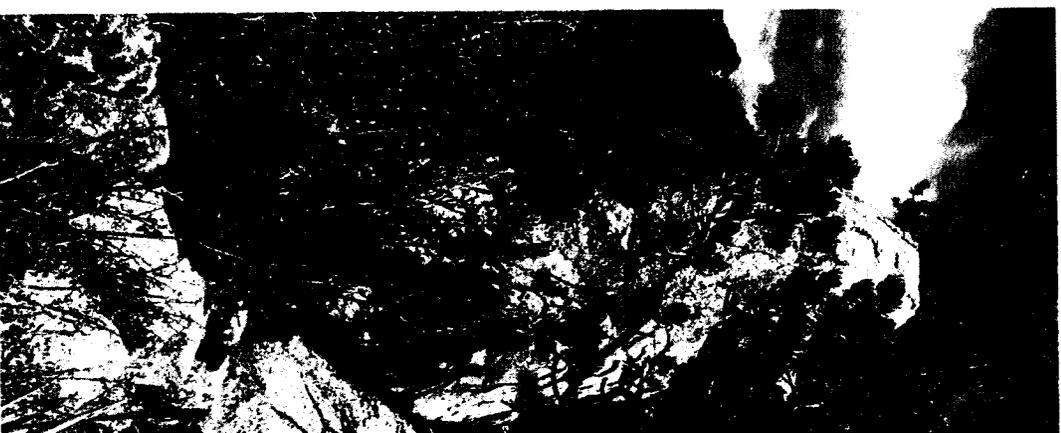


Photo: Santa Fe County Open Space Dept.



Santa Fe County Debt Management Policy Adopted January 8, 2019

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I. Policy

Santa Fe County ("County") recognizes that the foundation of a well-managed debt program is a comprehensive debt management policy. The purpose of this policy is to provide for the effective management of the County's debt programs in a manner consistent with applicable laws, industry standards and that maintains or improves the County's credit ratings. The County will implement this policy on an ongoing basis, refer to this policy for guidance, and ensure that the public is able to transparently review the County's debt programs.

II. Financing Alternatives

The County shall assess all financing alternatives for funding capital improvements prior to issuing debt. Cash financing (i.e. intergovernmental grants, current year revenues, fund balances, private sector contributions, leases) should be considered prior to issuing debt, as well as the potential to phase a project to allow for cash financing. If cash financing is not feasible, the County may consider issuing debt through the sale of bonds in the open market or entering a loan agreement with a third-party (such as the New Mexico Finance Authority).

III. Debt Affordability

Prior to issuing debt, the County shall work with its municipal advisor and bond counsel to determine legal bonding capacity. Once legal bonding capacity is determined, the County will work with its municipal advisor to size and structure the debt in a manner that ensures adequate debt service coverage ratios.

From time to time, the Finance Division will perform a Countywide debt affordability study that reviews measures of the County's outstanding debt by type, compares the County's debt ratios to other similar jurisdictions, and reviews the County's future debt issuance plans and the estimated impact future debt issuance will have on the County's debt ratios.

IV. Issuance of Debt

Once legal capacity and debt affordability have been considered, the County may issue long-term general obligation bonds or revenue bonds in the open market. The Finance Division, in coordination with the County's municipal advisor and bond counsel, will:

1. Assist with identification of projects and review of project feasibility/readiness; and
2. Prepare required documents including official statements, bond resolutions, bond indentures, notice of sale resolutions, and closing documents;
3. Coordinate with bond counsel to receive an opinion from bond counsel that all securities are issued in compliance with all applicable County, State, and federal laws and regulations.

The County may enter into loan agreements with third-parties, such as the New Mexico Finance Authority or agencies of the State of New Mexico.



V. Method of Issuance

The County normally issues bonds through competitive sale basis using an online bidding platform that awards the sale of the bonds on a lowest true interest cost basis. From time to time, if it is determined to be in the best interest of the County, the County may select an underwriting team to issue bonds through a negotiated sale basis. In the event of a negotiated sale, underwriters shall be selected in accordance with the Procurement Code. Selected underwriters shall comply with Municipal Securities Rulemaking Board ("MSRB") and Securities and Exchange Commission ("SEC") rules and regulations.

VI. Use of Bond Advisors/Experts

The County procures experts to provide municipal advisor, bond counsel, and arbitrage consulting and compliance services, and will continue to retain qualified experts to provide these services to help remain fully informed of the County's fiduciary duties, legal issues related to the issuance of bonds, disclosure obligations, arbitrage rebate liabilities, and matters of post-issuance compliance. All bond advisors and experts shall be selected in accordance with the Procurement Code. Any bond counsel shall have extensive experience in the areas of public finance, securities regulation, and tax issues.

VII. Debt Structure and Instruments

1. Debt Structure:

a. Amortization Schedules:

The County shall structure its long-term debt to minimize the net cost to the County. Principal and interest schedules shall be structured to achieve a low borrowing cost and to accommodate debt service payments of existing debt. To the extent possible, bonds will be amortized level over the length of the debt in aggregate when aggregated with the County's existing debt.

The average life of bonds shall be no greater than the projected life of the assets being financed.

The County will issue debt in a manner that provides for a fair allocation of costs to current and future beneficiaries of public infrastructure.

b. Variable Rate Debt:

The amount of debt attributable to any specific pledged revenue source that shall be issued in the form of variable rate securities shall not exceed 20 percent of the total outstanding debt for that specific pledged revenue.

c. Call Provisions:



The Finance Division shall review call provisions of each bond issuance with the municipal advisor for each bond issuance to determine the most beneficial call option available to the County. In general, bonds should be callable no later than 10 years from the date of issuance.

d. Prepayments:

The County should consider prepaying and defeasing outstanding debt whenever resources are identified and available to reduce outstanding debt.

e. Refundings:

The County may consider refunding outstanding debt to generate net present value interest rate savings of at least 3 percent, to restructure principal payments, or to eliminate burdensome bond covenants. The County will consult routinely with its municipal advisor to evaluate refunding opportunities. Surplus monies in debt service funds or debt service reserve funds associated with a refunded bond issue may be used as a source of funds for the refunding. The County, with bond counsel, shall carefully review current federal regulations related to refunding to ensure continued compliance with all federal laws and regulations.

f. Capitalized Interest:

City revenue bonds may require capitalized interest be funded by bond proceeds. The term of any capitalized interest shall not exceed 24 months. No capitalized interest shall be funded with general obligation bond proceeds.

g. Reserves:

County revenue bonds/loans may require debt service reserve fund to enhance a credit rating or obtain insurance coverage. Any debt service reserve fund amount will be dictated by such requirements. The County may purchase a surety reserve fund from a qualified bond insurance company.

h. Derivatives:

The County may consider use of derivatives, such as interest rate swaps, when use of such derivatives is in the best interest of the County and the economic benefit of the derivative outweighs the associated risks. The following requirements must be met for the use of any derivatives:

- i. Use of derivatives must be associated with underlying County debt and may not be used for speculative purposes;
- ii. The County will use its independent municipal advisor and bond counsel to ensure the County receives fair market value for any derivative contract and to ensure the terms of the contract are reasonable, legal, reflect the terms and conditions as set forth in the International Swaps and Derivatives Master Agreement, and comply with this policy;

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- iii. At no time may the notional amount of any derivative exceed 20 percent of the par amount of total outstanding debt;
- iv. Counterparties must be rated at last AA- or Aa3 by a nationally-recognized rating agency;
- v. No less than semi-annually, outstanding derivative contracts will be reviewed by the municipal advisor to evaluate issues including but not limited to basis risk, changes in counterparty ratings, and counterparty collateral requirements.

2. General Obligation Bonds:

- a. The County issues general obligation bonds to fund capital improvements that benefit the community as a whole. The following restrictions and considerations apply to the issuance of general obligation bonds:
- b. General obligation bonds are direct obligations and pledge the full faith and credit of the County and require approval of a majority of the County electorate.
- c. Article IX, Section 13 of the Constitution of the State of New Mexico limits the amount of general obligation bond indebtedness to 4 percent of the assessed value of taxable property within the County.
- d. It is the County's policy to schedule general obligation bond ballots on a four-year schedule, and to issue bonds associated with any approved ballots
- e. Generally, the County's general obligation bonds mature within 20 years of issuance, although Article IX, Section 10 of the Constitution of the State of New Mexico allows county general obligation bonds to mature up to 50 years from issuance.

3. Revenue Bonds/Loans:

- a. Revenue bonds/loans are repaid from restricted revenues or user fees and are not backed by the taxing power of the County.
- b. The County may issue gross receipts tax revenue bonds/loans for capital improvements. Gross receipts tax bonds do not require voter approval prior to issuance. Gross receipts tax revenue bonds may be backed by one or more available gross receipts tax increments. The County shall maintain a coverage ratio whereby revenues are equal to, or exceed 250 percent of the maximum aggregate annual debt service on all parity obligations secured by a specified pledged revenue.
- c. The County may issue bonds or enter loan agreements for capital improvements by pledging distinct revenue sources including, but not limited to, Jail system revenues, Fire Protection Fund distributions, Law Enforcement Protection Fund distributions, and county Gas Tax.

4. Enterprise Fund Bonds/Loans:



- a. The County may issue enterprise fund bonds to fund assets and support enterprise activity. Enterprise fund bonds may be issued on a senior, subordinate, and junior lien basis, pledging the net revenues of an enterprise fund. Prior to the issuance of any enterprise fund bonds, the County shall consider the impact the bonds will have on the enterprise's long-term solvency.

5. Conduit Bonds:

- a. The County may issue various bonds as a conduit issuer, such as industrial revenue bonds and qualified private activity bonds. These bonds are not backed by County funding and are subject to requirements and limitations set out in applicable County, State and Federal laws and regulations.

VIII. Disclosure and Reporting

The County's policy is to provide full and complete financial disclosure to all interested persons, including bond investors, credit rating agencies, state and federal regulators, and the general public. The County provides full and complete disclosure to bondholders and the investment community on a periodic basis as required by SEC Disclosure Rule 7c2-12, and SEC Antifraud Provisions Rule 10b-5. SEC Disclosure Rule 7c2-12 requires municipal issuers to undertake in a written agreement or contract for the benefit of bondholders to provide certain annual financial information to various information repositories. SEC Antifraud Provisions Rule 10b-5 requires the municipal issuers disclose accurate and complete information.

To ensure uniform market access to information that may be relevant to the evaluation of the County's securities, the release of information, whether in response to an ad hoc question or self-initiated, shall be reviewed by the Finance Director, municipal advisor, and bond counsel to determine whether the information is already in the public domain, whether the information is a disclosure event defined by the SEC requiring prompt notification of the MSRB or filing on Electronic Municipal Market Access System ("EMMA"), and whether the information is full, accurate, complete and not misleading.

1. Official Statements:

The County shall file its official statements with the MSRB and EMMA for each bond issuance. County officials shall work with the municipal advisor and bond counsel to compile, review and confirm all data and information included in the official statement and will meet or exceed the minimum standards applicable to each debt issuance required by regulatory bodies and professional organizations including the SEC, MSRB, the Governmental Accounting Standards Board ("GASB"), and generally accepted accounting principles ("GAAP").

2. Comprehensive Annual Financial Report ("CAFR"):

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The County shall make available to the public a copy of its CAFR following release by the Office of the State Auditor, and file its CAFR with MSRB and EMMA.

3. Continuing Disclosure:

The County shall file annual disclosure reports by March 31 of each year as required by SEC disclosure rules, and post these reports on the MSRB and EMMA.

IX. Rating Agency Communications

It is the objective of the County to achieve and maintain the highest possible credit rating for the County's bonds. The County will provide full and timely disclosure of information to the rating agencies and to the investor community, and will comply with all regulations and industry standards with respect to primary and secondary market. Factors that influence the County's general obligation bond rating include, but are not limited to: reserve levels, debt capacity, debt ratios, bond payoff schedules, and economic stability and diversification.

The County shall, through its Finance Director and municipal advisor:

1. Maintain communications with bond rating agencies, informing them of major financial events as they occur;
2. Report financial information to rating agencies, including the CAFR;
3. Prepare necessary presentations to rating agencies; and
4. Notify rating agencies when the County begins to prepare for a debt issuance.

X. Investment of Bond Proceeds

Bond proceeds are invested with the County Treasurer as set forth in the County Treasurer's Investment Policy. The investment objectives of the policy are to preserve capital, provide liquidity and generate the highest return possible. All investments are in accordance with the County Treasurer's Investment Policy, which is approved by the Board of County Commissioners.

Upon issuance of a bond series, the County Treasurer receives an anticipated schedule of bond proceed expenditures. Bond proceeds are invested in a manner that ensures sufficient liquidity given the anticipated expenditure schedule. Monthly position reports and quarterly performance reports are provided to the County Investment Committee, and quarterly to the County Board of Finance.

XI. Post-Issuance Compliance

Santa Fe County adopted a Post-Issuance Compliance policy on June 1, 2013 that establishes the County's policy for ensuring that all applicable post-issuance requirements of federal tax law are met to preserve the tax-exempt status of all County bonds. This policy is incorporated herein as Appendix 1.



APPENDIX 1: Post-Issuance Compliance Policy & Procedures

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SANTA FE COUNTY

POST-ISSUANCE TAX COMPLIANCE POLICY & PROCEDURES

POLICY

It is the policy of Santa Fe County (the "County") to actively follow the Post-Issuance Tax Compliance Procedures (the "Procedures") described in this document to ensure that all applicable post-issuance requirements of federal income tax law are met to preserve the tax-exempt status of the County's bonds.

GENERAL

- A. A tax compliance certificate or non-arbitrage and tax matters certificate (the "Tax Certificate") will be issued for each bond issue describing the requirements and provisions of the Code that must be followed in order to maintain the tax exempt status of the interest on such bonds.
- B. The Tax Certificate will contain the reasonable expectations of the County at the time of issuance of the related bonds with respect to the use of the gross proceeds of such bonds and the assets to be financed or refinanced with the proceeds thereof.
- C. These Procedures supplement and support the covenants and representations made by the County in the Tax Certificate related to specific issues of tax exempt bonds. In order to comply with the covenants and representations set forth in the bond documents and in the Tax Certificate, the County will monitor all County bond issues using the post issuance compliance requirements described below.

DESIGNATION OF RESPONSIBLE PERSON

The County Finance Director shall maintain an inventory of bonds and bond-financed facilities, which inventory shall include the pertinent data to satisfy the County's monitoring responsibilities. Any transfer, sale or other disposition of bond-financed assets must be reviewed and approved by the County Manager.

POST ISSUANCE COMPLIANCE REQUIREMENTS

A. External Advisors/Documentation

The County shall consult with bond counsel and other legal counsel and advisors as needed throughout the issuance process to identify requirements and to establish procedures necessary or appropriate so that the bonds will continue to qualify for tax-exempt status. Those requirements and procedures shall be documented in the Tax Certificate and/or other documents finalized at or before issuance of the bonds. Those requirements and procedures shall include future compliance with applicable arbitrage

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rebate requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the bonds.

The County shall consult with bond counsel and other legal counsel and advisors as needed following issuance of the bonds to ensure that all applicable post-issuance requirements in fact are met. This shall include, without limitation, consultation in connection with future contracts with private parties for the use of bond-financed or refinanced assets.

The County shall train and employ or otherwise engage an expert advisor (a "Rebate Consultant ") to assist in the calculation of the arbitrage rebate payable with respect to the investment of the bond proceeds, unless the Tax Certificate documents that arbitrage rebate will not be applicable to an issue of bonds.

Unless otherwise provided by the resolution or other authorizing documents relating to the bonds, unexpended bond proceeds shall be held in a segregated bond fund. The investment of bond proceeds shall be managed by the County. The County shall prepare regular, periodic statements regarding the investments and transactions involving bond proceeds.

B. Arbitrage Rebate and Yield

Unless the Tax Certificate documents that arbitrage rebate will not be applicable to an issue of bonds, the County shall be responsible for:

1. Engaging the services of a Rebate Consultant and, prior to each rebate calculation date, delivering periodic statements concerning the investment of bond proceeds to the Rebate Consultant.
2. Providing to the Rebate Consultant, as may be requested, additional documents and information pertaining to the expenditure of proceeds from each bond issue being annually reviewed.
3. Monitoring efforts of the Rebate Consultant.
4. Assuring payment of the required rebate amounts, if any, no later than 60 days after each five (5) year anniversary of the issue date of the bonds, and no later than 60 days after the last bond of each issue is redeemed.
5. During the construction period of each capital project financed in whole or in part by bonds, monitoring the investment and expenditure of bond proceeds and consulting with the Rebate Consultant to determine compliance with the applicable exceptions with any arbitrage rebate requirements.
6. Retaining copies of all arbitrage reports and account statements as described below under "Record Keeping Requirements".

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C. Use of Bond Proceeds and Bond-Financed or Refinanced Assets

As provided in the Tax Certificate and/or other documents finalized at or before the issuance of corresponding bonds, the County shall be responsible for the following tasks:

1. Monitoring the use of bond proceeds and the use of bond-financed or refinanced assets (e.g. facilities, furnishing or equipment) throughout the term of the bonds to ensure compliance with covenants and restrictions set forth in the Tax Certificate.
2. Maintaining records identifying the assets or portion of assets that are financed or refinanced with proceeds of the bonds, including a final allocation of bond proceeds as described below under "Record Keeping Requirements".
3. Consulting with bond counsel and other legal counsel and advisors in the review of any contracts or arrangements involving private use of bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Tax Certificate.
4. Maintaining records for any contracts or arrangements involving the use of bond-financed or refinanced assets as described below under "Record Keeping Requirements".
5. Conferring at least annually with personnel responsible for maintaining and operating bond-financed or refinanced assets to identify and discuss any existing or planned use of such bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Tax Certificate.
6. To the extent that the County discovers that any applicable tax restrictions regarding use of the bond proceeds and bond-financed or refinanced assets will or may be violated, consulting promptly with bond counsel and other legal advisors to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

D. Record Keeping Requirement

The County shall be responsible for maintaining the following documents for the term of the issuance of bonds (including refunding bonds, if any) plus at least three years.

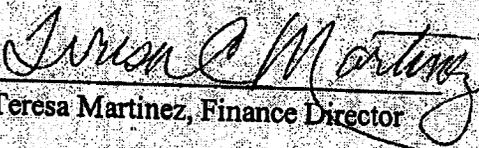
1. A copy of the bond closing transcript(s) and other relevant documentation delivered to the County in connection with closing of the issuance of bonds, including any elections made by the County in connection therewith.
2. A copy of all material documents relating to capital expenditures financed or refinanced by bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, requisitions and payment records, draw requests for bond proceeds and evidence as to the amount and date for each draw down of bond proceeds, as well as documents relating to costs paid or reimbursed

with bond proceeds and records identifying the asset or portion of assets that are financed or refinanced with bond proceeds, including a final allocation of bond proceeds.

3. A copy of all contracts and written arrangements involving the use of bond-financed or refinanced assets.
4. A copy of all records of investments, investment agreements, arbitrage reports and underlying documents in connection with any investment agreements, and copies of all bidding documents, if any, including Paying Agent account statements, bank statements for reserve funds, etc.

IMPLEMENTED THIS 1st day of June, 2013

SANTA FE COUNTY, NEW MEXICO


Teresa Martinez, Finance Director

Attachment A
Attachment B

Rebate Report Review Form
Responsibility Matrix Form

SFC CLERK RECORDED 02/14/2019

ATTACHMENT A
REBATE REPORT REVIEW FORM

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SANTA FE COUNTY

TAX-EXEMPT BONDS

COMPLIANCE WITH IRS SECTION 148

Arbitrage, Yield Restriction and Rebate Requirements

Santa Fe County retains the services of an arbitrage and rebate consultant, _____ (the "Rebate Consultant"), to provide all necessary calculations and services relating to the arbitrage and /or rebate penalty election requirements contained in the IRS Code, Section 148, and any related regulations promulgated by the County Finance Department.

On an annual basis:

1. The County provides all relevant bond and related project information to the Rebate Consultant for its use as defined in the professional services agreement.
2. The Rebate Consultant reviews all bond issues with outstanding project funds for arbitrage, yield restrictions and rebate requirements, and provides the required reports and directions to the County to comply with IRS Section 148.
3. The County reviews the Rebate Consultant's reports and verifies the results, and acts on any directions from the Rebate Consultant regarding amounts to be rebated back to the U.S. Treasury.
4. The County completes the attached form for each report submitted on each bond issue to verify its review and compliance.

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SANTA FE COUNTY
TAX-EXEMPT BONDS
COMPLIANCE WITH IRS SECTION 148
Arbitrage, Yield Restriction and Rebate Requirements

The County has reviewed and agrees with the attached arbitrage rebate report and has taken all necessary action to comply with IRS Section 148.

- Annual Report dated _____ for Bond Issue: _____
Further reports will be required on this bond issue.
- Final Report dated _____ for Bond Issue: _____
No further reports are required on this bond issue.
- Rebate to IRS Required and Submitted:
 - IRS Form
 - Check
- No Rebate to IRS Required

Signature

Date

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ATTACHMENT B
RESPONSIBILITY MATRIX FORM

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Frequency	Task/Responsible	Bond Counsel	Financial Advisor	Arbitrage Consult.	County Clerk	Finance Director	Asst. Fin. Director	Purchasing Officer	PW Director	Accnting	Treasurer
By bond	Closing documents	x	x								
By bond	Tax Certificate	x									
By bond	Form 8038G	x									
By bond	Final Transcript preparation	x									
By bond	Final Transcript copies received				x	x		x			
	ARBITRAGE REBATE CALCULATIONS:										
4yrs	Retain arbitrage consulting firm					x		x			
By report	Payment of Arbitrage Consultant					x		x			
Annually	Provision of bond/project info to consultant					x					
Annually	Annual Arbitrage reports per bond issue			x		x					
Anl/by bond	Review/Acceptance of annual arbitrage reports by bond issue					x		x			
As needed	Preparation of form 8038T as needed			x							
By report	Completion of County arbitrage form			x		x					
As needed	Filing of form 8038T/Check			x		x					
	BOND PROCEEDS:										
Clsg. mnthly	Investment of proceeds (commingled)					x	x				
Monthly	Regular reports of investment of proceeds					x					
Annual	Annual Expenditure of bond proceeds - Excel file to Arb Consult.					x				x	x
Annual	Monitor records of assets financed/refinanced w/ bond proceeds									x	
Anl/by bond	Review of expenditures w/ Arb. Consult.					x	x				
Anl/by bond	Annual review of planned asset use for Tax Cert. compliance	x				x	x		x		
By bond	Report of final allocation of bond proceeds	x				x	x		x		
Annual	Annual review for tax restriction violations	x				x				x	
Monthly	Review of bond reserve accounts/statements					x	x				
	RECORDS RETENTION: (Bond Term + 3 yrs)										
Term+3	Transcript/bond records				x	x					
Term+3	Arbitrage reports/underlying documents					x					
Term+3	All bidding documents for consultants										
Term+3	Investment and reports							x	x		
Term+3	Bond Project records - construction contracts, purchase orders, payment records, asset identification records, etc.					x			x	x	x
Term+3	Report of final allocation of bond proceeds					x				x	
	OTHER:										
Annual	Annual meeting of parties to review each bond - collection of responsibility by bond reports from staff for bond file	x				x	x		x		x

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**Santa Fe County Fund Balance, Reserve, and Budget
Contingencies Policy
Adopted January 8, 2019**

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I. Overview

Fund Balance is the accumulated difference between assets and liabilities within governmental funds. A sufficient Fund Balance allows the County to meet its contractual obligations, provide funds for new and existing programs established by the Board, mitigate negative revenue implications of federal or state budget actions and economic downturns, fund disaster or emergency costs, provide funds for cash flow timing discrepancies, and fund non-recurring expenses identified as necessary by the Board. Establishing Reserve requirements will help the County manage the financial impact of major, nonrecurring or unforeseen expenditures on the County's annual operating budget. Additionally, this policy will establish requirements for replenishing Reserves if their depletion is authorized.

Governmental Accounting Standards Board ("GASB") Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, recommends that local governments establish a formal policy relating to the accounting and financial reporting of governmental Fund Balances. This policy defines the level of unrestricted Fund Balance that Santa Fe County shall strive to maintain for all government funds that support operations. This policy is intended to maintain the County's credit rating and a prudent level of unrestricted Fund Balance as Reserves to ensure the continued delivery of County services.

II. Applicability and Administration

This policy shall apply to all funds that support recurring operational expenditures, including the General Fund, some Special Revenue Funds, Internal Service Funds and Enterprise Funds. The Reserve and other requirements established in this policy are in addition to any Fund Balance requirements or constraints imposed by law, contract, or other sources outside this policy. This policy does apply to Debt Service Funds, the reserve requirements of which are set forth in State law and bond documents.

This policy shall be administered on behalf of the Board by the County Manager, the Finance Director, and the Budget Administrator. By this policy, the Board delegates the authority to assign Fund Balance to the Finance Director with oversight and approval by the County Manager.

III. Definitions

A. Board: The Board of County Commissioners of Santa Fe County.

B. Governmental Funds: Governmental funds are often referred to as "source and use" funds. These are the funds through which most governmental functions typically are financed. The fund types included in this category are general, special revenue, capital projects, debt service, and special assessment funds.

C. General Fund: Fund used to account for the operations of Elected Offices and County Departments that deliver ongoing services to County residents.



D. Special Revenue Funds: Funds used to account for revenue derived from specific taxes or other revenue sources that are restricted by law or administrative action to expenditure for specified purposes.

E. Capital Improvement Funds: Funds used to account for state appropriations, capital outlay gross receipt taxes and bond proceeds for road, fire, water and waste water, open space, facilities, and other capital projects.

F. Debt Service Funds: Funds used to account for all principal and interest payments on the County's debt.

G. Designee(s): Person authorized by the Board of County Commissioners to perform the responsibilities as outlined under this policy.

H. Enterprise Funds: Funds used to account for the financing, operation and maintenance of activities expected to be self-supporting within County government and that are exempt from GASB Statement No. 54.

I. Internal Service Funds: Funds used to account for activities that provide goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis.

J. Fund Balance: The difference between the assets and liabilities of a fund. It is used as a measure of the amount available to budget or spend in the future.

K. Fund Balance Classifications:

1. **Nonspendable Fund Balance:** Amounts that are not in a spendable form, cannot be spent, or are required by legal or other contractual reasons to be maintained intact.
2. **Restricted Fund Balance:** Amounts that are constrained by external providers, creditors, grantors and other governments, constitutionally, or through legislation.
3. **Unrestricted Fund Balance:** The total of Committed, Assigned, and Unassigned Fund Balance.
4. **Committed Fund Balance:** Fund Balance that has been designated as spendable and non-restricted by resolution or ordinance adopted by the Board. Committed amounts remain committed unless removed by resolution or ordinance adopted by the Board.
5. **Assigned Fund Balance:** Fund Balance that is the portion of the Committed Fund Balance that reflects the County's intended use of resources, as determined by the Finance Director.

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6. **Unassigned Fund Balance:** Fund Balance that does not fall within another Fund Balance classification. Only the General Fund can have a positive unassigned Fund Balance.

L. Unanticipated Expenditure: An expenditure for a specific purpose for which there is no or insufficient appropriation or which will cause an appropriation to be insufficient, and that is necessitated by either a change in federal or state laws, rules or regulations, a court order, judgment or decree, a public emergency, an industry-wide price, rate or premium increase, or any other circumstance or event that takes effect or occurs after the final adoption of the annual budget, and that could not have been reasonably anticipated prior to the final adoption of the annual budget.

M. Unanticipated Revenue Loss: Estimated revenue which is rendered not receivable because of a change in federal or state laws, rules or regulations, a court order, judgment or decree, a public emergency, an industry-wide price, rate or premium increase, or other circumstance or event that takes effect or occurs after the final adoption of the annual budget, and could not have been reasonably anticipated prior to final adoption of the annual budget.

N. Non-Recurring Item: An expenditure that has not occurred in the previous two years and is not expected to occur in the following year.

O. Reserve: That portion of the Unrestricted Fund Balance within a fund that is established and recognized in accordance with this policy, so as to provide stability, respond to Unanticipated Expenditures or opportunities, and other purposes.

IV. Policy

A. Establishing Reserve Levels:

In establishing the Reserve level for each fund, the Board has considered and will, in the future consider, the following factors:

1. The predictability and volatility of revenues and expenditures (e.g. higher Reserve levels may be necessary if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile);
2. Exposure to significant one-time costs (e.g., disasters and immediate capital needs);
3. Possible dependency of other funds upon the General Fund (e.g., deficits in other funds may require that a higher level of Unrestricted Fund Balance be maintained in the General Fund);
4. The need to provide temporary resources to preserve operating expenditures in the event of an economic downturn.
5. Planned/unplanned capital asset purchases;



6. Accumulation of compensated absences;
7. Contingent liabilities (e.g., lawsuits and environmental cleanups);
8. Potential revenue reductions; and
9. Significant growth (in the next three to five years).

B. Minimum Reserves: These Reserve requirements are in addition to any Fund Balance requirements or constraints imposed by law, contract, or other sources outside this policy.

1. General Fund - The following Reserves within the General Fund shall be maintained, except as otherwise determined by the Board:
 - a. *Contingency Reserve*: Equal to 10% of the total General Fund operating budget for the succeeding fiscal year, including transfers. The purpose of the Contingency Reserve is to mitigate the impact of an Unanticipated Revenue Loss or to meet the need for an Unexpected Expenditure of such severity that budgeted contingencies are not sufficient.
 - b. *Disaster Recovery Reserve*: Equal to 10% - 15% of Unrestricted Fund Balance in the General Fund as of the most recently released County Comprehensive Annual Financial Report (CAFR). The purpose of the Disaster Recovery Reserve is to respond to natural or human caused disasters and emergencies of such severity that budgeted contingencies are not sufficient.
 - c. *Uninsured Loss Reserve*: Equal to 5% - 10% of Unrestricted Fund Balance in the General Fund as of the most recently released County CAFR. The purpose of the Uninsured Loss Reserve is to cover losses not covered by the County's general liability and other insurance policies.
 - d. *Major Infrastructure Repair and Replacement Reserve*: Equal to 10% - 15% of Unrestricted Fund Balance in the General Fund as of the most recently released County CAFR. The purpose of Major Infrastructure Repair and Replacement Reserve is to provide resources for unanticipated repair or replacement of existing infrastructure, including, but not limited to, furniture, fixtures and equipment.
2. Special Revenue Funds - The County shall maintain a minimum Reserve of 25% in its Corrections Operations Fund, Fire Operations Fund, and Emergency Communications Operations Fund. In any other special revenue fund that supports staff and/or ongoing operations, the County shall maintain a minimum Reserve of 10% of the current fiscal year's operating budget for that fund. This requirement will not apply to grants or other funds supported by non-recurring sources.
2. Enterprise Funds - At the time of adoption of this policy, there are three Enterprise Funds: (i) the Regional Planning Authority Fund; (ii) the Enterprise Water Fund; and (iii) the Enterprise Housing Administration fund. For the Enterprise Water Fund, the County shall maintain a minimum Reserve of 50% of the current fiscal

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year's operating budget. All other enterprise funds shall maintain a minimum Reserve of 10% of the current fiscal year's operating budget for that fund or that amount required to comply with any restriction or requirement mandated by a major funding source, e.g., the United States Department of Housing & Urban Development.

4. Internal Service Funds – At the time of adoption of this policy, there is one Internal Service Fund, the Self-Insurance Fund. In the Self-Insurance Fund, the County shall maintain the following minimum Reserve as a percentage of each fiscal year's Self-Insurance Fund operating budget (e.g., all costs including claims and administrative costs):

For Fiscal Year 2019 - 2023 : 20% - 35%+;

For Fiscal Years 2024 - 2028: 35% - 45%+;

For Fiscal Years 2029 and beyond: 45%+; and

Should there be a fiscal year when the Self-Insurance Fund reserves are depleted below these established Reserve levels due to an adverse experience and/or high claims, the Reserve shall be replenished over a period of up to three (3) fiscal years.

C. Order of Resource Use:

1. When expenditures are to be made for purposes for which both restricted and unrestricted amounts are available, restricted amounts will be reduced to zero first.
2. When expenditures are to be made for purposes for which amounts in any of the spendable fund balance classifications could be used, committed amounts will be reduced to zero first, assigned amounts will be reduced to zero second, and then unassigned amounts shall be expended.

- D. Budget Contingencies:** Each of the budget contingencies described herein shall be established each year in coordination with the County's annual budget process. For example, in June of each year, at the time the County's final budget is adopted, the budget contingencies will be established based on the upcoming fiscal year's operating budget and the preceding fiscal year's Unrestricted Fund Balances contained in the CAFR. If the County Manager authorizes expenditures from the budget contingency between Board meetings, the County Manager shall report the expenditures and the justification for them at the next Board meeting.

1. Operating Contingency. The County shall include a minimum \$750,000 Operating Contingency in each year's operating budget. The Operating Contingency may be used to meet Unexpected Expenditures.
2. Emergency Contingency. The County shall include a minimum \$3.0 million Emergency Contingency in each year's operating budget to be used in the event of emergencies, such as wildfire, drought, flooding, extreme snow events, and severe economic circumstances.

F. Committing Fund Balance:



The Board may set aside funds for a specific purpose. Funds shall be set aside as a Committed Fund Balance by passage of a resolution or ordinance. The Board must pass all Committed Fund Balance resolutions prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not known by June 30th, the resolution must set forth the process or formula to be used to calculate the actual amount as soon as information is available. The County Manager shall complete the process as outlined in the reserve commitment resolution without further action by the Board.

G. Assigning Fund Balance:

Any fund balance may be assigned by the Finance Director with oversight by the County Manager. Such assignments cannot exceed the available Fund Balance (e.g., spendable, non-restricted, and uncommitted) in any particular fund.

H. Use of Reserves:

If an event or occurrence takes place that necessitates the use of a Reserve established in this policy, the following process shall be followed:

1. The Board shall take formal action at a regularly scheduled, special, or emergency meeting of the Board to budget and authorize the use of a Reserve.
2. The event or occurrence that necessitates the use of a Reserve and must fall within one of the defined uses of the Reserve.
3. A justification of need and an analysis of existing budget as it pertains to such need to use the Reserve must be presented.
4. A plan with timelines to replenish the full amount withdrawn from the Reserve must be presented.

V. Implementation and Review

Upon adoption of this policy, the Board delegates to the County Manager and Finance Director the authority to establish any standards, procedures, and timelines which may be necessary for its implementation. The Finance Division shall review this policy at least annually and make any recommendations for changes to the Board.

VI. Miscellaneous

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the County, its officers, employees, or agents, or any other person.

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Nothing in this policy precludes the Board from establishing additional or more stringent Fund Balance, Reserve, or budget contingency requirements in the County's budget or through other appropriate Board action.

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Santa Fe County, New Mexico

GRT Overview and Bond Sale Update

1/8/2019

STRICTLY PRIVATE AND CONFIDENTIAL

RECORDED 02/14/2019



RBC Capital Markets

2.2.11E

Summary of Gross Receipts Tax Bonds Currently Outstanding

Issue	Bond Type	Amount Outstanding	Callable Amount Outstanding	Call Date	Coupons	Final Maturity
Series 1997	GRT*	15,285,000	-	Non-Callable	5.000% - 6.000%	2027
Series 1997A	GRT*	2,875,000	-	Non-Callable	5.000% - 6.000%	2027
Series 2016	GRT*	29,745,000	18,260,000	06/01/2025	2.000% - 5.000%	2035
Series 2019**	GRT*	30,000,000	20,235,000	06/01/2027	2.000% - 5.000%	2039
Total County GRT Bonds*		\$ 77,905,000	\$ 38,495,000			

* County GRT pledged includes 1st 1/8th, 3rd 1/8th and 1/16th County GRT increments and 1/8th Hold Harmless GRT

** Numbers are preliminary and subject to change

Imposed vs. Authorized – Santa Fe County

Type of Tax & Purpose	Total Taxing Authority	Percentage Imposed	FY 18 Revenue ⁽¹⁾	Unused Authority	Potential Add'l Revenue ⁽²⁾
County GRT ⁽³⁾	0.3750%	0.3750%	\$ 15,696,629	0.0000%	\$ -
County 1/16th GRT ⁽³⁾	0.0625%	0.0625%	2,616,105	0.0000%	-
County 1/12th GRT ⁽³⁾	0.0833%	0.0000%	-	0.0833%	3,227,359
County Infrastructure GRT ⁽⁴⁾	0.1250%	0.1250%	729,732	0.0000%	-
County Capital Outlay GRT ⁽³⁾	0.2500%	0.2500%	10,463,871	0.0000%	-
County Emergency Comm. & Medical GRT ⁽³⁾	0.2500%	0.2500%	9,675,579	0.0000%	-
County Healthcare GRT ⁽³⁾	0.1250%	0.0625%	2,615,617	0.0625%	2,421,487
County Jail Facility GRT ⁽³⁾	0.1250%	0.1250%	5,231,235	0.0000%	-
County Environmental Services GRT ⁽⁴⁾	0.1250%	0.1250%	729,732	0.0000%	-
County Fire Protection GRT ⁽⁴⁾	0.2500%	0.2500%	1,455,290	0.0000%	-
County Regional Transit GRT ⁽³⁾	0.1250%	0.1250%	4,829,548	0.0000%	-
County Hold Harmless GRT ⁽³⁾	0.8750%	0.2500%	6,227,983	0.6250%	15,569,956.93
Total Local Option GRT	2.7708%	2.0000%	\$60,271,321	0.7708%	\$21,218,803

- 1) As reported by New Mexico Taxation and Revenue department, annualized and includes certain State hold harmless distributions with the exception of County Emergency Comm. & Medical GRT and County Regional Transit GRT which were imposed after July 1, 2005 and are not subject to hold harmless distributions.
- 2) Based upon monthly gross receipts tax distributions as reported by New Mexico Taxation and Revenue department and excludes certain State hold harmless distributions.
- 3) Gross receipts tax imposed county-wide
- 4) Gross receipts tax imposed only in the unincorporated area of the county
- 5) Requires legislative authorization prior to imposition

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Historical Gross Receipts Tax Distributions FY17

Fiscal Year - 2017	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
County Share GRT	\$ 1,280,903	\$ 1,524,491	\$ 1,359,316	\$ 1,404,939	\$ 1,410,095	\$ 1,345,631	\$ 1,271,175	\$ 1,526,709	\$ 1,192,993	\$ 1,116,667	\$ 1,346,076	\$ 1,265,018	\$ 16,044,012
County Share GRT (Food)	114,476	115,501	120,029	114,028	222,089	(9,216)	110,480	129,810	103,292	91,931	86,558	88,986	1,287,963
County Share GRT (Medical)	27,640	31,171	23,855	32,339	66,401	(21,857)	25,088	27,622	22,388	22,651	24,759	23,143	305,200
Total County Share GRT	\$ 1,423,019	\$ 1,671,164	\$ 1,503,199	\$ 1,551,306	\$ 1,698,585	\$ 1,314,558	\$ 1,406,743	\$ 1,684,141	\$ 1,318,673	\$ 1,231,249	\$ 1,457,393	\$ 1,377,147	\$ 17,637,175
County Regional Transit GRT	\$ 364,845	\$ 432,802	\$ 386,389	\$ 399,955	\$ 400,606	\$ 383,221	\$ 362,157	\$ 434,403	\$ 339,947	\$ 318,343	\$ 383,616	\$ 361,016	\$ 4,567,299
Total County Regional Transit GRT	\$ 364,845	\$ 432,802	\$ 386,389	\$ 399,955	\$ 400,606	\$ 383,221	\$ 362,157	\$ 434,403	\$ 339,947	\$ 318,343	\$ 383,616	\$ 361,016	\$ 4,567,299
County Capital Outlay GRT	\$ 732,123	\$ 871,111	\$ 776,758	\$ 802,828	\$ 805,537	\$ 768,893	\$ 726,405	\$ 872,064	\$ 681,572	\$ 638,230	\$ 769,127	\$ 722,791	\$ 9,167,440
County Capital Outlay GRT (Food)	65,415	66,000	71,434	67,357	130,084	(8,600)	61,445	74,177	59,024	52,532	49,462	50,849	739,178
County Capital Outlay GRT (Medical)	15,794	17,812	13,631	18,480	38,225	(12,771)	14,336	15,784	12,793	12,944	14,148	13,224	174,400
Total County Capital Outlay GRT	\$ 813,333	\$ 954,924	\$ 861,823	\$ 888,665	\$ 973,845	\$ 747,521	\$ 802,186	\$ 962,025	\$ 753,389	\$ 703,705	\$ 832,737	\$ 786,865	\$ 10,081,018
County Emer & Med Serv	\$ 731,742	\$ 869,798	\$ 774,927	\$ 801,681	\$ 803,509	\$ 767,843	\$ 725,330	\$ 870,753	\$ 680,763	\$ 637,804	\$ 768,536	\$ 721,950	\$ 9,154,633
Total County Emer & Med Serv	\$ 731,742	\$ 869,798	\$ 774,927	\$ 801,681	\$ 803,509	\$ 767,843	\$ 725,330	\$ 870,753	\$ 680,763	\$ 637,804	\$ 768,536	\$ 721,950	\$ 9,154,633
Fire Protection Fund	\$ 98,418	\$ 122,387	\$ 107,698	\$ 109,928	\$ 115,221	\$ 99,163	\$ 97,401	\$ 133,966	\$ 104,764	\$ 95,560	\$ 116,540	\$ 105,046	\$ 1,306,091
Fire Protection Fund (Food)	1,535	1,653	2,866	2,217	3,693	(509)	1,989	3,580	2,316	2,408	2,671	2,868	27,287
Fire Protection Fund (Medical)	536	1,273	983	521	886	77	495	925	498	340	428	346	7,310
Total Fire Protection Fund	\$ 100,489	\$ 125,313	\$ 111,547	\$ 112,666	\$ 119,800	\$ 98,732	\$ 99,885	\$ 138,471	\$ 107,578	\$ 98,309	\$ 119,639	\$ 108,260	\$ 1,340,688
County Infrastructure	\$ 49,825	\$ 62,438	\$ 54,492	\$ 55,214	\$ 58,878	\$ 49,256	\$ 49,065	\$ 67,352	\$ 53,076	\$ 48,050	\$ 58,450	\$ 53,272	\$ 659,369
County Infrastructure (Food)	767	826	1,433	1,109	1,847	(254)	995	1,790	1,158	1,204	1,336	1,434	13,644
County Infrastructure (Medical)	268	637	492	260	443	39	247	463	249	170	214	173	3,655
Total County Infrastructure	\$ 50,861	\$ 63,901	\$ 56,416	\$ 56,583	\$ 61,167	\$ 49,040	\$ 50,307	\$ 69,604	\$ 54,484	\$ 49,425	\$ 60,000	\$ 54,879	\$ 676,667
County Hold Harmless GRT	\$ 357,361	\$ 424,684	\$ 381,418	\$ 396,435	\$ 394,107	\$ 377,961	\$ 357,778	\$ 423,511	\$ 334,083	\$ 314,228	\$ 380,602	\$ 357,376	\$ 4,499,544
Total County Hold Harmless GRT	\$ 357,361	\$ 424,684	\$ 381,418	\$ 396,435	\$ 394,107	\$ 377,961	\$ 357,778	\$ 423,511	\$ 334,083	\$ 314,228	\$ 380,602	\$ 357,376	\$ 4,499,544
County Environmental	\$ 49,825	\$ 62,438	\$ 54,492	\$ 55,214	\$ 58,878	\$ 49,256	\$ 49,065	\$ 67,352	\$ 53,076	\$ 48,050	\$ 58,450	\$ 53,281	\$ 659,377
County Environmental (Food)	767	826	1,433	1,109	1,847	(254)	995	1,790	1,158	1,204	1,336	1,434	13,644
County Environmental (Medical)	268	637	492	260	443	39	247	463	249	170	214	173	3,655
Total County Environmental	\$ 50,861	\$ 63,901	\$ 56,416	\$ 56,583	\$ 61,167	\$ 49,040	\$ 50,307	\$ 69,604	\$ 54,484	\$ 49,425	\$ 60,000	\$ 54,888	\$ 676,676
Cnty Correctional	\$ 366,085	\$ 435,481	\$ 388,297	\$ 401,328	\$ 402,222	\$ 384,623	\$ 363,164	\$ 436,005	\$ 340,764	\$ 319,137	\$ 384,547	\$ 361,365	\$ 4,583,019
Cnty Correctional (Food)	32,707	33,000	35,717	33,679	65,042	(4,300)	30,722	37,089	29,512	26,266	24,731	25,425	369,589
Cnty Correctional (Medical)	7,897	8,906	6,816	9,240	19,112	(6,385)	7,168	7,892	6,397	6,472	7,074	6,612	87,200
Total Cnty Correctional	\$ 406,690	\$ 477,387	\$ 430,830	\$ 444,246	\$ 486,376	\$ 373,936	\$ 401,055	\$ 480,986	\$ 376,672	\$ 351,875	\$ 416,352	\$ 393,401	\$ 5,039,808
Total All GRT Taxes	\$ 4,299,199	\$ 5,083,872	\$ 4,562,964	\$ 4,708,121	\$ 4,999,163	\$ 4,161,855	\$ 4,255,748	\$ 5,133,500	\$ 4,020,071	\$ 3,754,363	\$ 4,478,872	\$ 4,215,780	\$ 53,673,509
% Change from Prior Year	5.3%	13.7%	-3.4%	6.2%	11.2%	-3.5%	10.7%	7.7%	-0.9%	-14.4%	-0.2%	1.5%	2.8%
Cumulative % Change from Prior Year	5.3%	9.6%	5.0%	5.3%	6.5%	4.9%	5.6%	5.9%	5.2%	3.2%	2.9%	2.8%	

Historical Gross Receipts Tax Distributions FY18

Fiscal Year - 2018	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Total
County Share GRT	\$ 1,341,120	\$ 1,544,338	\$ 1,467,097	\$ 1,435,325	\$ 1,461,596	\$ 1,425,326	\$ 1,407,606	\$ 1,556,445	\$ 1,257,846	\$ 1,221,012	\$ 1,481,750	\$ 1,354,363	\$ 16,953,825
County Share GRT (Food)	90,922	91,070	89,353	89,334	84,667	83,280	81,608	117,272	83,998	77,792	87,588	102,319	1,079,203
County Share GRT (Medical)	25,641	28,161	21,733	23,673	23,194	25,220	23,344	22,637	22,624	19,318	23,096	21,065	279,706
Total County Share GRT	\$ 1,457,683	\$ 1,663,569	\$ 1,578,183	\$ 1,548,332	\$ 1,569,457	\$ 1,533,826	\$ 1,512,558	\$ 1,696,354	\$ 1,364,468	\$ 1,318,122	\$ 1,592,434	\$ 1,477,746	\$ 18,312,734
County Regional Transit GRT	\$ 382,000	\$ 440,066	\$ 418,301	\$ 408,961	\$ 415,851	\$ 405,811	\$ 401,313	\$ 443,285	\$ 358,636	\$ 346,691	\$ 422,307	\$ 386,328	\$ 4,829,548
Total County Regional Transit GRT	\$ 382,000	\$ 440,066	\$ 418,301	\$ 408,961	\$ 415,851	\$ 405,811	\$ 401,313	\$ 443,285	\$ 358,636	\$ 346,691	\$ 422,307	\$ 386,328	\$ 4,829,548
County Capital Outlay GRT	\$ 766,291	\$ 882,451	\$ 838,307	\$ 820,172	\$ 834,966	\$ 814,246	\$ 804,359	\$ 889,375	\$ 718,760	\$ 697,782	\$ 846,710	\$ 773,931	\$ 9,687,451
County Capital Outlay GRT (Food)	51,955	52,040	51,059	51,048	48,381	47,589	46,633	67,013	47,999	44,452	50,050	58,468	614,888
County Capital Outlay GRT (Medical)	14,652	16,092	12,419	13,528	13,254	14,411	13,340	12,936	12,928	11,039	13,198	12,037	159,332
Total County Capital Outlay GRT	\$ 832,899	\$ 950,584	\$ 901,785	\$ 884,748	\$ 896,601	\$ 876,246	\$ 864,331	\$ 969,324	\$ 779,687	\$ 753,273	\$ 909,958	\$ 844,435	\$ 10,461,671
County Emer & Med Serv	\$ 765,582	\$ 881,315	\$ 837,474	\$ 819,608	\$ 833,778	\$ 813,123	\$ 803,508	\$ 888,145	\$ 717,956	\$ 696,057	\$ 845,624	\$ 773,406	\$ 9,675,579
Total County Emer & Med Serv	\$ 765,582	\$ 881,315	\$ 837,474	\$ 819,608	\$ 833,778	\$ 813,123	\$ 803,508	\$ 888,145	\$ 717,956	\$ 696,057	\$ 845,624	\$ 773,406	\$ 9,675,579
Fire Protection Fund	\$ 107,516	\$ 132,014	\$ 120,737	\$ 117,490	\$ 127,513	\$ 112,284	\$ 124,645	\$ 127,273	\$ 114,457	\$ 105,602	\$ 117,639	\$ 109,009	\$ 1,415,480
Fire Protection Fund (Food)	2,457	2,845	2,789	2,854	2,969	2,457	2,443	3,653	2,549	2,320	2,948	2,349	32,633
Fire Protection Fund (Medical)	534	959	657	560	335	464	479	412	494	759	453	371	7,677
Total Fire Protection Fund	\$ 110,506	\$ 135,818	\$ 124,183	\$ 120,903	\$ 130,816	\$ 115,205	\$ 127,568	\$ 131,338	\$ 117,500	\$ 108,682	\$ 121,040	\$ 111,730	\$ 1,455,890
County Infrastructure	\$ 54,995	\$ 67,896	\$ 61,147	\$ 59,570	\$ 63,971	\$ 56,601	\$ 62,686	\$ 64,043	\$ 51,638	\$ 53,745	\$ 59,191	\$ 54,694	\$ 710,177
County Infrastructure (Food)	1,228	1,422	1,394	1,427	1,484	1,228	1,222	1,826	1,275	1,160	1,474	1,175	16,316
County Infrastructure (Medical)	267	480	328	280	167	232	239	206	247	380	226	186	3,238
Total County Infrastructure	\$ 56,490	\$ 69,798	\$ 62,870	\$ 61,277	\$ 65,623	\$ 58,061	\$ 64,147	\$ 66,076	\$ 53,159	\$ 55,285	\$ 60,892	\$ 56,054	\$ 726,732
County Hold Harmless GRT	\$ 375,008	\$ 437,724	\$ 411,562	\$ 402,344	\$ 411,120	\$ 401,204	\$ 397,028	\$ 449,337	\$ 705,140	\$ 663,420	\$ 816,650	\$ 757,446	\$ 6,222,583
Total County Hold Harmless GRT	\$ 375,008	\$ 437,724	\$ 411,562	\$ 402,344	\$ 411,120	\$ 401,204	\$ 397,028	\$ 449,337	\$ 705,140	\$ 663,420	\$ 816,650	\$ 757,446	\$ 6,222,583
County Environmental	\$ 54,995	\$ 67,896	\$ 61,147	\$ 59,570	\$ 63,971	\$ 56,601	\$ 62,686	\$ 64,043	\$ 51,638	\$ 53,745	\$ 59,191	\$ 54,694	\$ 710,177
County Environmental (Food)	1,228	1,422	1,394	1,427	1,484	1,228	1,222	1,826	1,275	1,160	1,474	1,175	16,316
County Environmental (Medical)	267	480	328	280	167	232	239	206	247	380	226	186	3,238
Total County Environmental	\$ 56,490	\$ 69,798	\$ 62,870	\$ 61,277	\$ 65,623	\$ 58,061	\$ 64,147	\$ 66,076	\$ 53,159	\$ 55,285	\$ 60,892	\$ 56,054	\$ 726,732
Cnty Correctional	\$ 383,083	\$ 441,170	\$ 419,104	\$ 410,044	\$ 417,409	\$ 407,047	\$ 402,157	\$ 444,634	\$ 359,305	\$ 348,796	\$ 423,299	\$ 386,929	\$ 4,844,075
Cnty Correctional (Food)	25,978	26,020	25,529	25,524	24,190	23,794	23,317	33,506	24,000	22,226	25,025	29,234	309,144
Cnty Correctional (Medical)	7,326	8,046	6,210	6,764	6,627	7,206	6,670	6,468	6,464	5,519	6,599	6,019	79,116
Total Cnty Correctional	\$ 416,386	\$ 475,236	\$ 450,843	\$ 442,331	\$ 448,226	\$ 438,047	\$ 432,143	\$ 484,608	\$ 389,769	\$ 376,542	\$ 454,923	\$ 422,181	\$ 5,233,335
Total All GRT Taxes	\$ 4,453,045	\$ 5,123,908	\$ 4,848,072	\$ 4,749,782	\$ 4,837,095	\$ 4,699,584	\$ 4,666,744	\$ 5,194,542	\$ 4,539,475	\$ 4,373,357	\$ 5,284,719	\$ 4,895,381	\$ 57,655,704
% Change from Prior Year	3.6%	0.8%	6.2%	0.9%	-3.2%	12.9%	9.7%	1.2%	12.9%	16.5%	18.0%	15.9%	14%
Cumulative % Change from Prior Year	3.6%	2.1%	3.4%	2.8%	1.5%	3.2%	4.1%	3.7%	4.6%	5.6%	6.7%	7.4%	

PREPARED BY: RBC CAPITAL MARKETS
 DATE: 02/14/2019

Summary of Gross Receipts Tax Bonds Currently Outstanding & Coverage

Fiscal Year	Senior Lien Series 2016 Bonds	FY 2018 Pledged Revenues ⁽¹⁾	Coverage Ratio Senior Lien	Sub-Lien Series 1997	Junior Lien Series 1997A	Subordinate Lien Coverage Ratio	Junior Lien Coverage Ratio
2019	2,448,169	17,758,541	7.25	2,207,200	415,000	3.81	3.50
2020	2,448,069	17,688,119	7.23	2,205,000	414,550	3.80	3.49
2021	2,447,369	17,605,960	7.19	2,202,850	413,200	3.79	3.48
2022	2,446,069	17,523,801	7.16	2,200,450	415,800	3.77	3.46
2023	2,446,319	17,441,642	7.13	2,197,500	412,350	3.76	3.45
2024	2,447,569	17,359,483	7.09	2,193,700	412,850	3.74	3.43
2025	2,449,569	17,277,324	7.05	2,188,750	412,150	3.72	3.42
2026	2,447,069	17,195,165	7.03	2,187,200	410,250	3.71	3.41
2027	2,445,069	17,113,006	7.00	2,183,600	412,000	3.70	3.39
2028	2,448,319	17,030,847	6.96			6.96	6.96
2029	2,445,519	16,948,688	6.93			6.93	6.93
2030	2,446,919	16,866,529	6.89			6.89	6.89
2031	2,444,638	16,866,529	6.90			6.90	6.90
2032	2,448,563	16,866,529	6.89			6.89	6.89
2033	2,446,250	16,866,529	6.89			6.89	6.89
2034	397,813	16,866,529	42.40			42.40	42.40
2035	399,263	16,866,529	42.24			42.24	42.24
Total	\$ 37,502,550			\$ 19,766,250	\$ 3,718,150		

(1) County GRT pledged includes 1st 1/8th, 3rd 1/8th and 1/16th County GRT increments and 1/8th Hold Harmless GRT

Outstanding GRT Debt After Issuance of Series 2019 & Coverage

Fiscal Year	Senior Lien Series			Coverage Ratio Senior Lien	Sub-Lien Series 1997	Junior Lien Series 1997A	Subordinate Lien Coverage Ratio	Junior Lien Coverage Ratio
	Senior Lien Series 2016 Bonds	2019 Proposed Bonds*	FY 2018 Pledged Revenues ⁽¹⁾					
2019	2,448,169		17,758,541	7.25	2,207,200	415,000	3.81	3.50
2020	2,448,069	2,118,863	17,688,119	3.87	2,205,000	414,550	2.61	2.46
2021	2,447,369	2,117,873	17,605,960	3.86	2,202,850	413,200	2.60	2.45
2022	2,446,069	2,120,729	17,523,801	3.84	2,200,450	415,800	2.59	2.44
2023	2,446,319	2,116,809	17,441,642	3.82	2,197,500	412,350	2.58	2.43
2024	2,447,569	2,116,306	17,359,483	3.80	2,193,700	412,850	2.57	2.42
2025	2,449,569	2,119,178	17,277,324	3.78	2,188,750	412,150	2.56	2.41
2026	2,447,069	2,120,122	17,195,165	3.76	2,187,200	410,250	2.55	2.40
2027	2,445,069	2,118,950	17,113,006	3.75	2,183,600	412,000	2.54	2.39
2028	2,448,319	2,120,462	17,030,847	3.73			3.73	3.73
2029	2,445,519	2,119,442	16,948,688	3.71			3.71	3.71
2030	2,446,919	2,120,234	16,866,529	3.69			3.69	3.69
2031	2,444,638	2,117,565	16,866,529	3.70			3.70	3.70
2032	2,448,563	2,116,310	16,866,529	3.69			3.69	3.69
2033	2,446,250	2,116,642	16,866,529	3.70			3.70	3.70
2034	397,813	2,118,600	16,866,529	6.70			6.70	6.70
2035	399,263	2,116,732	16,866,529	6.70			6.70	6.70
2036		2,116,622	16,866,529	7.97			7.97	7.97
2037		2,118,008	16,866,529	7.96			7.96	7.96
2038		2,120,810	16,866,529	7.95			7.95	7.95
2039		2,119,764	16,866,529	7.96			7.96	7.96
Total	\$ 37,502,550	\$ 42,370,016			\$ 19,766,250	\$ 3,718,150		

(1) County GRT pledged includes 1st 1/8th, 3rd 1/8th and 1/16th County GRT increments and 1/8th Hold Harmless GRT

* NMFA Rates as of 12/17/2018 + 35 bps

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Bond Sale Time Schedule

Date	Action
January 8, 2019	BCC adopted Notice of Sale Resolution & Delegation of Authority
Week of January 28, 2019	Conference call with S&P
February 7, 2019	Post Preliminary Official Statement
February 14, 2019	Bond Sale
February 14, 2019	County Manager executes pricing certificate
March 13, 2019	Bond Closing

Municipal Market Update

SECTION II

ORDED 02/14/2019



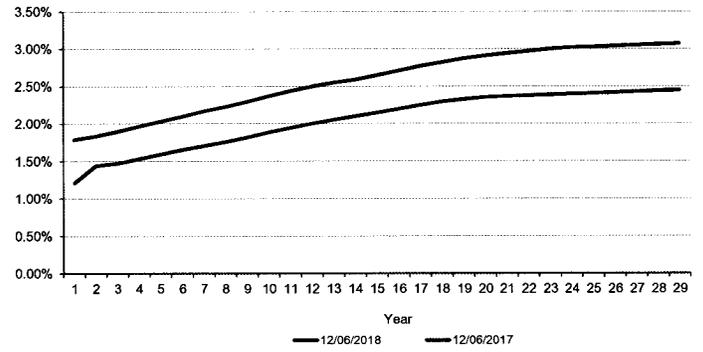
RBC Capital Markets

Long-Term Market

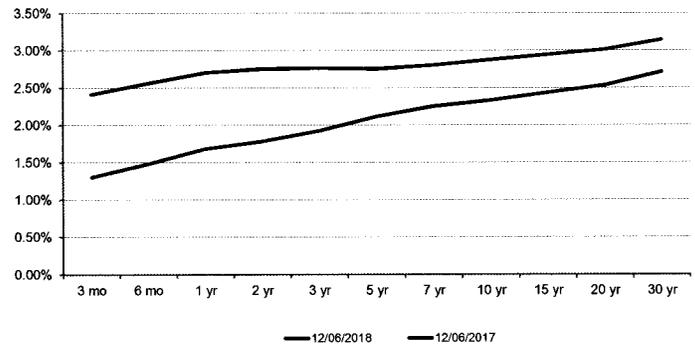
Market Overview

- Sizable equity price declines created a strong risk-off environment last week which significantly benefited fixed income securities. Treasuries rallied sharply off the investor uncertainty, pushing the 10yr Treasury yield well below the 3% threshold. Municipals also benefited from the fixed income rally despite a somewhat heavy calendar that was compressed into four days. By the week's close, US Treasuries were twelve basis points lower in the five year range, fourteen basis points lower in the ten year range and sixteen basis point lower in the thirty year range. The Municipal Market Data AAA yield closed the week nine basis points lower in the two year range, eleven basis points lower in the five year range, thirteen basis points lower in the ten year range and twelve basis points lower in the thirty year range. As a result, municipal/Treasury yield ratios closed within one percentage point of the prior week's reading across all maturity ranges.

Municipal GO "AAA" MMD Yield Curve Changes



U.S. Treasury Yield Curve Changes



Municipal Market Fund Flows

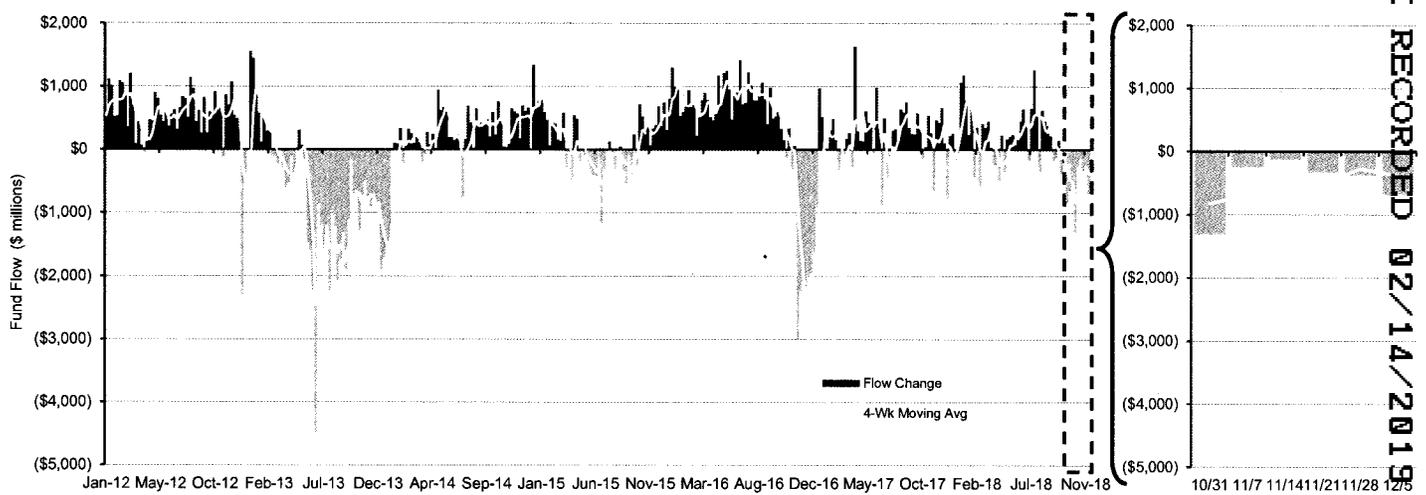
Municipal bond funds see outflows

According to data from Lipper, for the week ended December 5, 2018, weekly municipal bond funds reported \$692 million of outflows, after the previous week's \$379 million of outflows

- Long-term muni bond funds experienced outflows, losing \$516 million in the latest week, after outflows of \$316 million in the previous week
- Four week moving average is currently negative at -\$384 million, down from last week's number of -\$274 million

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Lipper Municipal Fund Flows

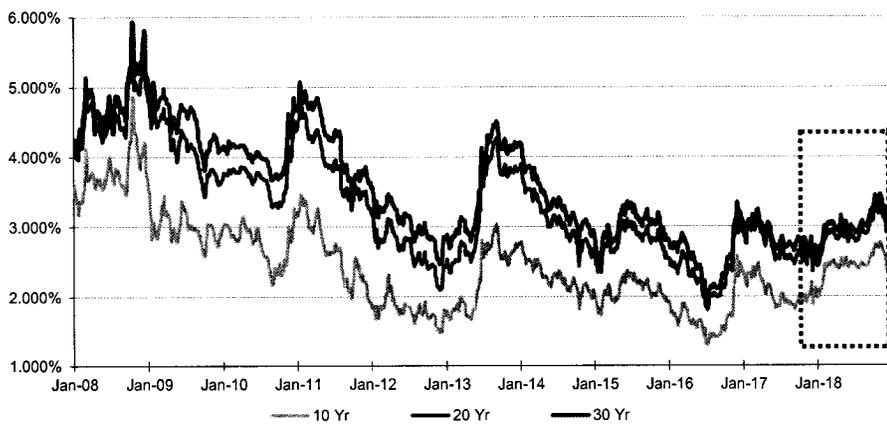


Period ended December 5, 2018

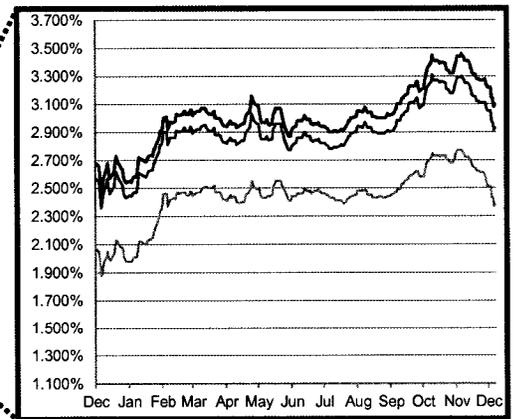
Current Municipal Market Conditions: "AAA" MMD

After closing at 3.22% the previous week, the 30-year "AAA" MMD decreased 12 bps from November 30 – December 7, closing at the current rate of 3.10%

"AAA" MMD January 1, 2008 to Present



Shift in "AAA" MMD Since December 2017



January 1, 2008 to Present

	10 Year	20 Year	30 Year
Maximum	4.860%	5.740%	5.940%
Minimum	1.290%	1.800%	1.930%
Current	2.380%	2.930%	3.100%

Shift in 30-year "AAA" MMD

	2011	2012	2013	2014	2015	2016	2017
Shift	-1.130%	-0.740%	1.330%	-1.340%	-0.010%	0.270%	-0.510%

December 1, 2017 to Present

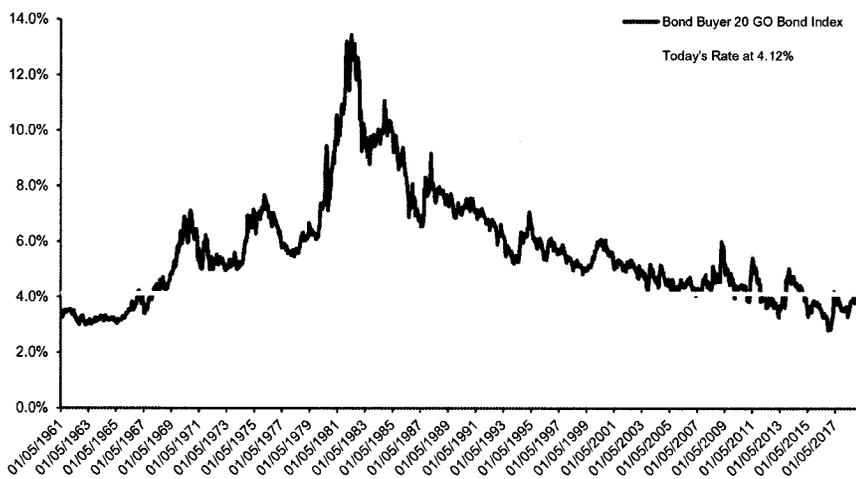
	10 Year	20 Year	30 Year
Maximum	2.770%	3.310%	3.460%
Minimum	1.880%	2.360%	2.460%
Average	2.440%	2.896%	3.018%

Source: TM3, Thomson Reuters
10, 20, and 30 year "AAA" MMD shown to represent different average lives of municipal transactions
Rates as of December 7, 2018

Bond Buyer 20 General Obligation Bond Index

57 Year Historical Perspective

Bond Buyer 20 GO Index since January 1961



% of Time in Each Range Since 1961

Yield Range	% of Time
Less than 3.50%	9.91%
3.50% - 4.00%	10.24%
4.01% - 4.50%	10.60%
4.51% - 5.00%	9.88%
5.01% - 5.50%	13.77%
5.51% - 6.00%	9.58%
6.01% - 6.50%	7.43%
6.51% - 7.00%	6.77%
7.01% - 7.50%	6.12%
7.51% - 8.00%	3.60%
Greater than 8.00%	10.24%
Total	98.14%

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Source: Bloomberg as of December 6, 2018
 Weekly yields and indexes released by the Bond Buyer. Updated every Thursday at approximately 6:00pm EST. 20 Bond General Obligation Yield with 20 year maturity, rated Aa2 by Moody's Arithmetic Average of 20 bonds' yield to maturity.

Today's 4.12% level is lower than 80.90% of historical rates since January 1961

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**SANTA FE COUNTY, NEW MEXICO
RESOLUTION NO. 2019-__**

A RESOLUTION

DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING, DESIGNING, ACQUIRING, AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; AND DIRECTING THE PUBLICATION OF A NOTICE OF MEETING, PUBLIC HEARING, AND INTENT TO CONSIDER AN ORDINANCE AUTHORIZING THE SERIES 2019 BONDS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY, AS REQUIRED BY SECTION 4-37-7 NMSA 1978

WHEREAS, Sections 4-62-1 through 4-62-10, NMSA 1978 (the "Act"), authorize New Mexico counties to issue gross receipts tax revenue bonds secured by gross receipts tax revenues; and

WHEREAS, Santa Fe County, New Mexico (the "County"), desires to consider for adoption an ordinance authorizing, in accordance with the Act, the issuance and sale of the Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019 (the "Series 2019 Bonds"), in an aggregate principal amount not to exceed \$30,000,000 to provide funds to (1) plan, design, acquire, construct, renovate, rehabilitate, equip and furnish an administration complex and related facilities, (2) plan design, survey and construct roads pursuant to a settlement agreement with the Pueblo de San Ildefonso, (3) plan, design, acquire, and construct improvements to public facilities necessary to comply with the Americans With Disabilities Act of 1990 countywide, and (4) to pay costs of issuance of the Bonds; and

WHEREAS, Section 4-37-7 NMSA 1978 requires that, prior to an ordinance being submitted to the Board of County Commissioners of the County (the "Board") for final

SFC CLERK RECORDED 02/14/2019

2.0.111

passage, a majority of the members of the Board must direct "that the title and a general summary of the subject matter of the proposed ordinances be published one time in a newspaper of general circulation within the county at least two weeks prior to the meeting of the [B]oard at which the ordinance is proposed for final passage"; and

WHEREAS, a form of the Notice of Meeting, Public Hearing, and Intent to Adopt an Ordinance authorizing the issuance and sale of the Bonds is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD as follows:

Section 1. All action (not inconsistent with the provisions hereof) heretofore taken by the Board and the officers of the County directed toward the authorization, issuance, and sale of the Series 2019 Bonds for the above-stated purposes be, and the same is hereby ratified, approved and confirmed, including, without limitation, the publication, in accordance with Section 4-37-7 NMSA 1978, as amended, in the *Santa Fe New Mexican* or other newspaper of general circulation within the County, a title and general summary of the subject matter of the ordinance relating to and authorizing issuance and sale of the Series 2019 Bonds as specified in Section 3 of this Resolution.

Section 2. The Series 2019 Bonds shall be special, limited obligations of the County to pay principal in an amount not to exceed \$30,000,000 plus interest thereon.

Section 3. A Notice of Meeting, Public Hearing, and Intent to Adopt An Ordinance, in substantially the form attached to this Resolution as Exhibit "A", with such revisions as may be approved by the County Attorney in consultation with the County's bond counsel and the County's financial advisor, shall be published in a newspaper of general circulation within the County at least two weeks before the meeting at which the Board takes final action on the ordinance authorizing issuance and sale of the Series 2019 Bonds.

Section 4. The County Attorney and the County's bond counsel are hereby authorized and directed to draft and approve the form of the proposed ordinance, which, pursuant to Section 4-37-7(B) NMSA 1978, shall be made available to interested persons during normal and regular business hours of the County Clerk upon request and payment of reasonable charge, beginning with the date of publication and continuing to the date of consideration by the county's elected commission.

Section 5. All prior resolutions inconsistent with the provisions of this resolution are hereby repealed, but only to the extent of such inconsistency.

(signature page follows)

PASSED, APPROVED, AND ADOPTED this 8th day of January, 2019.

SANTA FE COUNTY, NEW MEXICO

By: _____,
_____, Chair
Board of County Commissioners

[SEAL]

ATTEST:

By: _____
Geraldine Salazar, Clerk

APPROVED AS TO FORM:

By: _____
R. Bruce Frederick, County Attorney

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EXHIBIT "A"

**FORM OF NOTICE OF MEETING, PUBLIC HEARING,
AND INTENT TO ADOPT BOND ORDINANCE
FOR PUBLICATION**

Santa Fe County, New Mexico
Notice of Meeting, Public Hearing, and Intent to Adopt Bond Ordinance

Notice is hereby given of the title and general subject matter contained in an ordinance that the Board of County Commissioners (the "BCC") of Santa Fe County, New Mexico (the "County"), the governing body of the County, intends to adopt at a regular meeting on January 29, 2019, at the hour of 2:00 p.m. in the Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, relating to the authorization, issuance, and sale by the County of its Santa Fe County, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2019.

The title of the proposed Ordinance is:

SANTA FE COUNTY, NEW MEXICO
ORDINANCE NO. 2019-___

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR PURPOSES OF FINANCING COSTS OF (1) PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING AND FURNISHING A COUNTY ADMINISTRATION COMPLEX AND RELATED FACILITIES; (2) PLANNING, DESIGNING, SURVEYING AND CONSTRUCTING ROADS PURSUANT TO A SETTLEMENT AGREEMENT WITH THE PUEBLO DE SAN ILDEFONSO; (3) PLANNING DESIGNING, ACQUIRING AND CONSTRUCTING CAPITAL IMPROVEMENTS NECESSARY TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT COUNTYWIDE; AND (4) PAYING COSTS OF ISSUANCE OF THE BONDS; DELEGATING AUTHORITY TO THE COUNTY MANAGER TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT AND PRICING CERTIFICATE WHICH WILL SPECIFY THE EXACT PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE SERIES 2019 BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE SERIES 2019 BONDS;

PROVIDING THAT THE SERIES 2019 BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE SERIES 2019 BONDS FROM THE DISTRIBUTIONS TO THE COUNTY OF THE REVENUES OF THE FIRST ONE-EIGHTH INCREMENT, THE THIRD ONE-EIGHTH INCREMENT, AND THE ONE-SIXTEENTH INCREMENT OF THE COUNTY GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-9 NMSA 1978, AND THE ONE-EIGHTH INCREMENT OF COUNTY HOLD HARMLESS GROSS RECEIPTS TAX ENACTED PURSUANT TO SECTION 7-20E-28 NMSA 1978, WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Public Hearing. All interested parties will be heard at the public hearing prior to the BCC taking action. Written comments, questions, and objections regarding the proposed ordinance may also be submitted to the Santa Fe County Attorney's Office, addressed to P.O. Box 276 Santa Fe NM 87504-0276, or presented in person at the hearing. Written comments submitted in advance of the hearing must be received in the Santa Fe County Attorney's Office before January 22, 2019, to be considered.

Possible BCC Action on January 29, 2019. After the public hearing on January 29, 2019, the BCC may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance until a future meeting of the BCC. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the January 29, 2019, public hearing where recessing or postponement might be announced should thus inquire of the County as to whether the BCC took action to recess or postpone.

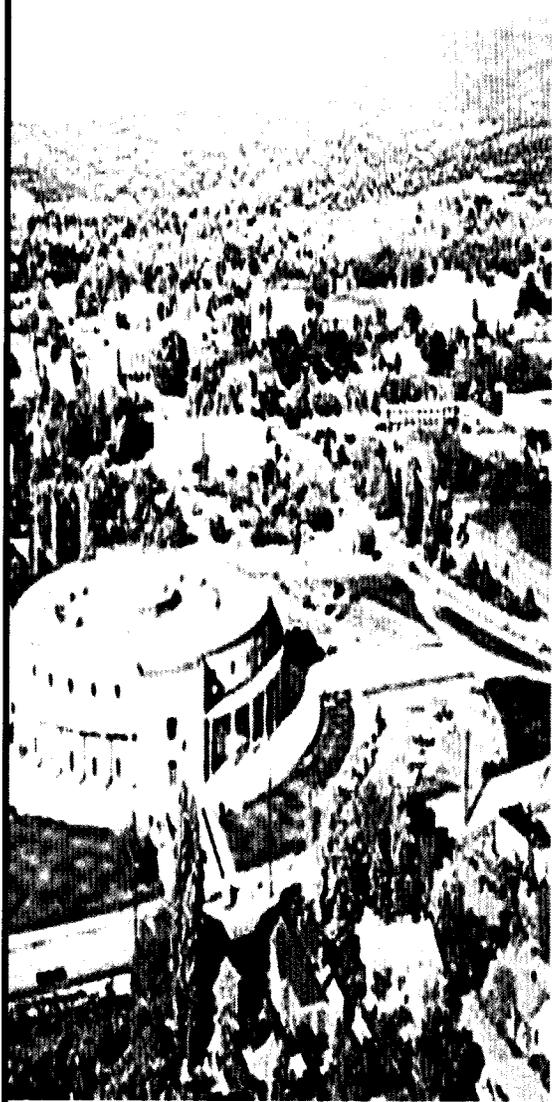
Copies of the Proposed Ordinance. Copies of the proposed ordinance are available for inspection and copying in the Santa Fe County Clerk's Office, located at 102 Grant Avenue Santa Fe NM 87501.

This notice is given pursuant to Section 4-37-7 NMSA 1978.

Dated: January 8, 2019

2019

LEGISLATIVE SESSION REPORT



SEC. CLERK RECORDED 02/14/2019

JANUARY 8

Santa Fe County
102 Grant Avenue, Santa Fe NM
www.santafecountynm.gov





1

2019 REGULAR SESSION SCHEDULE (60-Day Session)

December 17, 2018 - January 11, 2019

Legislation pre-filing period

January 15

Opening Day

February 5

Santa Fe County Day, 2019 State Legislature

February 11, 2019

Capital outlay request and reauthorization request submission deadline (by 5:00 p.m. to the LCS)

February 14

Deadline for introduction

March 16

Session ends (noon)

April 5

Legislation not acted upon by governor is pocket vetoed

June 14

effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

SFC CLERK RECORDED 02/14/2019

BILL INTRODUCTION

Current Statistics for <u>All Bills</u> (2019 Reg)	Total	Ratio
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Bills Introduced	364	100.00%
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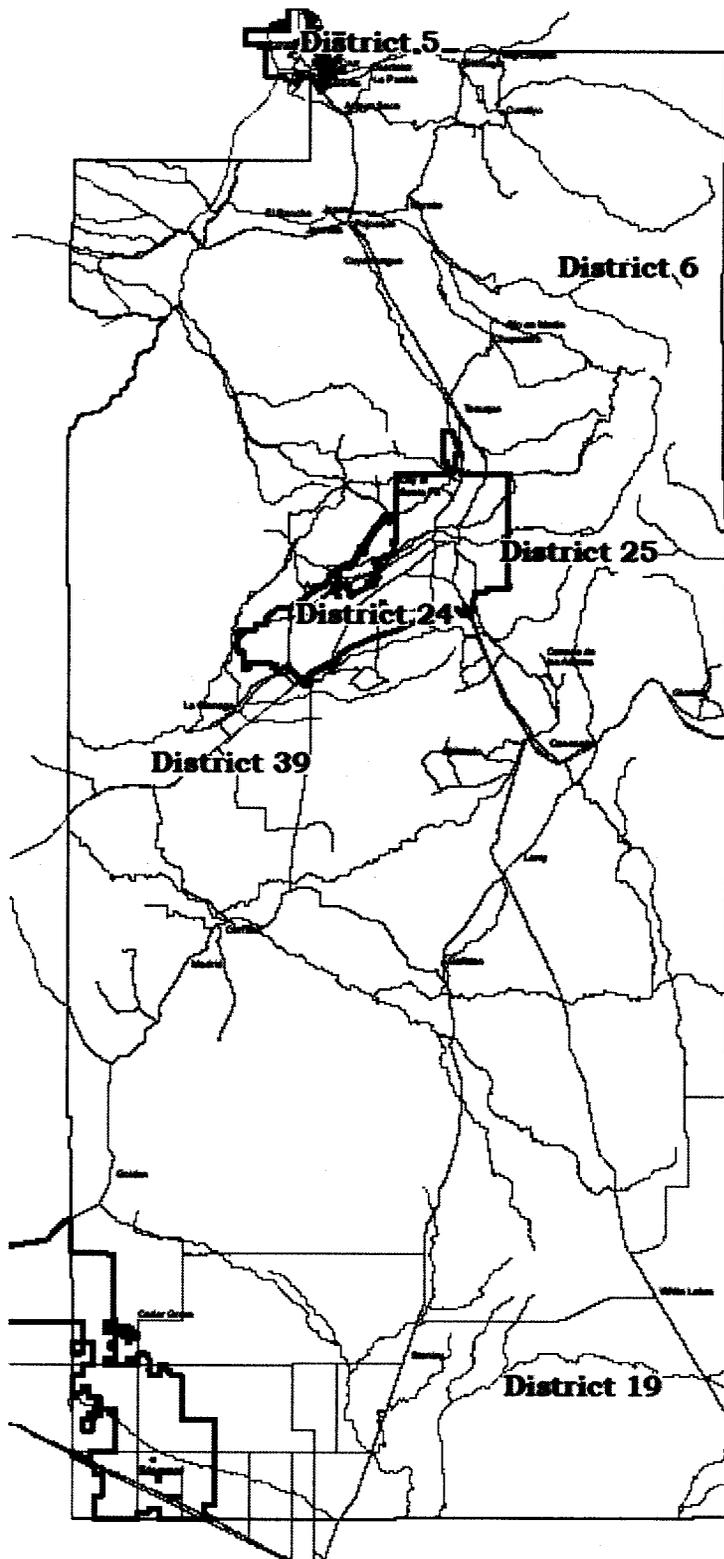
Current Statistics for <u>House Bills</u> only (2019 Reg)	Total	Ratio
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Bills Introduced	162	100.00%
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Current Statistics for <u>Senate Bills</u> only (2019 Reg)	Total	Ratio
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Bills Introduced	202	100.00%
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SFC legislator districts

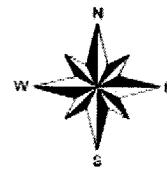


State Senators Santa Fe County

Legend

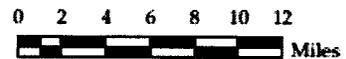
- District 5
Richard C. Martinez
- District 6
Carlos R. Cisneros
- District 19
James P White
- District 24
Nancy Rodriguez
- District 25
Peter Wirth
- District 39
Liz Stefanics

-  Incorporated Areas
-  Major Roads
-  Major Streams



1:420,000

1 inch approximately 7 miles



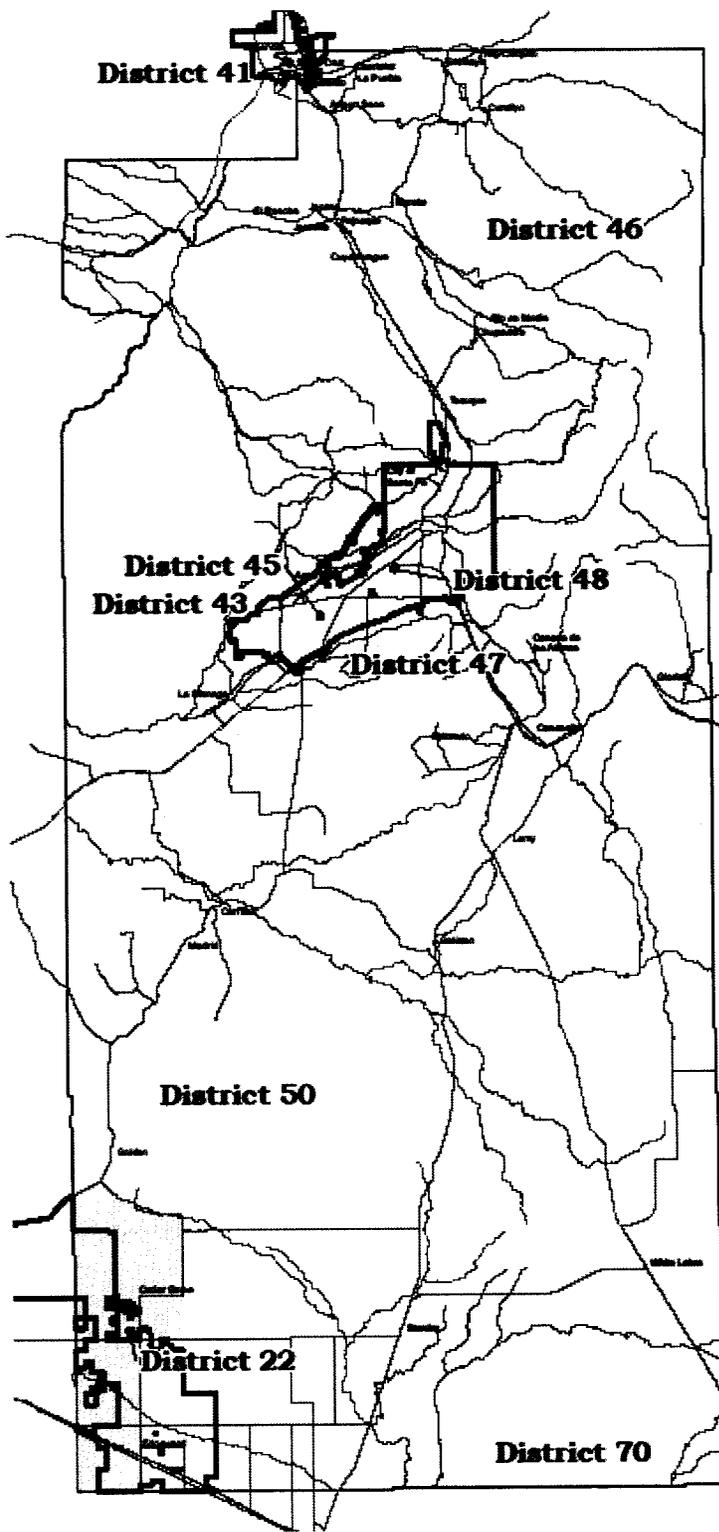
North American Datum 1983

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January 1, 2019

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**State Representatives
Santa Fe County**

Legend

- District 22
Gregg Schmedes
- District 41
Susan K. Herrera
- District 43
Christine Chandler
- District 45
Jim R. Trujillo
- District 46
Andrea D. Romero
- District 47
Brian F. Egolf, Jr.
- District 48
Linda M. Trujillo
- District 50
Matthew McQueen
- District 70
Tomas E. Salazar



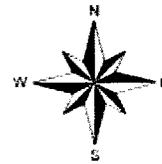
Incorporated Areas



Major Roads

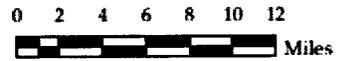


Major Streams



1:420,000

1 inch approximately 7 miles



North American Datum 1983

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



January 1, 2019

SFC Legislative Related Resolutions

Resolution 2018-72

A Resolution Adopting Projects for Inclusion In Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2020-2024; Authorizing Submittal Of Plan To The New Mexico Department of Finance and Administration And Replacing Resolution 2017-86.

Resolution 2018-96

A Resolution Adopting Projects for Inclusion in Santa Fe County's Senior Services Infrastructure Capital Improvement Plan for Fiscal Years 2020-2024; and Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration.

Resolution 2018-110

A Resolution in Support of Legislation in the 2019 Legislative Session to Authorize the Practice of Dental Therapy and Govern the Training and Licensure of Dental Therapists in New Mexico.

Resolution 2018-118

A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for the "New Mexico Grown Fresh Fruits And Fresh Vegetables for School Meals Program" and Related Education Programs.

Resolution 2018-123

A Resolution in Support of Items on the New Mexico Mortgage Finance Authority's (MFA) Legislative Agenda for 2019 That May Directly Benefit Santa Fe County Residents.

Resolution 2018-124

A Resolution in Support of State of New Mexico Legislature Initiatives and Administrative Actions that Reduce Greenhouse Gas Emissions Through Energy Efficiency, Renewable Energy Production, Water Conservation and Watershed Management.

SFC CLERK RECORDED 02/14/2019

Resolution 2018-125

A Resolution Opposing any Legislation that Affects Santa Fe County Revenues, Programs or Services.

Pre-filed related legislation

Senate Legislation

- SB7** *Wirth (D25)*
OCCUPANCY TAX REVENUES MAY BE USED FOR AFFORDABLE HOUSING
Allows a municipality or county imposing an occupancy tax to use up to 50 percent of the tax revenues from short-term occupancy rentals to defray the costs of affordable housing.
- SB11** *Cisneros (D6)*
GROSS RECEIPTS TAX APPLICATION: LANL
(Identical to 2018, SB 17 – vetoed by governor as tax increase, singling out of one nonprofit – LANL operator – and potential hardship to New Mexicans) Amends the Gross Receipts Tax Act to apply the tax to a prime contractor who operates a national laboratory in New Mexico, whether or not the prime contractor qualifies as a Section 501(c)(3) nonprofit organization. The bill does so by amending Sec. 7-9-29 relating to I.C. exemptions to specifically exclude a nonprofit prime contractor of a national lab from the exemption.
- SB12** *Cisneros (D6)*
POST WATER RIGHTS NOTIFICATIONS ONLINE
(For the Land Grant Committee) (Identical to 2017 SB86 as originally introduced; SJC substitute for SB86 passed both chambers unanimously but was vetoed by the Governor on the grounds the bill was unnecessary) Requires online posting by the State Engineer on the website of that office, concurrently with newspaper publication by an applicant, of notice of an application for a permit to appropriate water rights; for ground-water storage and recovery; to lease the use of water; to use underground water; or to withdraw water from any surface or underground source and transport it outside the state.
- SB19** *Griggs (R34)*
RESTRICTION ON TRANSFER OF DISPENSER'S LICENSE
Requires a licensee desiring to transfer a dispenser's license outside its local option district to choose, at the time of application for the transfer, whether the transferred license shall permit (1) the sale, serving or consumption of alcoholic beverages by the drink or (2) sale of alcoholic beverages in unbroken packages. Once made, the selection is permanent.
- SB29** *Padilla (D14)*
RESIDENT BUSINESS SET-ASIDE ACT
Proposes the "Resident Business Set-aside Act", which applies to contracts of the state government. Requires that 33 percent of the total number of an agency's contracts be awarded to resident businesses. Effective July 1, 2019.
- SB41** *Papen (D38)*
MEDICAID PROVIDER AND MANAGED CARE ACT
(Identical to final version of 2018 SB2, passed unanimously by both chambers but pocket vetoed by the Governor) (For the Legislative Health and Human Services Committee) Provides for maintenance of Medicaid services pending determination of disputes regarding overpayments and allegations of fraud. Establishes due process for providers and subcontractors in such disputes. Provides for audits and prohibition of extrapolation of audit findings. Establishes provider rights to request an informal conference and expedited adjudicatory proceedings from an administrative law judge in the Department of Finance and Administration, pursuant to the Administrative Procedures Act. Provides for release of suspended payment on posting of a surety bond; judicial review of final determinations; and award of costs.
- SB50** *Steinborn (D36)*
AUTOMATIC VOTER REGISTRATION
(Duplicate of 2019, HB84) (Related to 2017, HB28) Provides for the simultaneous automatic registration of qualified electors who have a driver's license or identification card issued or renewed by the state. Designates TRD, HSD and the Secretary of State as voter registration agencies. (2019:HB84)
- SB52** *Steinborn (D36)*
VOTER REGISTRATION AT EARLY VOTING SITES
(Related to 2019, HB 86 and 2017, SB 224) Permits qualified electors to register to vote in primary or general elections up to three days before an election at early voting sites. (2019:HB86)

SFC CLERK RECORDED 02/14/2019

- SB79** *Soules (D37)*
MUNICIPAL DISPENSER'S LICENSE
Permits the governing body of a municipality that is located in a local option district to request and the director, Alcohol and Gaming Division, to issue one municipal dispenser's license for each 20,000 residents of the municipality. The license may be used only to lease to a qualified lessee, may not be transferred and does not expire. Municipal dispenser licenses do not count for purposes of establishing the maximum number of licenses permitted in the municipality.
- SB83** *Stefanics (D39)*
SENIOR CENTER MEALS
(For the Economic and Rural Development Committee, the Legislative Health and Human Services Committee and the Water and Natural Resources Committee) Directs the Department of Health to establish the Fresh Fruits and Vegetables for Senior Center Meals Pilot Program. Appropriates \$500,000 (GF) to the DOH for use in FY 2020 to purchase fresh produce and provide financial assistance to qualified seniors.
- SB84** *Stefanics (D39)*
SENIOR CENTER FOOD GARDENS
(For the Legislative Health and Human Services Committee) Permits food gardens at senior centers and directs the Aging and Long-Term Services Department to adopt rules addressing food safety and good agricultural practices for the gardens.
- SB88** *Tallman (D18)*
REORGANIZATION PROCUREMENT CONTRACTS: AUTHORITY TRANSFER FROM DFA TO GSD
A structural and functional government reorganization bill that transfers authority over certain procurement functions from the Department of Finance and Administration to the General Services Department related to professional services contracts, small purchases under \$60,000, sole-source contracts, and emergency procurements. DFA's Financial Control Division is assigned the duty to collect and maintain contract information regarding in-state and out-of-state contract awards. Where protests are made to sole-source contract, the award shall be reconsidered.
- SB90** *Tallman (D18)*
PERSONAL LOAN BENEFIT FOR STATE EMPLOYEES
(Identical to 2018 SB48). Provides for an Employee Loan Program through which state employees may have portions of their salaries or wages deducted and disbursed to repay personal loans to a loan company or other entity licensed in accordance with, or exempt from, the New Mexico Small Loan Act of 1955. (NMLR note: Although not detailed in the bill, "other type of entity" appears to mean a government-related unit that would lend money to a salaried employee similar to an existing program at the local-government level called TrueConnect that provides employees with short-term loans that are repaid from a portion of salary. The measure is designed to ensure state employees can borrow modest amounts of money without paying high-interest rates.)
- SB93** *Tallman (D18)*
STATUTE OF LIMITATIONS ON MUNICIPAL LIENS
Removes the statute of limitations for a cause of action regarding a municipal lien.
- SB106** *Sapien (D9)*
DELETES AN OCCUPANCY TAX EXEMPTION
(Identical to 2015 SB402; 2017 HB266 and SB254) Removes the occupancy tax exemption for vendors offering fewer than three rooms attached to a taxable premises or three other taxable premises for lodging. Effective July 1, 2019.
- SB113** *Stefanics (D39)*
LOCAL INFRASTRUCTURE GRT RATE INCREASE
Increases the maximum rate of the municipal infrastructure gross receipts tax and the county infrastructure gross receipts tax from 0.25 to 0.625 percent. Allows county commissions to impose the first one-eighth percent increment and any increment dedicated to economic development purposes without referendum, to mirror similar provisions of the municipal tax. Also raises the existing limit on the amount of tax money that may be spent on promotion and administration from the greater of \$50,000 or ten percent of the revenue collected to \$250,000 or 20 percent. Effective July 1, 2019.
- SB115** *Woods (R7)*
NEW MEXICO-GROWN PRODUCE FOR SCHOOL MEALS
(2016, HB189, SB82; 2017, HB208, SB379; 2018, HB62, SB106) (For the Economic and Rural Development Committee and Water and Natural Resources Committee) Appropriates \$350,000 from the General Fund to Public Education Department for expenditure in the 2019 and subsequent fiscal years to purchase and

distribute New Mexico-grown fresh fruits and vegetables to school districts, charter schools and juvenile detention centers through the school lunch program.

SB116 *Woods (R7)*

OPTIONAL PUBLIC HEARING FOR CERTAIN PROPERTY TAX REBATE

Existing law permits counties to rebate part of the property tax due on residences of low income taxpayers (those with modified gross incomes of \$24,000 or less). Since 1994, only two counties have ever adopted this rebate. If a county has not adopted an ordinance to provide the rebate, the county must hold a public hearing in January of every odd-numbered year on whether or not it should. This bill allows the county to make the hearing optional.

SB165 *Sanchez, C. (D30)*

MUNICIPALITY AUTHORITY: PLEDGE ANY REVENUE TO REPAY REFUNDING BONDS

(For the New Mexico Finance Authority Oversight Committee) Removes restrictions on the pledging of gross receipts tax revenue to refund various types of municipal bonds and explicitly provides that a municipality may pledge revenues from one source to the payment of bonds that refund bonds payable from a different source of revenue. Effective July 1, 2019.

House Legislation

HB65 *Trujillo, Christine (D25)*

PATIENT SAFE STAFFING ACT

(Updated: 01/05/2019, minor revisions) (Duplicate of 2019 HB 178) (Very similar to 2017 HB178, 2016 HB179, 2015 HB81, SB284, 2014 HB83, SB151) Proposes the Patient Safe Staffing Act to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit and adopt rules. Provides whistleblower protection and enforcement by the Attorney General or aggrieved parties.

HB97 *Salazar, T. (D70)*

ERB, PERA, SIC IN LOCAL GOVERNMENT INVESTMENT POOL

(Identical to 2017 HB215, passed by both chambers but vetoed by the Governor on the grounds that it is unnecessary) Clarifies that the Educational Retirement Board, the Public Employees Retirement Association, and the State Investment Council may participate in the Local Government Investment Pool.

HB100 *Chatfield (R67)*

REPLACE COLUMBUS DAY WITH INDIGENOUS PEOPLE'S DAY

Renames the public holiday on the second Monday in October as Indigenous People's Day.

HB155 *Dow (R38)*

LOCAL INFRASTRUCTURE GRT RATE INCREASE

(Duplicate of 2019 SB113) Increases the maximum rate of the municipal infrastructure gross receipts tax and the county infrastructure gross receipts tax from 0.25 to 0.625 percent.

HB156 *Dow (R38)*

PERMITS USE OF EXCESS COUNTY CORRECTIONAL FACILITY TAX REVENUES

(Endorsed by the New Mexico Finance Oversight Committee) (Similar to 2018 HB225) Relates to the authorized use of excess tax revenue derived from the County Correctional Facility Gross Receipts Tax.

HB157 *Dow (R38)*

RENAMES COUNTY TAX, ALLOWS USE FOR PUBLIC SAFETY ANSWERING SERVICE

(Related to 2018 SB205) Expands the authorized uses of revenue derived from the County Emergency Communications and Emergency Medical and Behavioral Health Services Tax and changes the name of the tax.

HB175 *Salazar, T. (D70)*

REGIONAL WATER UTILITY AUTHORITY ACT

(Related to 2015 SB550) Allows the creation of a new statutory entity—a Regional Water Utility Authority—that may be incorporated through the cooperation of two or more entities to provide water or wastewater treatment services and renewable energy infrastructure for those services within a designated service area to be determined by the parties. Applies to a political subdivision, mutual domestic water consumers association, a sanitation district, a water and sanitation district, or any similar district, a recognized Indian tribe, nation or pueblo, or other agency created pursuant to a joint powers agreement on their behalf.

-
- HB178** *Trujillo, Christine (D25)*
PATIENT SAFE STAFFING ACT
(Duplicate of 2019 HB 65) (Very similar to 2017 HB178, 2016 HB179, 2015 HB81, SB284, 2014 HB83, SB151) Proposes the Patient Safe Staffing Act to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit and adopt rules. Provides whistleblower protection and enforcement by the Attorney General or aggrieved parties. (2019:HB65)
- HJR2** *Garcia, Miguel (D14)*
CA REQUIRING PROPERTY TAX EXEMPTION FOR POOR ELDERLY
Proposes a constitutional amendment to require the Legislature to exempt from property taxation the owner-occupied principal residence of a person aged 75 or older whose annual income is no more than \$15,000 as adjusted for inflation annually.
- HJR3** *Garcia, Miguel (D14)*
CA: PROPERTY TAX EXEMPTION FOR POOR DISABLED PERSONS
Proposes a constitutional amendment to require the Legislature to exempt from property taxation the owner-occupied principal residence of a 100 percent permanently disabled person whose annual household income is no more than \$15,000, adjusted for inflation annually.



LEGISLATIVE COUNCIL SERVICE
54TH LEGISLATURE - FIRST SESSION - 2019
CAPITAL OUTLAY REQUEST FORM

Legislative Sponsor: Linda Trujillo

(Be sure to submit a separate signed Capital Outlay Request Form for each legislative sponsor.)

Sponsor's Signature:

Legislative Aide: Phone: Email:

Project Contact: Tony Flores Phone: 505-986-6216 Email: tflores@santafecountynm.gov (If additional information is needed regarding the project, it is important to have a current point of contact.)

PROJECT DESCRIPTION

1. TOTAL amount requested for this capital project appropriation: \$ 305,188 (Individual legislators may fund part or all of this amount during the funding phase that follows the request deadline.)

2. BRIEF project description (please specify the proposed use of capital funds, such as "to plan, design and construct a multipurpose center"; "to design and construct a dam"; or "to purchase and equip a vehicle"): Repair and Replace failing exterior building components to include wall and parapet plaster; Vegas, windows, doors, main facade deck, canales, exterior wood balcony balustrades, and failed exterior electrical lighting system. Provide ADA accessibility for building primary entrance and exit. Repair/replace building heating, ventilation and air conditioning system and add digital controls to improve occupant health and comfort and increase energy efficiency. Repair/replace failed interior lighting system. Repair/replace failing building fire alarm system.

3. Location of this project (city, town, school district, chapter, pueblo): Santa Fe

4. County in which the project will be located: Santa Fe

5. Entity requesting funding for this project: First Presbyterian Church Santa Fe

6. Fiscal agent (entity to receive funding) for this project (only the state or political subdivisions of the state are eligible to receive funding): Santa Fe County

7. Entity that will own the project upon completion: First Presbyterian Church Santa Fe

Table with 3 columns: YES, NO, N/A. Row 1: Is the project a public school project that is included in a Facilities Master Plan (FMP)? YES: NO: X N/A: Row 2: Is the project a local government project that is included in the local Infrastructure Capital Improvement Plan (ICIP)? YES: NO: X N/A:

9. If the project is included in the ICIP, please provide the ICIP identification # :

CONTINUED

SFC CLERK RECORDED 02/14/2019

DECEMBER 2018 STATE CAPITAL OUTLAY PROPOSAL

Introduction:

Santa Fe Recovery Center (SFRC) is an accredited non-profit substance use disorder treatment program located in Santa Fe, NM. Since its establishment in 2005, SFRC remains the only accredited residential treatment program statewide and provides the widest array of addiction treatment services. These services include detoxification, short-term gender specific residential treatment, extended residential treatment, recovery housing, regular and intensive outpatient treatment and Medication Assisted Treatment. Additionally, SFRC is the only residential program statewide where a woman can bring children into treatment with her. This broad array of services enables us to serve up to 1400 clients annually and to sustain client engagement in residential treatment for up to 8 months and outpatient treatment for up to a year or longer. Due to our specialization and continuum of care, we receive clients statewide.

Need:

Unfortunately, New Mexico has a dire shortage of treatment beds with an extremely severe increase in treatment service need. **Currently, SFRC is at risk of losing nearly 50% of treatment beds in 2019 as the city of Santa Fe moves forward with permanent plans for its building, which currently houses our Extended Residential Treatment and Recovery Housing Programs.** As the only accredited Medicaid Residential Treatment program statewide, this loss would devastate SFRC capacity just as it begins its contract with Medicaid to supply Residential Treatment coverage starting in January 2019.

Proposal:

SFRC submitted and had approved, a SFRC Campus Development Plan with the city of Santa Fe to expand services on the SFRC Santa Fe southside 5 acres campus. This SFRC Campus currently houses 39 short-term residential beds and is the location of our Women and Children's program.

Approved SFRC Campus Development Plan includes three Phases:

- Phase 1 – 2460 sq.ft. Family Support/Residential Building – cost \$617,000
- Phase 2 – 12,000 sq.ft. Residential Treatment Facility – approximate cost \$3,500,000
- Phase 3 – 17,000 sq.ft. Transitional Housing Units – approximate cost \$4,750,000

Recently, SFRC completed Phase 1 and plan occupancy in December 2018. Unfortunately, SFRC does not have secured funding for Phases 2 and 3. The final phases of this project would allow us to increase SFRC capacity from its current short-term residential capacity of 39 to at least 80, and would ensure no loss in extended residential beds and recovery housing services. Every morning I enter our lobby, I am faced with 10 to 15 individuals waiting to be screened for services. I know that we can only hope to admit 4-5 of those people. These buildings would not address that entire need, but it would go a long way. For these reasons, SFRC is proposing that this urgent project be added to the 2020 NM Statewide Capital Outlay Bill.

SFC CLERK RECORDED 02/14/2019

Expectation for Success:

SFRC leadership have already met with local legislators who recognize the need and are supportive of this project. Additionally, we have experience with Capital Outlay Projects. In 2010, with Santa Fe County as our fiscal sponsor, SFRC successfully completed a Capital Outlay Project to construct a 2500 sq.ft. Outpatient Services Building on the SFRC Campus. We have a lease with Santa Fe County for that building and provide services in lieu of rent. This SFRC-Santa Fe County partnership has enabled these much needed services that would otherwise not exist.

With the SFRC Campus Development Plan Phase 1 (Family Support/Residential Building) project completed, we have the knowledge, proven record, and infrastructure to complete Phase 2 (Residential Treatment Facility) and Phase 3 (Transitional Housing Units) and to meet the extremely severe statewide increase in treatment service needs. With Medicaid covering residential services for the first time, SFRC has the opportunity to expand capacity for these critically needed services and these buildings would make that opportunity for New Mexicans in need of substance use treatment a reality.

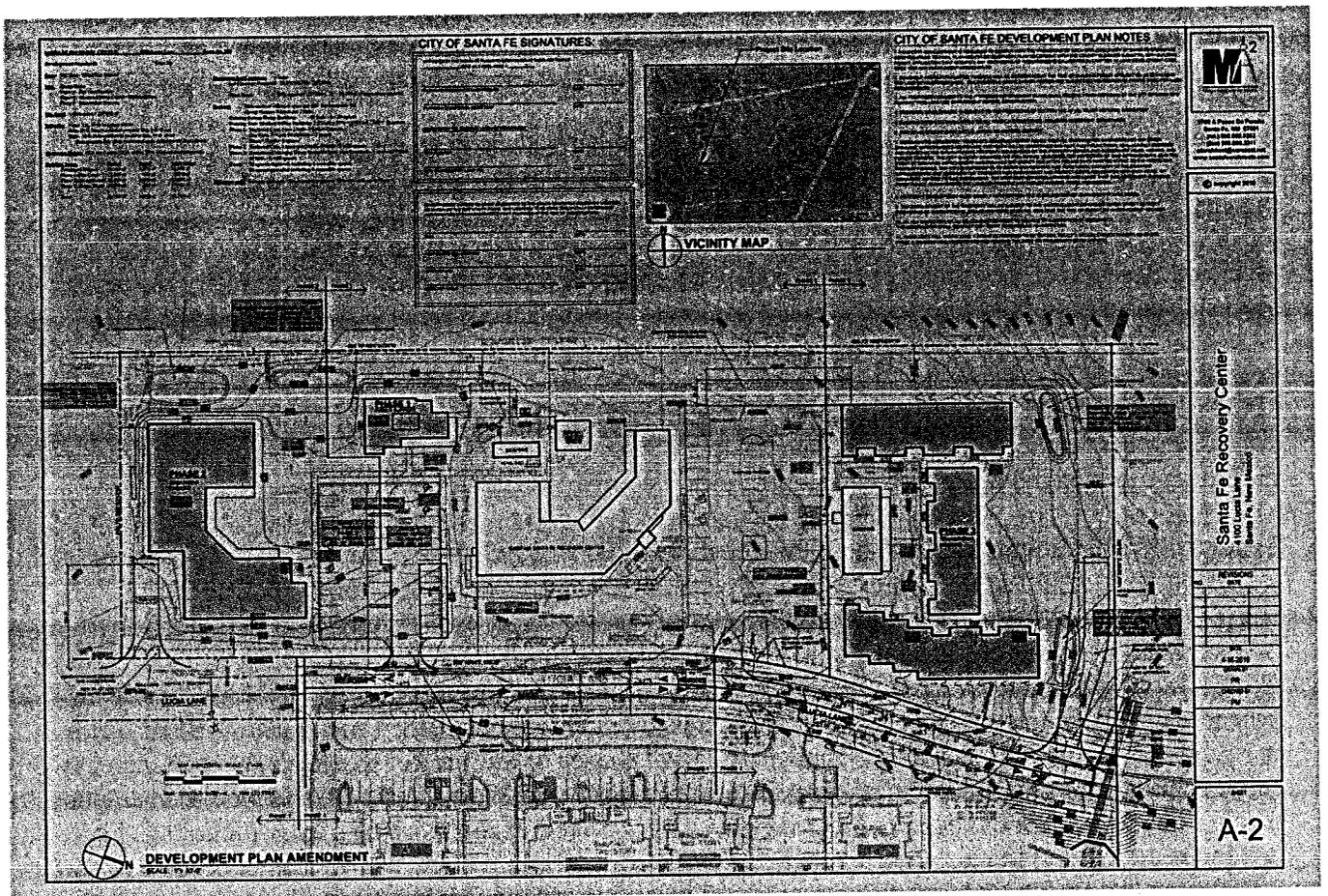


Figure 1 Development Plan for the SRFC Southside Campus showing Phase 1 (Family Support/Residential Building), Phase 2 (Residential Treatment Facility) and Phase 3 (Transitional Housing Units) Buildings relative to existing Residential and Outpatient Services Buildings.



**Santa Fe County Sustainable Land Development Code (SLDC)
Chapter 11 – Developments of Countywide Impact (DCIs)**

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SFC CLERK RECORDED 02/14/2019

CHAPTER ELEVEN – DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

11.1. PURPOSE. Developments of Countywide Impact (DCIs) are those that have potential for far-reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties. DCIs have the potential to create serious adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. Therefore, special regulation of DCIs is necessary:

11.1.1. To protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous impacts of DCIs;

11.1.2. To ensure short and long-term compatibility (both on-site and off-site) of DCIs and the County at large;

11.1.3. To preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

11.1.4. To promote sustainability by protecting against the degradation of air, surface water, groundwater, and soils; and

11.1.5. To protect environmentally sensitive lands and visual and scenic qualities.

11.2. FINDINGS. The Board of County Commissioners hereby finds, declares and determines that this Ordinance:

11.2.1. Promotes the health, safety, and welfare of the County, its residents, and its environment by regulating public nuisance and land use impacts and effects resulting from DCIs;

11.2.2. Promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services such as roads, fire, police, stormwater detention and emergency and response services will be available at the time of approval of DCIs;

11.2.3. Prevents the occurrence of adverse public nuisance and land use effects and impacts resulting from the abandonment of DCIs;

11.2.4. Protects the County's priceless, unique, and fragile ecosystem, the preservation of which is of significant value to the citizens of the County and state;

11.2.5. Protects the County's unique and irreplaceable historic, cultural, archaeological, and ecotourist sites and scenic vistas, in addition to water and other natural resources;

11.2.6. Ensures the health, safety, and welfare of the County and its residents, and protects the natural and ecological resources of Santa Fe County as follows:

11.2.6.1. Water pollution and depletion by DCIs poses a significant risk because clean water is a precious resource in the County's unique high desert environment that requires protection;

11.2.6.2. New Mexico has an interest in strengthening protection to historic, archaeological and cultural resources by issuing new rules and new statutes, if necessary, to put into place greater, and in some cases absolute protection, for highly sensitive and significant historical, cultural and archaeological sites and landscapes;

11.2.6.3. Under the Wildlife Conservation Act (NMSA 1978, § 17-2-37 through 17-2-46), species of wildlife indigenous to the state that may be found to be threatened or endangered by DCIs require such police power regulation over DCIs so as to maintain and, to the extent possible, enhance wildlife population within the carrying capacity of the habitat;

11.2.6.4. Because DCIs may presently or in the future cause irreparable harm to the County's water supply and pollution of water and air, and may cause cancer, lung disease, and respiratory diseases, DCIs must disclose potential community health effects, and these effects must be scrutinized and thoroughly mitigated before DCIs are permitted;

11.2.6.5. Pursuant to the New Mexico Public Health Act, NMSA 1978, §24-1-1, the Department of Health has the authority to "investigate, control, and abate the causes of disease... sources of mortality and other conditions of public health." Environmental hazards resulting from DCI projects may potentially cause adverse health effects;

11.2.6.6. Air, soil, and water contamination may occur during different stages of DCIs, and such contamination could affect human health. This ordinance seeks to minimize that contamination to the greatest extent possible;

11.2.6.7. All New Mexicans have an equal right to live in a safe and healthy environment, and implementation of precautionary principles promotes this premise as well as reduces potential effects on public health resulting from exposure to environmental toxins;

11.2.6.8. The burden of proof of harmlessness for any proposed technological innovation lies with the Applicant, not the general public;

11.2.6.9. DCIs could have a negative effect on tourism, landscapes and communities; and

11.2.6.10. The County of Santa Fe has independent and supplemental authority, in addition to the authority of the state, to regulate public nuisance, land use and environmental impacts and effects stemming from DCIs throughout the County, which is consistent with state law and has not been preempted in any manner.

11.3. SCOPE. This Chapter shall apply to all applications for any of the DCIs listed herein, including any applications that are pending on January 13, 2016, the effective date of the Sustainable Land Development Code (SLDC), that have not been approved. However, this Chapter shall not apply to an operation that would be a DCI but which was issued a permit with vested rights before that date. To have vested rights, generally:

11.3.1. The County issued the permit before January 13, 2016, the original effective date of the SLDC; and

11.3.2. The permittee made a substantial change in position in reliance on the issuance of the permit.

11.4. DESIGNATION. The following activities are designated as DCIs:

11.4.1. Landfills;

11.4.2. Junkyards;

11.4.3. Sand and gravel extraction and processing except as specified in Section 11.10.2;

11.4.4. Concentrated animal feeding operations;

11.4.5. Oil and gas drilling and production; and

11.4.6 Mining and resource extraction.

11.5. GENERAL PROVISIONS. Any application for a DCI must meet all regulations, standards, and provisions of the SLDC. The regulations, standards and provisions described in this Chapter are specific to a DCI Overlay Zoning District or DCI Conditional Use Permit. Where conflict arises between SLDC regulations and the DCI standards and provisions of this Chapter, the more stringent regulations, standards or provisions shall prevail. All DCIs shall comply with the following general provisions:

11.5.1. No DCI is permitted by right in the County. Operation of a DCI shall require the establishment of a DCI Overlay Zoning District except where zoning is prohibited, issuance of a DCI Conditional Use Permit, and issuance of grading and construction permits. No DCI Overlay Zoning District shall be used for any DCI operation other than the specific operation proposed in obtaining the DCI Overlay Zoning District.

11.5.2. Existing DCI Uses. An operation that would be a DCI under this Chapter that existed prior to adoption of the Land Development Code (January 1, 1981) and that has been in continuous operation since its commencement, may continue to operate in substantially the same manner of operation. An operation that would be a DCI under this Chapter that was approved by the County after January 1, 1981, but prior to January 13, 2016, the original effective date of the SLDC, may continue to operate in accordance with the Final Order approving the operation, provided however, that any change in the manner or size of the operation shall obtain approval for a DCI Overlay Zoning District and a Conditional Use Permit from the County.

11.5.3. Application Procedures. An Applicant requesting a DCI shall submit an application for a DCI Overlay Zoning District followed by an application for a DCI Conditional Use Permit in accordance with the procedures in Chapter 4. These two applications cannot be submitted and run concurrently.

11.5.4. Public Involvement. Any person may review applications, submit comments or information to be considered by the Hearing Officer, Planning Commission, and Board of County Commissioners regarding an application for a DCI Overlay Zoning District or DCI Conditional use Permit, including a Study, Report, or Assessment, or part thereof.

11.5.5. Pre-application meeting. Prior to the submission of an application for a DCI Overlay Zoning District and a Conditional Use Permit, the Applicant shall conduct a pre-application meeting in accordance with Section 4.4.4 with the additional requirement that the Applicant shall give notice to all residents, land owners, and applicable Registered Organizations and Community Organizations that are located within five (5) miles of the boundaries of the proposed DCI Overlay Zoning District.

11.5.6. Costs, Fees, and Financial Assurances. The Applicant and/or Permittee shall be responsible to pay for all costs associated with the DCI. The County is entitled to full reimbursement by the Applicant/Permittee for all costs associated with the DCI, including but not limited to:

11.5.6.1. All costs associated with preparing or reviewing a permit application, including but not limited to County costs and the cost of contracting with qualified professionals to conduct baseline assessments and studies, and/or to review application materials;

11.5.6.2. All costs associated with the annual reporting requirements of this Chapter and the SLDC including but not limited to the contracting of qualified professionals to conduct studies, prepare reports, and review application materials;

11.5.6.3. All costs associated with the inspection of DCI facilities;

11.5.6.4. All costs associated with improvements to existing and construction of new public facilities based on the findings of the Adequate Facilities Public Assessment (APFA) and the Traffic Impact Assessment (TIA) including but not limited to an annual maintenance fee calculated at the end of each fiscal year by a certified professional engineer to reimburse the County for all additional spending on the maintenance of public facilities attributable to the DCI;

11.5.6.5. All costs of any additional contracting with qualified professionals that the Administrator finds necessary to review a permit application and/or to ensure compliance with a DCI permit and/or Overlay Zoning District; And

11.5.6.6. All costs associated with reclamation and/or potential remediation of affected areas shall be guaranteed in the form of a financial guarantee with the following characteristics:

1. only financial guarantees will be accepted;
2. the financial guarantee shall amount to no less than one hundred twenty five (125) percent of the estimated total cost of reclamation performed by a licensed New Mexico Professional Engineer. The Land Use Administrator may increase the bond amount requirement following the annual review, and the Applicant or Permittee shall post the additional amount no later than thirty (30) days after notice;
3. the financial guarantee shall be posted with a New Mexico-based bank with a local Santa Fe branch;
4. the financial guarantee shall be irrevocable and shall be updated and revised at least every five years to reflect revised estimates of the cost of reclamation;

If the Permittee fails to maintain the financial guarantee, the Administrator may take any enforcement action available to her, including but not limited to suspension of the Permit.

11.5.7. Compliance with Federal and State Laws and Regulations. All DCIs shall demonstrate compliance with applicable federal and state laws and regulations prior to the commencement of any activity authorized by a DCI Conditional Use Permit.

11.5.8. Maps. All maps shall be prepared in CAD or GIS format compatible with the Santa Fe County ESRI GIS System, NAD1983 State Plane New Mexico Central FIPS 3002 US Feet. The applicant shall coordinate with the County to provide electronic, paper, and pdf copies of the

CAD and GIS files. The scale of the pdf and paper maps may vary provided each map clearly illustrates the applicable features on letter or tabloid sized paper and can be reproduced using the GIS and CAD data. All topographic maps shall be submitted with two (2) foot contours.

11.5.9. Inspection. Representatives of the County may at any time, and at the expense of the Permittee, conduct inspections and/or review of monitoring data to ensure compliance with the permit and the standards of this Chapter and the SLDC.

11.5.10. Permit Expiration. The Board may determine that it is reasonable and necessary to ensure compliance with the standards of this Chapter and the SLDC given site specific conditions, to require that a permit expire at the end of a certain period of operation, after which the Permittee must obtain a new permit to continue operations. Expiration of a permit does not relieve the Permittee of any obligation under the SLDC.

11.5.11. Transfer. A Permittee shall not transfer a DCI Conditional Use Permit to any other person or entity without the approval of the Board. The Board may deny a transfer based on the criteria of section 11.6.2.11. All financial assurances must remain in place at all times including throughout and after any transfer process.

11.5.12. Suspension, Modification, or Revocation of a DCI Conditional Use Permit.

11.5.12.1. The Land Use Administrator may suspend, modify or revoke a DCI Conditional Use Permit for any of the following reasons:

1. failure to comply with a standard or condition in the DCI Conditional Use Permit;
2. conduct of the DCI outside the authorized boundaries of the DCI Conditional Use Permit;
3. the suspension, revocation, cancellation, or similar action of any federal, state, or local permit required as a condition of approval of the DCI Conditional Use Permit;
4. it is found that the Applicant or Permittee misrepresented any material statement submitted to the County in support of or pursuant to the permit; or
5. other conduct, whether or not within the scope of the DCI Conditional Use Permit, that damages or commits waste to private or public property.

11.5.12.2. The Land Use Administrator shall serve a written Notice of Suspension, Modification or Revocation to the Permittee either by certified mail at the address provided in the application or by personal delivery to the Permittee either at the Permittee's address or at the DCI's location. The Notice shall provide the following:

1. a statement of the reason for the suspension, modification or revocation with reference to the SLDC or the DCI Conditional Use Permit;
2. a brief description of the reason for the suspension, modification or revocation; and
3. a statement that the Permittee's failure to resolve the reason for the suspension, modification or revocation within fifteen (15) days of receipt of the Notice shall

result in suspension or revocation of the DCI Conditional Use Permit.

11.5.12.3. If the Permittee fails to resolve the reason for the suspension, modification or revocation within the fifteen (15) days of receipt of the Notice, or if the Permittee disagrees with the Notice and so informs the Land Use Administrator in writing:

1. the matter shall be scheduled for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as is practicable but in no event longer than thirty (30) days after the Permittee's receipt of the Notice;
2. during the hearing, the Land Use Administrator bears the burden to demonstrate by a preponderance of the evidence that the DCI Conditional Use Permit should be suspended, modified or revoked;
3. the Permittee may call witnesses and submit evidence disputing the the Land Use Administrator's reason for the suspension, modification or revocation;
4. within fifteen (15) working days of the hearing, the Hearing Officer shall make written findings of fact and rulings of law and recommend to the Planning Commission and Board to either revoke, suspend, modify, or not revoke or suspend the DCI Conditional Use Permit;
5. the matter shall be scheduled for a hearing before the Planning Commission and Board, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may:
 - a. affirm the recommendation of the Hearing Officer to either revoke, suspend, modify, or not revoke or suspend the DCI Conditional Use Permit; or
 - b. issue a decision to not revoke, modify or suspend the DCI Conditional Use Permit but impose additional conditions in the DCI Conditional Use Permit.
6. Any person aggrieved by a final decision of the Board pursuant to this Section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (as amended), and Rule 1-074 NMRA;
7. If the Permittee fails or refuses to comply with an order of the Board, the Land Use Administrator may seek a court order enjoining the DCI, fin addition to any other remedies available to the County pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.1; and
8. The remedies described in this section shall not be construed as the exclusive remedies available to the County.

11.6. DCI OVERLAY ZONING DISTRICTS.

11.6.1. Application Requirements. Any application for a DCI Overlay Zoning District shall include the following:

11.6.1.1 Application Submissions Checklist. All materials required by the Land Use

Administrator on the application submissions checklist.

11.6.1.2. Requirements and Procedures. All submittals necessary to comply with the requirements and procedures described in Chapter 4 of the SLDC.

11.6.1.3. Noise Study. The applicant shall submit a Noise Study in accordance with section 7.21.4.

11.6.1.4. A DCI Overlay Plan and Report. A DCI Overlay Plan and Report shall include the following:

1. a map of the proposed DCI Overlay Zoning District, including its relationship to surrounding areas, existing topography and key features
2. the planning objectives and the character of the development to be achieved through the overlay, and the phases in which the DCI will occur;
3. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities and community centers, and other non-residential facilities and structures within five (5) miles of the proposed DCI Overlay Zoning District;
4. the location, arrangement, size, height, floor area ratio of any existing and proposed buildings, structures and parking facilities and activities in the proposed DCI Overlay Zoning District;
5. a viewshed analysis describing the visual impact of the proposed DCI Overlay Zoning District on the County;
6. the proposed traffic circulation plan, including number of daily and peak hour trips of vehicles including heavy equipment to and from the proposed DCI Overlay Zoning District, and the proposed traffic routes to and from the proposed DCI Overlay Zoning District to the nearest intersection with an arterial road or highway;
7. the location of all fire, police, and emergency response service facilities, roads shown on the capital improvement plan, floodways, floodplains, wetlands or other natural resource areas, historic, cultural and archeological sites and artifacts slopes between fifteen (15) percent and thirty (30) percent and greater than thirty (30) percent, and wildlife vegetation habitats and habitat corridors, located in the proposed DCI Overlay Zoning District or within five (5) miles of the proposed boundaries;
8. a statement explaining how the proposed DCI Overlay Zoning District complies with the vision, goals, objectives, policies and strategies of the County's Sustainable Growth Management Plan (SGMP) and any Area, District and Community Plan within the proposed boundaries;
9. a statement explaining how the proposed DCI Overlay Zoning District relates to and is compatible with adjacent and neighboring areas within five (5) miles of the proposed boundaries and how the proposed DCI Overlay Zoning District will not adversely affect other land uses in the County or the ability to successfully implement the visions, goals, objectives, policies and/or strategies of any County

planning document;

10. the identification of federal, state, and local laws and regulations potentially applicable to the proposed DCI;

11. A detailed schedule for each phase of the proposed DCI including timing of each phase, boundaries and description of each phase of development, operation, and reclamation;

12. The Applicant shall consult with affected tribal governments and group(s) and a licensed professional archeologist in developing a Cultural Resource Protection Plan that avoids the disturbance of cultural and archeological resources. The applicant must consult with any tribal group who, after receiving notice, determines that the proposed DCI will disturb indigenous cultural or archeological sites; and

13. all application requirements in this Chapter.

11.6.1.5. Studies, Reports and Assessments. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC and the following additional information:

1. Water Services Availability Report. A Water Service Availability Report (WSAR) demonstrating that the DCI will not infringe on other water rights, impair wells, or adversely affect the quality or quantity of ground or surface waters;

2. Traffic Impact Assessment. A Traffic Impact Assessment (TIA) identifying:

a. the estimated number and weight of vehicles both loaded and unloaded that will enter and leave the DCI and their impact on the surrounding road network;

b. the traffic routes that will be used by vehicles entering and leaving the DCI, that avoid, to the maximum extent possible, residential areas, commercial areas, environmentally and visually sensitive areas, scenic byways, schools, governmental buildings, villages, towns, and municipalities, and other congested locations;

c. the estimated time and frequency of vehicles entering and leaving the DCI; and

d. a plan to prevent the loss of transported materials and minimize or eliminate fugitive dust during transportation; and

3. Fiscal Impact Assessment. A Fiscal Impact Statement (FIA) shall identify the cost of long-term environmental impact abatement and restoration and the associated fiscal impact on the applicant, County, and any other affected governmental body including impacts on tax base and public services.

11.6.1.6. Applicant Background. The Applicant shall furnish the following information under oath:

1. name and address, including all aliases, the date and state or province and country of incorporation;

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2. name and address of the registered agent, if any;
3. all partners or limited partners of a partnership Applicant; all officers, directors or executives of a corporate Applicant; all stockholders holding more than five percent of the stock of a corporate Applicant; and any other person with an ownership interest in the Applicant;
4. all entities owned (partially or wholly) or controlled in any manner by any person or entity identified in paragraph 11.6.1.7.2;
5. any mining or resource extraction operation or facility that the Applicant previously operated in this or any other county, city, state, or country;
6. whether the Applicant, including any person or entity identified in Section 11.6.1.7.2, has ever had any license, permit, development order or any other type of zoning or land use approval suspended or revoked, the reason for such suspension or revocation, and the name of the person or entity under which the Applicant operated that was subject to the suspension or revocation;
7. all convictions of criminal statute of any jurisdiction, including ordinances, forfeiture of bond and pleadings of nolo contendere on any charges except minor traffic violations by persons identified in Section 11.6.1.7.2; and
8. all civil suits under the laws of any jurisdiction related to alleged harm or impact to the environment, including air and water quality, or public resources.

11.6.1.7. Additional Information. Such other information as the Administrator may require to determine compliance with the standards for the approval of the DCI Overlay Zoning District.

11.6.2. REVIEW CRITERIA. The Hearing Officer, Planning Commission and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District:

11.6.2.1. Whether the proposed DCI Overlay Zoning District is consistent with the SGMP and any applicable Area, District and Community Plans;

11.6.2.2. Whether the proposed DCI Overlay District is consistent with applicable federal and/or state regulations;

11.6.2.3. Whether the environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or if unavoidable, the environmental effects and impacts identified in the Environmental Impact Report are mitigated to the greatest extent possible, and whether that mitigation is adequate;

11.6.2.4. Whether adequate public facilities identified in the Adequate Public Facilities and Services Assessment either exist or have been funded;

11.6.2.5. Whether improvements identified in the Adequate Public Facilities and Services Assessment can be provided by the applicant, or by the County pursuant to the capital improvements plan, and when such facilities will be available;

11.6.2.6. Whether water is available for each phase of the proposed DCI as set forth in the

Water Service Availability Report, whether the proposed water use is reasonable given local conditions and community needs, and whether the Applicant includes methods to lessen impacts on water resources;

11.6.2.7. Whether the impacts of traffic identified in the Traffic Impact Assessment are mitigated;

11.6.2.8. Whether the proposed DCI Overlay Zoning District is compatible with adjoining uses given the size, design and operational characteristics of the proposed DCI, or can be made compatible through reasonable effort and/or conditions of approval;

11.6.2.9. Whether the proposed DCI overlay Zoning District or proposed DCI may cause a public nuisance or have an effect or impact on adjoining uses or resources, including property values, public safety, cultural, historic and archaeological resources, emergency services, wildlife and vegetation, noise, roads and highways, vibration, odor, glare, fire protection, access, visual resources, air and water quality and quantity, which cannot be mitigated to acceptable levels through reasonable effort;

11.6.2.10. Whether the proposed DCI will be detrimental to the safety, health, prosperity, order, comfort and convenience of the County;

11.6.2.11. Whether the Applicant, which includes all partners or limited partners of a partnership Applicant, all officers, directors or executives of a corporate Applicant, and all stockholders holding more than five percent of the stock of a corporate Applicant, and any person with an ownership interest in the Applicant, has complied with federal, state or local laws, regulations, development orders, conditions of approval and other requirements in previous activities by the Applicant, the persons identified in this paragraph, or entities they own or control; and

11.6.2.12. Whether the applicant proves that the proposed DCI will comply with the standards of this Chapter and the SLDC or any other relevant federal, state, or local standards.

11.7. DCI CONDITIONAL USE PERMIT

11.7.1. Application Requirements. Any application for a DCI Conditional Use Permit shall include the following:

11.7.1.1 Application Submissions Checklist. All materials required by the Land Use Administrator on the application submissions checklist.

11.7.1.2. Requirements and Procedures. Submittals necessary to comply with the requirements and procedures described in Chapter 4 of the SLDC.

11.7.1.3. Final Order. A final Order from the Board granting approval of the DCI Overlay Zoning District;

11.7.1.4. Demonstration of Compliance. A demonstration of compliance with all conditions imposed in the Final Order from the Board granting approval of the DCI Overlay Zoning District;

11.7.1.5. State and Federal Permits. All required state and federal permits;

11.7.1.6. Phased Plan. A plan identifying each phase of the development, operation, and reclamation of the proposed DCI, including a map with the GPS coordinates for each aspect of the phase in GIS format based on the standard Santa Fe County GIS spatial reference (NAD_1983_StatePlane_New_Mexico_Central_FIPS_3002_Feet).

11.7.1.7. Cost Estimate. A preliminary cost estimate prepared and sealed by a New Mexico professional engineer for all site improvements and reclamation; and

11.7.1.8. Studies, Reports, and Assessments. Studies, Reports, and Assessments as specified in Chapter 6 shall be updated, and shall address additional potential impacts specified in this section and any additional requirements specific to the applicable DCI subsection. The following additional information is required for the SRAs for a DCI Conditional Use Permit:

- 1. Environmental Impact Report.** The Applicant shall submit an updated Environmental Impact Report (EIR) to include the applicable potential impacts identified in Table 11-1 using the best available science.

Table 11-1 Potential Impacts.

POTENTIAL IMPACTS	SAND AND GRAVEL EXTRACTION	LANDFILLS	JUNKYARDS	CONCENTRATED ANIMAL FEEDING OPERATIONS	MINERAL RESOURCE EXTRACTION AND PROCESSING
Federal and State endangered and threatened species and species of concern	Yes	Yes	Yes	Yes	Yes
Connectivity and protection of significant wildlife habitat areas	Yes	Yes	Yes	Yes	Yes
Stormwater runoff, surface water flows and levels	Yes	Yes	Yes	Yes	Yes
Surface water contamination, and degradation generally	Yes	Yes	Yes	Yes	Yes
Wetland and riparian area viability	Yes	Yes	Yes	Yes	Yes
Groundwater levels and availability, groundwater depletion	Yes	Yes	Yes	Yes	Yes
Groundwater contamination, and	Yes	Yes	Yes	Yes	Yes

degradation generally					
Water well contamination	Yes	Yes	Yes	Yes	Yes
Erosion, siltation, and dust	Yes	Yes	Yes	Yes	Yes
Soils bearing strength and stability for development	No	Yes	No	Yes	Yes
Wildfire hazard	Yes	No	Yes	No	Yes
Earthquake and landslide hazard	No	Yes	No	Yes	Yes
Flooding hazards and floodwater contamination	Yes	Yes	Yes	Yes	Yes
Archaeological and historic resources	Yes	Yes	Yes	Yes	Yes
Landscape scenic quality	Yes	Yes	Yes	Yes	Yes
Conservation and open space areas, scenic roads, and recreation trails, including visual impacts and noise	Yes	Yes	Yes	Yes	Yes
Agricultural crop lands and pasture lands	Yes	Yes	No	Yes	Yes
Nuisance, hazard, traffic, character, and visual impacts to residential uses	Yes	Yes	Yes	Yes	Yes
Nuisance, hazard, and visual impacts to commercial and public or institutional uses	Yes	Yes	Yes	Yes	Yes
Adequacy of roads for intended use	Yes	Yes	Yes	Yes	Yes
Water system availability and capacity	Yes	Yes	Yes	Yes	Yes
Fire protection and emergency medical service availability and	Yes	Yes	Yes	Yes	Yes

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response times					
Sulfide and other reactive minerals	Yes	No	No	No	Yes

2. Sampling and Analysis Plan. The Applicant shall not commence the EIR until a licensed New Mexico Professional Engineer has prepared Sampling and Analysis Plans (SAPs) for Surface Water, Ground Water, Soils, Geochemistry, Vegetation, Terrain, and Cultural and Archaeological Resources that ensure the collection of sufficient information to adequately characterize each impact. Each SAP shall describe the sampling methodology, including the number, density, and sample locations, the collection method, including recording, mapping, and field data evaluation, and the methods for stabilizing, shipping, and analyzing the samples, including the chain of custody procedures. The applicant shall revise and submit a SAP if the Administrator determines that the SAP is not adequate or more samples or data are necessary.

11.7.1.9. Additional Plans, Reports and Assessments. The following additional plans, reports and assessments:

1. Technical and Financial Feasibility Assessment. The Applicant shall submit a Technical and Financial Feasibility Assessment that demonstrates the technical and financial feasibility of the proposed DCI for all phases of development, operation, and closure, including a description of debt and equity at each phase, the debt retirement schedule, estimated reclamation costs and schedule, sources of funding to retire debt, estimated construction costs and schedule, estimated annual costs, and proof that the applicant possesses the right and expertise to use the technology in the proposed DCI.

2. Applicant Background Report. The Applicant shall update and submit all information required in section 11.6.1.6 (Applicant Background).

3. Reclamation Plan. The Applicant shall submit a reclamation plan designed and certified by a New Mexico registered professional engineer with technical expertise in reclamation and approved by the Administrator which complies with the reclamation standards specified below. The same professional engineer, or another professional engineer with comparable expertise in reclamation and approved by the Administrator, shall oversee implementation of the Reclamation Plan at the operator's expense. The plan shall demonstrate how reclamation of one phase will begin prior to initiation of the next phase and how reclamation will result in sustained conditions meeting all of the standards of this Chapter and the SLDC. The plan shall identify the phases of reclamation, if any, and estimate the cost of each phase and the full cost of reclamation. The reclamation plan shall comply with the following standards:

a. General. Land areas shall be reclaimed to a condition suitable for new land uses. Wildlife habitat conditions shall be restored in a manner comparable to or better than the habitat conditions that existed prior to the DCI. All other site conditions shall comply with the standards of this Chapter, the SLDC, and all other relevant federal, state, and/or local requirements;

b. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. All slopes shall be graded to 3:1 or less; and

c. Revegetation. The plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original or better vegetated condition using NMSU Seed Certification and Noxious Weed Certification. The plan shall identify all soil types and depths, and the best practice methods for salvaging, storing, and replacing disturbed soils. If no soil is present, the plan shall explain how revegetation will be accomplished. If irrigation is necessary, the plan shall explain how the site will be managed in perpetuity.

4. Emergency Response and Preparedness Plan. An Applicant shall submit an Emergency Response and Preparedness Plan (ERP Plan) which includes:

a. a description and plan of response to emergencies that may be associated with the operation of the proposed DCI, including explosions, fires, gas or water pipeline leaks or ruptures, hazardous material spills, vehicle accidents, and the failure of berms, retaining walls, dams or ponds;

b. fire prevention, response, and health and safety plans;

c. the names, addresses, and 24-hour telephone numbers of at least two (2) persons responsible for emergency response; and

d. a printed map with latitude/longitude UTM graticules along the edges. The maps shall be produced and available in GIS format based on the standard Santa Fe County GIS spatial reference. Additionally, all digital data shall be provided to the County for use in its GIS databases and mapping.

5. Fugitive Dust Control Plan. The applicant shall submit a fugitive dust control plan, including the chemical and physical characterization of the dust, the control measures to be implemented to reduce the dust, and the sources of water to be used for dust control, provided however that the Administrator shall not approve a dust control plan which proposes to use potable water for dust control.

6. Greenhouse Gas Emissions Assessment and Plan. The Applicant shall submit a Greenhouse Gas Emissions study and plan prepared by a New Mexico registered professional engineer with demonstrable technical expertise in emissions modelling. The study shall indicate the added greenhouse gas emissions attributable to the proposed DCI and the plan shall demonstrate how the applicant proposes to offset those attributable emissions.

7. Hazardous and Toxic Materials Plan. The Applicant shall submit a Hazardous and Toxic Materials Plan prepared by a New Mexico registered professional engineer with demonstrable technical expertise in the handling and storage of hazardous materials. The plan shall indicate the types of hazardous or toxic materials associated with each phase of the proposed DCI including but not limited to any fuels, oils, explosives, hazardous and/or toxic chemicals, reactive chemicals

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and/or minerals, and/or biological toxins along with a detailed plan for the handling, storage, and disposal of those materials meeting the standards of this Chapter and the SLDC.

8. Proof of Responsible and Established Technology and Practices. The Applicant shall provide written documentation that the proposed DCI activity will utilize established practices and technology that have been utilized in the United States or Canada for at least 10 years and successfully reclaimed within the last 10 years without any incidents that would result in noncompliance with any of the standards of this Chapter and the SLDC. The burden of proof of harmlessness for any proposed technology lies with the proponent of the innovation, not the County or the general public.

11.7.2. Review Criteria. The Hearing Officer, Planning Commission, and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval, conditional approval or denial of a DCI Conditional Use Permit:

11.7.2.1. Whether the proposed DCI is consistent with the DCI Overlay Zoning District;

11.7.2.2. Whether the proposed DCI is consistent with the SGMP and any applicable Area, District and Community Plan;

11.7.2.3. Whether any previous phase of the DCI resulted in or the proposed DCI could result in harm to any resource referenced in this Chapter and the SLDC, including soil, water, air, roads, facilities, structures, cultural, historic, or archaeological sites, adjoining uses, or public or private property;

11.7.2.4. Whether the proposed DCI complies with all federal, state and local laws and regulations;

11.7.2.5. Whether the Applicant, which includes all partners or limited partners of a partnership Applicant, all officers, directors or executives of a corporate Applicant, and all stockholders holding more than five percent of the stock of a corporate Applicant, and any person with an ownership interest in the Applicant, has complied with federal, state or local laws, regulations, development orders, conditions of approval and other requirements in previous activities by the Applicant, the persons identified in this paragraph, or entities they own or control; and

11.7.2.6. Whether the applicant proves that the proposed DCI will comply with the standards of this Chapter and the SLDC or any other relevant federal, state, or local standards.

11.8. PERFORMANCE STANDARDS.

11.8.1. Visual Resources. The DCI shall meet the following standards for the protection of visual resources in the County:

11.8.1.1. General. The view from all public roads, rivers, parks, and adjoining residential areas shall be screened;

11.8.1.2. Buildings. All buildings shall be designed, scaled, and located to reduce the visibility of the DCI from off-site;

11.8.1.3. Vegetation - General. Vegetation in the DCI Overlay Zoning District shall be preserved to the maximum extent possible; and

11.8.1.4. Vegetation - Screening. Vegetation that screens any part of the proposed DCI shall be preserved.

11.8.2. Hazardous and Toxic Materials. Any hazardous and/or toxic materials, including all materials identified in the Hazardous and Toxic Materials Plan, shall be contained within a tank or structure with a lined impoundment designed by a New Mexico registered professional engineer with expertise in the storage of hazardous materials and lined impoundments. The tank or structure and lined impoundment shall be set back a minimum of five hundred (500) feet from the property boundaries of the DCI and a minimum of one thousand (1000) feet from a private domestic well or water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area, and a minimum of one thousand (1000) feet from any well or spring that supplies water for a public water system, or any greater distance required by a wellhead protection program.

11.8.3. Water Resources. The DCI shall not degrade water quality beyond the applicable standards of the New Mexico Water Quality Act (NMAC 20.6.4), exceed the right to use water, cause any detriment to existing water rights, or act in contradiction to the conservation of water in the County. The Administrator shall consider factors including but not limited to the following in determining impact on water resources:

11.8.3.1. Chemical, physical and biological characteristics including water circulation, temperature, substrate, suspended particulates, clarity, odor, color and taste of water, concentration of heavy metals or any other regulated constituents, and concentration of nutrients, including phosphorus and nitrates;

11.8.3.2. Erosion or sedimentation;

11.8.3.3. Sediment and other pollutant loading;

11.8.3.4. Filtration, pollutant uptake and storage capacity of wetlands and riparian areas;

11.8.3.5. Stream channel morphology, shoreline stability, and structure and function of a water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area;

11.8.3.6. Surface and subsurface flow patterns;

11.8.3.7. Nutrient levels and eutrophication rates;

11.8.3.8. Capacity, aerial extent, and functioning of a water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area.

11.8.3.9. Flushing flows, stormwater runoff, and other nonpoint sources of pollutants;

11.8.3.10. Groundwater recharge and discharge patterns in the watershed; and

11.8.3.11. Any wells.

11.8.4. Wildlife and Environmental Resources. The DCI shall meet the following standards for the protection of wildlife and environmental resources in the County:

11.8.4.1. Any modification of the terrain shall be environmentally sound and not result in

net loss of wildlife habitat;

11.8.4.2. The DCI shall be limited to locations and times of year that ensure no significant negative impacts to federally or state listed endangered or threatened species or to any other species of conservation concern; and

11.8.4.3. The DCI shall not interrupt a wildlife corridor.

11.8.5. Terrain Management. The DCI shall meet the following terrain management standards:

11.8.5.1. Organic Materials. Fill areas shall be prepared by removing organic materials, such as vegetation and any other material, which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site;

11.8.5.2. Vegetation. Existing vegetation shall not be removed more than thirty (30) days prior to the commencement of grading. Areas that have been filled, covered, or graded shall be revegetated as soon as practicable.. Site specific native seed mixtures shall be used, with the exception of landscaped areas, if any. Mulching shall be used to support vegetation growth;

11.8.5.3. Noxious Weeds. All seed mixtures, mulch, and erosion control and revegetation materials shall comply with the NMSU Seed and Noxious Weed Certifications;

11.8.5.4. Topsoil. The topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade. Stockpiling shall conform to best practices and shall ensure that soil organisms in stockpiled soil remain viable until completion of the redistribution process;

11.8.5.5. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or fifty (50) percent, unless a retaining wall is used. The County shall require the submission of a detailed engineering report and analysis prepared by a professional engineer relative to the safety of such cuts and fills;

11.8.5.6. Surface Runoff. The volume of surface runoff shall not exceed the volume that occurred prior to commencement of the DCI. Runoff shall be contained in a retention pond designed and sized by a New Mexico professional engineer; and

11.8.5.7. Sediment and Erosion. Sediment shall not be transported or deposited into any water body, including stream, pond, lake, spring, seasonal watercourse, wetland, and riparian area, or any property outside the property boundaries of the DCI. Best management practices, including grading, fencing, landscaping, soil stabilization, and backfilling, shall be used to reduce the rate and volume of run-off, reduce erosion, and prevent the transport and deposition of sediment.

11.8.6. Fugitive Dust. The DCI shall meet the following standards for the control of fugitive dust:

11.8.6.1. The Permittee shall reduce fugitive dust to the maximum extent possible, including the use of wet suppression through manual or mechanical application, fabric fencing, truck tarps, chemical dust suppressants meeting federal, state, and county water resources protection standards and applied in accordance with the manufacturer's recommendations, and road hardening or paving;

11.8.6.2. The Permittee shall install entry/exit aprons, steel grates, or other equivalent devices to remove bulk material from the tires of vehicle traffic; and

11.8.6.3. The Permittee shall not use potable water for dust control.

11.8.7. Greenhouse Gas Emissions. The proposed DCI results in net zero greenhouse gas emissions. The Greenhouse Gas Emissions Plan shall demonstrate how any emissions attributable to the DCI will be offset.

11.8.8. Fiscal Impact. All costs associated with the proposed DCI are borne entirely by the applicant and the proposed DCI shall have no negative fiscal impact on the County.

11.8.9. Financial Feasibility. The applicant demonstrates an ability to pay for all phases of the proposed DCI including reclamation and remediation by posting a financial guarantee as specified in 11.5.7 (Costs, Fees, and Financial Assurances).

11.8.10. Air Quality. The proposed DCI complies with all federal and state air quality standards.

11.8.11. Annual Monitoring Report. The DCI shall meet the following monitoring standards:

11.8.11.1. The Permittee shall submit an annual monitoring report to the Land Use Administrator no later than January 31st of each year after approval of the DCI Conditional Use Permit. The report shall describe the phase of operation, if applicable, of the nature of operation during the previous year, the size and nature of disturbance of the area affected by operation, the structures or facilities constructed, the number of on- and off-site truck trips and sizes of trucks, the area developed and primarily effected by DCI operations, quantities and type of materials extracted, transported, or disposed, the status of reclamation including the size and type of activities and the estimated cost of reclamation to be completed, the results of air, soil and ground or surface water monitoring, an updated ERP, and any other information requested by the Administrator;

11.8.11.2. The Permittee shall present the report at a public hearing in front of the Board of County Commissioners;

11.8.11.3. After reviewing the report, the Land Use Administrator shall determine whether the DCI Conditional Use Permit should be revised, suspended, or revoked. If the Administrator determines that the permit should be revised, she shall require the Permittee to cease operations and file a new application for a DCI Conditional Use Permit. The Administrator may suspend or revoke the DCI Conditional Use Permit in order to ensure the Permittee's compliance with this requirement, the Permit, or this Chapter;

11.8.11.4. Reports shall be kept on file as a matter of public record; and

11.8.11.5. If the Permittee fails to timely submit any report required under this section, the Administrator may take any enforcement action available to her, including but not limited to suspension of the Permit.

11.9. REGULATIONS FOR LANDFILLS.

11.9.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for landfills and associated activities, in addition to those requirements in sections 11.1 through 11.7, to mitigate negative impacts on the surrounding properties.

11.9.2. Applicability. This Section applies to any place of business or establishment which is maintained, operated or used for the disposal of solid waste located within the County.

11.9.3. Operational Standards and Requirements.

11.9.3.1 Solid Waste Permit. The Applicant shall obtain a Solid Waste permit from the New Mexico Environmental Improvement Board per Title 20, Chapter 9, Part 3 of the New Mexico Administrative Code (NMAC). The permit shall be submitted with the application for a DCI Conditional Use Permit.

11.9.3.2. Setbacks.

1. refuse and salvage material shall not be placed or stored either temporarily or permanently closer than three hundred (300) feet from the property boundaries and five hundred (500) feet from all public road rights-of-way, public recreational easements, and any water bodies and/or seasonal water courses.

2. the property boundaries shall not be located closer than one-quarter (1/4) mile from any existing dwelling or land subdivided for residential development.

11.9.3.3. Analysis of Landfills in the County. The Applicant shall submit an analysis of the existing capacity, the remaining life, and the need for a new solid waste disposal facility in the County.

11.9.3.4. Hours of Operation. A landfill shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

11.10. REGULATIONS FOR JUNKYARDS.

11.10.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for junkyards and associated activities, in addition to those requirements in sections 11.1 through 11.7, to mitigate negative impacts on the surrounding properties.

11.10.2. Applicability. This Section applies to any place of business or establishment which is maintained, operated or used for storing, keeping, buying or selling junk or scrap, or for the maintenance or operation of a motor vehicle graveyard located within the County.

11.10.3. Operational Standards and Requirements.

11.10.3.1. Hours of Operation. A junkyard shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

11.10.3.2. Setbacks. The refuse and salvage material shall not be placed or stored either temporarily or permanently closer than three hundred (300) feet from the property boundaries and five hundred (500) feet from all public road rights-of-way, public recreational easements, and water bodies.

11.11. REGULATIONS FOR LARGE-SCALE SAND AND GRAVEL EXTRACTION.

11.11.1. Purpose; Intent. The purpose of this Section 11.10 is to establish operational, location, and general standards for sand and gravel extraction and processing and associated extraction activities, in addition to those requirements in sections 11.1 through 11.7, to mitigate negative impacts on the surrounding properties, conserve of natural resources, and reclaim the land.

11.11.2. Applicability. This Section applies to any sand and gravel extraction and processing activity including any removal, stockpiling, or processing of construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials. Any screening, crushing, gravel recycling, washing or stockpiling of aggregate, in concert with extraction, constitutes a gravel operation. An operation that affects ten (10) or more acres of land, extracts or processes more than twenty-thousand (20,000) tons of material, or utilizes blasting is considered Large Scale Sand and Gravel Operations and is subject to this section. Sand and Gravel operations affecting ten (10) or fewer acres of land, extracting or processing less than twenty-thousand (20,000) tons of material, or not utilizing blasting are not applicable to this Chapter and are regulated under Section 10.19 (Small Scale Sand and Gravel Extraction). One or more small, incremental increases of an approved sand and gravel extraction or processing operation that effectively avoid the requirements of this section are prohibited. No applicant, operator or owner, whether individually or as an agent or corporate officer of any business entity, who has been granted an approval to operate a sand and gravel extraction or processing operation of less than ten (10) acres of land or less than twenty-thousand (20,000) tons of material shall be granted approval to operate or expand that operation or another sand and gravel extraction or processing operation on the same, contiguous, or nearby property, if the combined operations would affect more than ten (10) acres of land, or process more than twenty-thousand (20,000) tons of material, unless as authorized pursuant to a DCI issued under this section.

11.11.3. This Section does not apply to:

- 11.11.3.1.** Excavation of a basement and footing for a building;
- 11.11.3.2.** Excavation for retaining walls;
- 11.11.3.3.** Mineral Resource Extraction and Processing subject to section 11.13.

11.11.4. Operational Standards and Requirements.

11.11.4.1. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday. The Board may further restrict hours of operation.

11.11.4.2. Setbacks. A sand and gravel excavation or processing operation shall not be located closer than five hundred(500) feet from property boundaries, public road rights-of-way, public recreational easements, and waterbodies and/or seasonal water courses, and One half (1/2) mile from residential structures, shall maintain an additional minimum buffer of one hundred (100) feet of natural vegetation between the operation and the annual high water mark of any waterbody.

11.11.4.3. Signs. Within addition to other applicable requirements of section 7.9 (Signs) of the SLDC, a sand and gravel extraction or processing operation shall have no more than two (2) signs of four (4) square feet each.

11.11.4.4. Blasting Permit. If a proposed operation intends to do any blasting, a blasting permit must be obtained before any blasting can occur.

1. a blasting plan must be included in an application for a blasting permit.
2. the plan shall be created by a qualified blasting firm which is knowledgeable of State of New Mexico requirements and National Fire Protection Association (NFPA) 495.

3. blasting may only be conducted during the permitted hours of operation.

4. the blasting plan shall identify the maximum number of holes to be shot each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule and establish reasonable noise and vibration estimates not exceeding the standards set in Table 11.2.

5. the applicant shall notify the Administrator and, upon request, the owners and lessees of adjoining properties of the proposed blasting no less than ten (10) working days prior to a blast, and shall provide the name of the qualified blasting firm and proof of insurance of no less than one million (1,000,000) dollars for each occurrence.

6. the County may hire a qualified blasting firm to review the applicant's blasting plan at the expense of the applicant.

7. the operator shall require that any blasting be conducted by someone who has been trained and examined and who holds certification issued by the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department.

11.11.4.5. Blasting.

1. the Applicant shall monitor all blasting and record all noise and vibration levels, and report this information to the Land Use Administrator within five (5) working days of blasting and shall comply with the following ground vibration and noise levels:

2. ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property boundary, unless the adjoining property is owned by the operator and not leased to any other person.

3. noise levels shall not exceed the values specified in Table 11-2:

Table 11-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

11.11.5. Application Requirements. In addition to other applicable requirements in this Chapter, the applicant shall provide:

11.11.5.1. Project description. The Applicant shall provide a detailed statement describing the project including:

1. the amount and type of materials to be excavated;
2. the duration of the excavation activity and reclamation activity;
3. the proposed method of excavation;
4. the amount of fill to remain on site; and
5. a statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction.

11.12. REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS. Reserved.

11.13. REGULATIONS FOR OIL AND GAS DRILLING AND PRODUCTION. See County Ordinance No. 2008-19.

11.14 REGULATIONS FOR MINERAL RESOURCE EXTRACTION AND PROCESSING.

11.14.1. Purpose; Intent. The purpose of this section 11.14 is to establish operational, location, and general standards for mineral resource extraction and processing, in addition to those requirements in sections 11.1 through 11.7, in order to:

11.14.1.1. To protect the health, safety and welfare of the citizens of the County, including their quality of life, economy, cultural heritage, history and traditions, infrastructure and natural resources, including air, water, wildlife and scenic beauty;

11.14.1.2. To protect the citizens and environment of the County from harmful, hazardous, and toxic effects and nuisances resulting from mineral resource extraction and processing, including the degradation of air quality, surface and ground water quality and quantity, visual quality, soil erosion and land subsidence, noise and vibration, fire and explosion hazards, traffic, road impact safety and deterioration, and other potential effects;

11.14.1.3. To protect wildlife, wildlife corridors, wildlife habitat, and native biological diversity;

11.14.1.4. To protect the scenic quality of the County, which is critically important to its economy, from the potentially adverse effects of mineral resource extraction and processing; and

11.14.1.5. To assure that public roads and utilities required for mineral resource extraction and processing are adequately funded, built, improved, and maintained;

11.14.1.6. To assure that mineral resource extraction and processing are compatible with other uses in the County, including traditional patterns of land use and development, recreational uses, and existing or planned urban or metropolitan areas;

11.14.1.7. To assure that the remediation and reclamation and closure of areas used or affected by mineral resource extraction and processing complies with the requirements and standards of the SLDC and this Chapter;

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11.14.1.8. To assure that sufficient Financial Assurance is provided to cover all potential costs of mineral resource extraction, processing and reclamation, and to protect the County's taxpayers from bearing any cost related to mineral resource extraction and processing;

11.14.1.9. To provide the applicant with notice of the process and issues that affect the County's review and decision regarding proposals to conduct mineral resource extraction and processing; and

11.14.1.10. To provide for a fair and efficient system for the regulation of mineral resource extraction and processing.

11.14.2. Applicability. This Section applies to all mineral resource extraction and processing in the County.

11.14.2.1. All requirements of this Chapter shall apply to mineral resource extraction and processing except when this Section establishes a more stringent requirement, in which case the more stringent requirement shall be applicable.

11.14.2.2. Mineral resource extraction and processing on state or federal land shall be subject to this Chapter except to the extent prohibited by law. The applicant bears the burden to demonstrate that a provision of this Chapter is prohibited, provided that such provision shall be construed and applied to avoid such effect.

11.14.2.3. A person may not engage in exploration for mineral resources without first obtaining approval of a DCI Overlay Zoning District and obtaining the Administrator's approval prior to initiating the exploration. A person may obtain the Administrator's approval by submitting an application describing the location and nature of the exploration, and attaching a copy of each permit or other approval required by law or regulation. The Administrator may approve an application for mineral resource exploration if the person demonstrates that the proposed exploration meets the provisions, standards and criteria of sections 11.5, 11.8, 11.14.3 and 11.14.6, to the extent applicable. The Administrator may impose reasonable conditions on approval of an application to explore for mineral resources. Exploration is defined as the process of gathering information to assess the mineral potential of a specific area, including trenching, stripping, grooving, assay core drilling, development of access infrastructure, prospecting, mapping, and conducting a survey of any type.

11.14.2.4. No application for a permit to extract or process any uranium mineral or other radioactive mineral shall be considered until the County adopts a regulation for such activity that protects the public health, safety, and welfare, and the environment.

11.14.3. Design Criteria. A DCI Conditional Use Permit for mineral extraction and processing shall not be issued unless the Applicant demonstrates compliance with these design criteria:

11.14.3.1. Mineral resource extraction and processing shall not cause or contribute to the contamination or depletion of a water resource, in perpetuity;

11.14.3.2. All facilities shall be designed to withstand, at a minimum, a one thousand (1,000) year storm event based on National Oceanic and Atmospheric Administration (NOAA) data for the area within the DCI Zone Overlay District;

11.14.3.3. All aspects of the mineral resource extraction and processing operation shall be designed with water conservation as a primary concern;

11.14.3.4. Active or continuous treatment of water, air, or soil shall not be used for any purpose including to address any noncompliance with a standard, requirement, or criterion of the SLDC or this Chapter;

11.14.3.5. Compliance with any control measure to protect air, water, or soil, including any standard, requirement, or criterion of the SLDC or this Chapter, shall not be used to demonstrate compliance with these design criteria; and

11.14.3.6. All designs, including any alterations to designs, shall be certified by a licensed New Mexico professional engineer.

11.14.4. Application Requirements. In addition to the general requirements for DCI Conditional Use Permits, an application for mineral resource extraction and processing shall contain the following:

11.14.4.1. Applicant. The name, mailing address and telephone number of the applicant;

11.14.4.2. Surface and Mineral Estates. A map showing surface and mineral ownership of the mineral resource extraction and processing and the land in the DCI Overlay Zone District, including the name, mailing address, and telephone number of each owner of each surface and mineral estate as shown by the most recent county assessor's property tax schedule;

11.14.4.3. Right of Entry. Proof of the applicant's right to enter onto and conduct mineral resource extraction and processing in the DCI Overlay Zone District;

11.14.4.4. State and Federal Permits. All relevant state and federal permits including but not limited to permits related to the protection of threatened and/or endangered species; and

11.14.4.5. Historic Land Use. A description of the present and historic land use in the DCI Overlay Zone District and within five (5) miles of its boundaries, including any existing or previous mineral resource extraction and processing, the land use in the area adjacent to the DCI Overlay Zone District and the area of proposed mineral resource extraction and processing, and the land capability, productivity and soils based upon classifications published by the U.S. Soil Conservation Service.

11.14.4.6. Project Description.

- 1.** a description of the type and method of proposed mineral extraction and processing, including mining and engineering techniques and commodity to be produced, and other minerals that would be incidentally extracted, processed, and exposed;
- 2.** a description of any abandoned or existing mines within five (5) miles of the DCI Overlay Zone District's boundaries;
- 3.** a map at a scale approved by the Administrator that complies with the requirements of Section 11.5.8 (Maps);
- 4.** a description, map, and schedule of construction and operation, including the location and number of acres of land involved, for all facilities, including but not

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limited to:

- a. leach pads;
- b. stockpiles;
- c. dumps;
- d. impoundments;
- c. ponds;
- d. diversions;
- e. disposal systems;
- f. pits;
- g. tailings disposal facilities;
- h. mills;
- i. water treatment facilities;
- j. air emission equipment;
- k. storage areas;
- l. topsoil and topdressings storage; and
- l. other facilities or structures.

11.14.4.7. Baseline Data Report. A baseline data report describing the existing environment of the DCI Overlay Zone District as specified below. The data shall be collected over a period of not less than twelve (12) consecutive months as applicable. Prior to collecting a category of baseline data, the applicant shall submit Sampling and Analysis Plans (SAPs) described in section 11.7.2.2. The baseline data report shall include the following:

1. the climatological factors, including precipitation, prevailing winds, temperature, and NOAA data defining the one thousand (1,000) year storm event for the DCI Zone Overlay District;
2. a topographic map showing the boundaries, the location of all structures within one-half (1/2) mile, and all man-made features, at a scale of 1-inch equals 2000 feet (1:24,000) or as approved by the Administrator, and in paper and GIS formats following the requirements of Section 11.5.7 (Maps);
3. a description and map showing existing vegetation types, including cover, density, and productivity, and, if the vegetation on site has been adversely impacted by previous activities, a description and map based on information from adjacent areas;
4. a description and map showing existing wildlife, including types, communities,

and populations, and, if the wildlife on site has been adversely impacted by previous activities, a description and map based on information from adjacent areas;

5. state and federally listed sensitive, threatened or endangered plant species on the site and immediately adjacent properties;

6. state and federally listed sensitive, threatened or endangered wildlife species on the site and immediately adjacent properties;

7. a description and map showing cultural and archaeological sites and traditional cultural properties, including sites on or eligible for listing on the National Register of Historic Places or the State Register of Cultural Properties, including a statement demonstrating that the applicant adequately consulted with each potentially affected tribe;

8. the topsoil, including its physical and chemical characteristics, its suitability for reclamation, and depth and characteristics of A, B, and C horizons if applicable;

9. the ore body and surrounding rock, and the geology and mineralogy, including cross-sections of overburden, mineralized zones, and ore bodies; and

10. surface water and ground water:

a. a description and map showing the location and physical parameters of watersheds and surface waters, including streams, lakes, reservoirs, springs, watercourses, and riparian and wetland areas, classified as perennial, ephemeral, or intermittent;

b. a description and map showing the location and physical parameters of ground water, including depth, total dissolved solids, water chemistry, flows and gradients, transmissivity and storage capacity;

c. a description and map showing the location and physical parameters of man-made water features such as acequias, irrigation canals, sumps, and drains;

d. a description and map showing wells within two (2) miles of the boundaries of the DCI Overlay Zone District;

e. a description and map showing the surface and bedrock geology with cross sections clearly illustrating the lithologic units, structures, faults and fractures, mineralized zones, and water table, including whether a unit, structure, fault, fracture, or zone is water bearing, the amount of water contained in such unit, variation in amount during the sampling period, flow and gradient, transmissivity, storage capacity, and collection areas; and

f. a description and map showing the ownership of water rights in surface and ground water in the DCI Overlay Zone District.

11.14.4.8. Contaminated Baseline and Legacy Uses. In the event that baseline conditions do not meet the standards of this Chapter and the SLDC, the applicant shall be required, as a condition of permit approval, to submit and follow a phased plan approved by the

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Administrator to improve or remediate conditions to acceptable standards prior to or concurrent with the commencement of mining activity. Additionally, should any part of the Overlay District include a legacy mine or historic mining site, the Board may include as a permit condition, the reclamation of that site on a phased schedule prior to or concurrent with the commencement of the proposed mining activity. The Applicant shall bond for 125% percent of the cost of remediating contaminated baseline condition and reclaiming the legacy mine or historic mine site.

11.14.4.9. Environmental Impact Report. In addition to the requirements of section 11.7.1.8 (Studies, Reports, and Assessments), the applicant shall submit a report describing the environmental conditions expected to occur during and after mineral resource extraction and processing, including construction, operation, reclamation, post-reclamation, and conditions during and after a one thousand (1,000) year storm event based on National Oceanic and Atmospheric Administration (NOAA) data for the area within the DCI Overlay Zoning District. The report shall describe these environmental conditions using geological, meteorological, hydrological, geochemical, and mineralogical modeling for each baseline described in Section 11.14.4.7 (Baseline Data Report), including:

1. the characteristics of each material to be extracted, processed, stored, deposited, exposed, or disposed, including waste rock, raw and spent ore, tailings, pits, walls, and underground workings;
2. the potential and nature of geochemical alteration of each material to be extracted, processed, stored, deposited, exposed, or disposed that could result in the leaching, acid generation, emission, or release of an air or water contaminant;
3. the nature and extent of sulfide mineralization and acid generation related to each material to be extracted, processed, stored, deposited, exposed, or disposed; and
4. the hydrologic effect, including any geochemical alteration, sulfide mineralization, and acid generation associated with mineral resource extraction and processing, including construction, operation, reclamation, and post-reclamation, as demonstrated by cross sections and 3D models showing the location of pads, stockpiles, ponds, pits, walls, and underground workings, and other related features, potential fracturing in the geologic subsurface and their relation to the water table, hydrology, and mineralization.

11.14.4.10. Stormwater. A description of the proposed method for management and disposal of stormwater runoff from disturbed and undisturbed ground that prevents clean water from entering any area containing a material that has been extracted, processed, stored, deposited, exposed, or disposed, and that captures any water that contacts a material that has been extracted, processed, stored, deposited, exposed, or disposed.

11.14.4.11. Sediment. A description of the proposed method for reduction and control of sediment transport.

11.14.4.12. Wastewater. A description of the proposed method for disposal of domestic waste, including the location and design of septic tanks and leachfields.

11.14.4.13. Solid Waste. A description of the proposed method for management and disposal of domestic and industrial solid waste, including the implementation of best practices for minimization and recycling.

11.14.4.14. Extraction and Processing. A description and map showing the proposed mining method, milling method, disposal of waste rock and tailings and existing and proposed facilities, including:

1. open pit and underground mining facilities, including location, depth, size, acreage, and geology;
2. material handling and processing facilities, including crushing, milling, concentrating, smelting and solvent extraction and electrowinning;
3. ancillary facilities, including sumps, tanks, pipelines, transportation, and offices. The description shall include the location, purpose, construction material, and dimensions and capacity;
4. storage and disposal facilities, including tailing, process water, and stormwater impoundments, drainage channels, leach pads, waste rock stockpiles, and slag and residue piles. The description shall include the location, purpose, liner material, and storage or disposal capacity; and
5. process and domestic water, including the location, construction method and material, dimension and capacity of wells, meters and pipes.

11.14.4.15. Storage, Disposal, and Maintenance of Ore, Tailings, Waste Rock, and High Walls. A plan for handling each material extracted, processed, stored, deposited, exposed, or disposed, and each facility proposed for such use, in a manner that will not cause or contribute to the contamination of surface or ground water in perpetuity, signed and sealed by a licensed New Mexico professional engineer, taking into consideration the amount, intensity, duration, and frequency of precipitation, the watershed area, topography, geomorphology, soils, and vegetation.

11.14.4.16. Operating Plan. A plan describing the procedures for operating the facilities for mineral resources extraction and processing developed based on the findings of section 11.14.4.10 (Environmental Impact Report), including:

1. a schedule of anticipated periods of temporary closure including but not limited to holidays or anticipated regular maintenance;
2. notification of appropriate regulatory authorities of temporary closures, both scheduled and unscheduled;
3. a description of water treatment processes;
4. a description of processes for containing leachate and runoff from materials that have been extracted, processed, stored, deposited, exposed, or disposed;
5. a description of processes and protocols for managing fluids in the operation, including routine inspections of each facility;
6. a protocol for managing the facilities and fluids during emergencies and non-routine operations, including:

- a. emergency by-pass and containment procedures for each facility, including treatment facilities damaged or unable to keep up with demand;
- b. procedures to cease operations during emergencies and non-routine operations;
- c. labor requirements, including management and security, to cease operations and manage facilities during emergency and non-routine operations;
- d. identification of potential hazards, including the generation and release of toxic and hazardous materials, during emergency and non-routine operations
- e. monitoring plan to identify and characterize toxic and hazardous materials generated or released during emergency and non-routine operations;
- f. pump energy usage and utility rates;
- g. estimated cost to cease operations and manage facilities during emergencies or non-routine operations;
- h. health and Safety Plan; and
- i. procedures to stabilize facilities and return to regular operations.

11.14.4.17. Blasting Plan. A plan created by a qualified blasting firm which is knowledgeable of State of New Mexico requirements and National Fire Protection Association (NFPA) 495, which identifies the maximum weight of explosives detonated on each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule and noise and vibration estimates not exceeding the standards set in Table 11.2.

11.14.4.18. Monitoring Plan. In addition to the requirements of Section 11.8.11 (Annual Monitoring Report), the applicant shall submit a Monitoring Plan, including Quality Assurance/Quality Control (“QA/QC”) procedures, describing the collection and evaluation of data to ensure compliance with the standards of this Chapter and the SLDC, including:

- 1. representative samples of each material extracted, processed, stored, deposited, exposed, or disposed;
- 2. representative samples of ground and surface water, including each point of potential contact with a material that could leach, generate, or release a water contaminant;

3. hydrological tests to evaluate changes in flow, gradient, and water table; and
4. monitoring of operations to detect leaks and ensure proper function of facilities.

11.14.4.19. Wildlife Impact Mitigation Plan. The applicant shall submit a Wildlife Impact Mitigation Plan developed by a wildlife specialist approved by the Administrator. The Plan shall describe how any impacts on wildlife attributable to the DCI will be eliminated and/or mitigated to the greatest extent possible and shall be based on the findings of sections 11.14.4.8 (Baseline Data Report) and 11.14.4.10 (Environmental Impact Report). Compliance with the approved Wildlife Impact Mitigation Plan shall be a condition of the Permit.

11.14.4.20. Closure Plan. The Permittee shall submit a closure and post-closure plan addressing the closure requirements at the time of application, and shall update the plan no later than one (1) year prior to the commencement of closure. The plans shall be based on the findings of section 11.14.4.10 (Environmental Impact Report) and shall identify a New Mexico licensed professional engineer responsible for implementation of the plans and approved by the Administrator. Following the completion of the facility closure, the engineer shall prepare a final report describing the actions taken by the permittee, the results of closure and post-closure monitoring, and a certification that the DCI Overlay Zoning District after closure will compliance with all applicable standards in perpetuity.

11.14.4.21. Reclamation.

1. a detailed description of the proposed post-mining land use within the DCI Overlay Zone, including the written approval of each surface owner for the proposed use;
2. a plan, stamped by a professional engineer with demonstrable experience in mine reclamation, to reclaim the DCI Overlay Zone, including:
 - a. a description of the methods to be used;
 - b. a description and map showing the schedule and acres to be reclaimed;
 - c. a topographic map of the anticipated surface configuration after the completion of reclamation including cross sections on one hundred (100) foot centers showing the existing ground and the proposed reclaimed surface;
 - d. a description of the potential for the generation of water contaminants after reclamation and how contaminants will be eliminated;
 - e. a description of the measures for siting, designing, constructing, and managing facilities to ensure the success of reclamation;
 - f. a mass balance table showing for each phase and year of operation, the quantity of topsoil salvaged and replaced, the quantity of topsoil estimated

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to remain, the quantity of ore mined, and the quantity of waste generated and placed in each storage facility; and

g. a plan for salvaging and storing topsoil from the mine site for use in reclamation.

11.14.4.22. Additional Information. Any additional information which the Administrator deems necessary to review the application.

11.14.5. Application Review. The Administrator may contract with, and the applicant shall pay for, any consultant retained by the County, in its discretion, to provide assistance related to its review of the application.

11.14.6. Performance Standards and Conditions.

11.14.6.1. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Friday. The Administrator may further restrict hours of operation.

11.14.6.2. Setbacks. Mineral resource extraction and processing, and all related equipment, structures, and facilities:

1. shall be no closer than three hundred (300) feet to the boundaries of the DCI Overlay Zone District and five hundred (500) feet from all public road rights-of-way, public recreational easements, and one hundred (100) year flood zones;

2. shall be no closer than one thousand (1,000) feet to the seasonal high water mark of any water body or seasonal watercourse, including a minimum one hundred (100) foot buffer zone of natural vegetation measured from the annual high water mark of a surface water, including a perennial, ephemeral, and intermittent body; and

3. shall be no closer than one half (1/2) mile to any Traditional Community Zoning District, Planned Development District Zoning District, or single-or multi-family dwelling, park, recreational use, or institutional structures including but not limited to churches, public buildings, and schools not within the DCI Overlay Zoning District.

11.14.6.3. Compliance with Design Criteria. Mineral resource extraction shall comply with section 11.14.3 (Design Criteria) during all phases of construction, operation, closure, reclamation, and post reclamation.

11.14.6.4. Hazardous Materials. All facilities containing a hazardous material, including ponds tanks, pits, and piles, shall be covered to prevent any contact with wildlife. The handling, storage, use, and disposal of hazardous materials shall conform to the highest standards of care, industry best practices, and the applicable law.

11.14.6.5. Remediation of Contaminated Baseline and Legacy Uses. In the event that baseline conditions do not meet the standards of this Chapter and the SLDC and/or if any part of the Overlay District include a legacy mine or historic mining site, the Permittee shall follow the plan and/or phased schedule detailed in section 11.14.4.9 as a condition of the Permit.

11.14.6.6. Terrain Management.

1. open pits shall be backfilled unless the Administrator determines that another method of open pit closure will be more effective to comply with section 11.14.3 (Design Criteria);
2. surface water run-on and run-off from undisturbed areas shall be controlled to prevent contact with and contamination by disturbed areas and process and waste materials;
3. surface water run-on and run-off from disturbed areas and process and waste materials off shall be controlled to prevent contact with undisturbed areas using the most effective techniques identified in the best available science; and
4. land surfaces in the DCI Overlay Zone District shall be managed to minimize erosion, including the construction of sedimentation ponds.

11.14.6.7. Facilities for Storage, Processing, and Disposal of Ore, Spent Ore, Waste Rock, Tailings, and Other Geological Materials. Facilities for the storage, processing, and disposal of ore, spent ore, waste rock, tailings, and other geological materials shall be designed to comply with Section 11.14.3 (Design Criteria), and additionally, shall include:

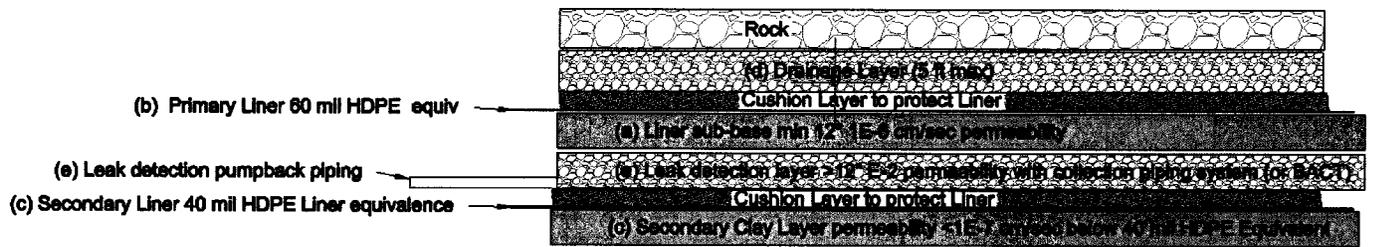
1. a process solution collection system designed to: (1) remain functional for five (5) years after the operational life of the facility; (2) integrate with an overliner protection structure that protects the primary liner from damage during loading and minimizes the potential for penetration of the primary liner; (3) transmits fluids out of the drainage layer of the facility; and (4) maintains a hydraulic head less than the thickness of the drainage layer, provided that the drainage layer shall not exceed five (5) feet in thickness. Any penetration of the primary liner by the collection system through which a pipe or other fixture protrudes shall be constructed in accordance with the liner manufacturer's requirements, and shall be disclosed in the construction plans and as-built drawings;
2. a primary liner consisting of a continuous flexible-membrane of suitable synthetic material or other impermeable substance that provides the same or greater level of containment, including permeability, as a sixty (60) millimeter HDPE geomembrane liner system. The liner system's tensile strength, tear and puncture resistance and resistance to degradation by ultraviolet light shall be compatible with the maximum expected design loads, exposures and conditions. The liner shall be designed and certified by a New Mexico licensed professional engineer with experience in liner system construction and installation based on the following factors:

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- a. type, slope and stability of the foundation;
 - b. overliner protection and provisions for hydraulic relief within the liner system;
 - c. load, and the means of applying the load on the liner system;
 - d. the compatibility of the liner material with any process solution to which it may be exposed; and
 - e. the liner's ability to remain functional in perpetuity;
3. a liner system sub-base placed upon a stable foundation. The prepared sub-base shall consist of a minimum of twelve (12) inches of soil that has a minimum re-compacted in-place coefficient of permeability of 1×10^{-7} cm/sec. The top surface of the sub-base shall be smooth and free of sharp rocks or any other material that could penetrate the overlying synthetic liner;
4. an electronic grid leak detection system installed between the primary and secondary liners for the purpose of detecting the loss of process solution;
5. a pump back system installed between the primary and secondary liners for the purpose of keeping the secondary liner dry in the event of a leak. Pumped fluids shall be managed in a manner that is protective of human health and the environment and that satisfies Section 11.13.3 (Design Criteria);
6. tailings shall be dry stacked unless the Administrator determines that another method is more effective to ensure compliance with Section 11.13.3 (Design Criteria);
7. a stockpile and its foundation shall be designed with a minimum static factor of safety of 1.5 and seismic factor of safety of 1.1; and
8. if a leak is discovered in the liner system, the permittee shall cease mining resource extraction and processing, notify the Administrator, remove the material from the liner, and repair the leak. The Permittee shall not recommence the mining resource extraction and processing until a registered professional engineer certifies that the leak has been correctly identified and properly repaired, and any release has been remediated and the Administrator concurs after review of the certification.

Figure 11.1 Liner System Example. The following figure provides a graphic illustration of a potential liner system based on the standards described above.

LEACH PAD LINER SYSTEM



11.14.6.8. Maintenance of Highwalls. Highwalls shall not be permitted unless the Administrator determines that highwalls are the most effect method to ensure compliance with Section 11.13.3 (Design Criteria). If permitted, highwalls shall be maintained using the most effective techniques identified by the best available science.

11.14.6.9. Monitoring Plan. The applicant shall pay a New Mexico registered professional engineer with expertise in site monitoring and approved by the Administrator to implement the Monitoring Plan. The Administrator shall specify the frequency of data collection and reporting for each element of the Monitoring Plan, including a procedure for emergency notification if the contractor detects any contamination.

11.14.6.10. Blasting.

1. all blasting shall comply with the blasting plan approved by the Administrator;
2. blasting shall be conducted only during the permitted hours of operation;
3. the permittee shall provide the Administrator and all residents within five (5) miles of the boundary of the DCI Overlay Zoning District with a blasting schedule and shall provide the name of the blasting firm;
4. the blasting shall be conducted by a person trained, examined, and certified by the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department;
5. the blasting firm shall have insurance of no less than one million dollars (\$1,000,000) for each blasting event;
6. the permittee shall monitor each blasting event, record the noise and vibration levels, and report this information to the Administrator no later than five (5) working days after the blasting event;
6. ground vibration during a blasting event shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any boundary of the DCI Overlay Zoning District, unless the adjoining property is owned by the permittee and not leased to or occupied by another person; and
7. the noise level during a blasting event shall not exceed the following values:

Table 11-2. Maximum Allowable Noise Levels.

Lower frequency limit of measuring	Maximum level in dB
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system, Hz + 3dB	
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

11.14.6.11. Additional Conditions.

1. the Administrator may take any action that she deems necessary, in her discretion, including but not limited to ordering the cessation of mineral resource extraction and processing, imposing further conditions or requirements, or revoking the DCI Conditional Use Permit, if, based on the available information, she determines that the operation has caused or is causing water contamination or failed to comply with a performance or other standard, or requirement of the SLDC, this Chapter, the Permit, or any law, regulation, or ordinance; and
2. if the Administrator determines that baseline conditions do not meet the standards and requirements of this Chapter and the SLDC, she shall require the applicant to remediate conditions to the applicable standard and requirement prior to the commencement of mineral resource extraction and processing, provided however, that the reclamation of historic mining sites may be conducted concurrent with the commencement of the mineral resource extraction and processing on a schedule specified in the DCI Conditional Use Permit.

11.14.7. Financial Assurance. The County shall require the applicant, prior to issuance of the DCI Conditional Use Permit, to provide financial assurance in any amount and manner to comply with and fulfill the intent of the SLDC and this Chapter, including Section 11.5.6 (Cost, Fees, and Financial Assurances), and the following provisions. The Administrator shall determine the amount and manner of financial assurance under this section by conducting the appropriate study, and any additional review, investigation, and revisions to the study, and may require additional or change the manner of financial assurance. The applicant shall pay the cost of any such study, review, investigation, or revision. If the applicant or permittee, as applicable, fails to maintain the financial assurance in the amount and manner required by the County, the DCI Conditional Use Permit shall be automatically suspended until the deficiency has been cured. The Administrator shall issue an annual report describing the status of each financial assurance, including the claims filed and distributions made.

11.14.7.1 Performance Financial Guarantee. The Applicant shall post an irrevocable financial guarantee issued by a surety company authorized to conduct such business in New Mexico, in an amount determined by the Administrator, but no less than one hundred twenty five (125) percent of the cost to conduct monitoring during operation and for one hundred (100) years after closure, and to remediate contamination, damage, and impacts arising from or related to mineral resource extraction and processing, including the cost associated with hiring one or more local contractors to conduct remediation, reclamation, and closure.

11.14.7.2. Cash Deposit to Trust for Roadway Damage Compensation. The applicant shall fund an irrevocable road damage trust in an amount determined by the Administrator to be the cost to construct, improve, expand, and maintain all public roads affected by the

mineral resource extraction and processing. The County shall be the sole beneficiary of the trust, and shall name the trust administrator who shall receive the initial deposit.

11.14.8. Closure. Closure shall comply with Section 11.14.3 (Design Criteria), including the following standards:

11.14.8.1. Removal. All facilities not required to ensure compliance with the standards and requirements of the SLDC, this Chapter, and the DCI Conditional Use Permit shall be removed.

11.14.8.2. Secondary Containment Systems. Liner systems shall be tested for any potentially contaminating materials and remediated to comply with section 11.13.3 (Design Criteria).

11.14.8.3. Leach and Spent Ore Facilities. Prior to facility closure, materials in leach and spent ore facilities shall be detoxified using rinse/rest cycles and chemical oxidation. Following detoxification, leach and spent ore facilities shall be closed by covering the materials as specified in section 11.14.9.4 (Cover Systems). Any ponds associated with a heap-leach or spent ore facility shall be closed by folding in the synthetic liners and filling and contouring the pits with inert material. Residual sludge or spent ore in a facility shall be removed and disposed in an approved facility. All piping shall be removed.

11.14.8.4. Cover Systems. At closure, a permittee shall install a cover system on waste rock piles, leach and spent ore facilities, tailing impoundments, and any other unit that has the potential to yield any contaminating materials. The cover system shall be capable of containing the contaminating materials in perpetuity:

1. the cover system shall be constructed of thirty-six (36) inches of earthen materials that are capable of sustaining plant growth without perpetual care and have erosion resistant characteristics. The pile shall be shaped to be geomorphologically stable. Erosion rates shall be equal to or less than stable slopes in the surrounding area after the vegetation has reached near-equilibrium cover levels;
2. cover systems shall have the capacity to store within the fine fraction at least ninety-five (95) percent of the long-term average winter precipitation (December, January and February) or at least thirty-five (35) percent of the long-term average summer precipitation (June, July and August), whichever is greater. The water holding capacity shall be determined by multiplying the thickness of the cover by the incremental water holding capacity of the fine fraction of the cover. The incremental water holding capacity of the fine fraction of the cover shall be determined by field or laboratory tests or published estimates;
3. the cover system design criteria may be reduced or modified only after the permittee demonstrates that an alternate cover system, including a composite or layered cover incorporating a liner, will provide an equal or greater level of protection for surface and ground water standards; and
4. the cover system shall include monitoring and reporting for surface and ground water under and adjacent to the unit.

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11.14.9. Reclamation. Reclamation shall begin as soon as practicable after the commencement of mineral resource extraction and processing, and shall continue concurrently with such operation until reclamation is completed. Reclamation of a phase shall begin at a minimum prior to the initiation of the subsequent phase.

11.14.10. Temporary Cessation. The Permittee shall comply with this section if it temporarily ceases the mineral resource extraction and processing for a period greater than twenty-four (24) consecutive hours, provided that the Permittee shall comply with Section 11.11 (Termination) if the Administrator determines that the Permittee does not intend to continue such operation within a reasonable period of time.

11.14.10.1. The Permittee shall meet the following standards in the event of temporary cessation:

1. no later than twenty-four (24) hours after the cessation, the permittee shall notify the Administrator in writing, including the reason for cessation, estimated duration of cessation, and actions taken to comply with the standards of this section. The Permittee shall post the notice at the main entrance to the operation, and shall mail the notice by certified mail to all residents, land owners and lessees, owners and lessees of non-residential structures, and Registered Organizations and Community Organizations that are registered for notification of applications for DCI Overlay Zoning Districts or DCIs under sections 2.2.2 and 2.2.3 of the SLDC, that are located within one (1) mile of the boundaries of the proposed DCI Overlay Zoning District;
2. maintain all structures and facilities;
3. comply with all conditions of the DCI Conditional Use Permit, including monitoring and reporting;
4. comply with all applicable standards and requirements of the DCI Conditional Use Permit; and
5. secure the operation to prevent unauthorized access.

11.14.10.2. A Permittee that recommences mineral resource excavation and processing after a temporary cessation shall give written notice of such action in the same manner as specified in Section 11.14.10.1.

11.14.10.3. A Permittee who ceases mineral resource excavation and processing for a continuous period of more than three (3) years or more than twice in a three (3) year period shall not recommence such operation until it obtains a new DCI Conditional Use Permit.

11.14.11. Termination. If the Administrator determines that mineral resource extraction and processing has terminated, the Permittee shall comply with the closure and reclamation requirements of the DCI Conditional Use Permit.



**Santa Fe County Public Meetings to Amend Chapter 11 of
the Sustainable Land Development Code (SLDC) to Include
Regulations for Mining and Resource Extraction**

Santa Fe County invites the public to participate in public meetings and to provide comment on proposed amendments to Chapter 11 of the Sustainable Land Development Code (SLDC). Chapter 11 of the SLDC establishes regulations for Developments of County Wide Impact. The proposed amendments include new regulations for mining and resource extraction and enhanced protections for environmental resources and public health and safety. Public meetings will be held at the following times and locations:

Tuesday, January 22—5:00 p.m. to 7:00 p.m.
Edgewood Fire Station
1 Municipal Way, Edgewood, NM

Thursday, January 24—5:00 p.m. to 7:00 p.m.
Nancy Rodriguez Community Center
1 Prairie Dog Loop, Santa Fe, NM

Tuesday, January 29—5:00 p.m. to 7:00 p.m.
Galisteo Community Center
39-41 Ave. Vieja, Galisteo, NM

Thursday, January 31—5:00 p.m. to 7:00 p.m.
Nambe Community Center
180 A SR 503, Nambe, NM

The public may submit comments on the proposed amendments to Jacob Stock (505) 995-2737 jstock@santafecountynm.gov through February 9th for consideration in the final draft.

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