

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**October 13, 2020**

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

SECC CLERK RECORDED 11/18/2020

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**October 13, 2020**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

**B. Roll Call**

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

**Members Present:**

Commissioner Henry Roybal, Chair  
Commissioner Anna Hansen, Vice Chair  
Commissioner Rudy Garcia  
Commissioner Anna Hamilton  
Commissioner Hank Hughes

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Roybal and the Moment of Reflection by of the Ignacio Dominguez of the Public Safety Department.

There was a moment of silence held for the community in these turbulent times.

**I. F. Approval of Agenda**

CHAIR ROYBAL: Is there any changes to the agenda? Manager Miller,

SEC. CLERK RECORDED 11/18/2020

did you have any changes for us?

KATHERINE MILLER (County Manager): Mr. Chair, the amended agenda was posted on October 9<sup>th</sup> at 3:26 pm. Those items that were amended at that time, under Action Items, item 3.E, that caption was corrected; it had a typo in it. Item 3.G was withdrawn and item 5. D was added in its place.

And then under Matters from the County Attorney, items 8. A. 1 and 2 were added. Those are all the amendments to the agenda.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Are there any other changes to the agenda from the Board? If not I will take a motion for approval.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I move to approve the agenda.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen and a second from Commissioner Hughes. I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Garcia was not present for this item.]

**2. CONSENT AGENDA**

- A. Resolution No. 2020-75, a Resolution Requesting a Budget Increase to the State Appropriation Fund (318) in the Amount of \$84,500 to Budget Grant #19-D3189 (Finance Division / Yvonne S. Herrera)**
- B. Request (1) Approval of Resolution No. 2020-76, a Resolution Requesting a Budget Increase to the Economic Development Fund (224) in the Amount of \$10,000, and (2) Authorization for Chris Hyer, Economic Development Manager, to Act as the Official Representative of the County to Administer Grant Agreement 2021-0048-GM/AG, Along with All Understanding and Assurances Contained Therein, and to be Responsible for Overall Supervision of the Project Approved Therein (Finance Division/Yvonne S. Herrera)**
- C. Request (1) Approval of Amendment No. 6 to Price Agreement Nos. 2015-0073-A-ASD/PL with Matthews Office Supply and 2015-0073-B-ASD/PL with Midway Office Supply for Indefinite Quantity Office Supplies for an Additional One-Year Term; and (2) Grant Signature Authority to the County Manager to Sign the Purchase Order(s) (Bill Taylor, Purchasing Division)**

CHAIR ROYBAL: Are there any items on the Consent Agenda the Commission would like further explanation? And if not, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I'd move to approve the

SFC CLERK RECORDED 11/16/2020

Consent Agenda.

COMMISSIONER HANSEN: Second.

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

COMMISSIONER HANSEN: And if I could have just a moment to discuss.

CHAIR ROYBAL: Absolutely.

COMMISSIONER HANSEN: I would just like to congratulate Chris Hyer on receiving this grant for \$10,000 for economic development. Thank you and congratulations, Chris, for the grant.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I think it's important to recognize Mr. Hyer for his efforts in receiving this grant. So thank you for doing that. So we do have a motion and a second. Is there anything under discussion from any other Commissioners? Okay, hearing none, we're going to go ahead and go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Garcia was not present for this item.]

### 3. ACTION ITEMS

#### A. Request Approval of Community Development Block Grant (CDBG) Grant Agreement 19-C-NR-I-01-G-17 to Construct a Community Well in Glorieta, New Mexico

CHAIR ROYBAL: From the Growth Management Department we have Mr. Paul Olafson.

PAUL OLAFSON (Growth Management/Planning): Yes, Mr. Chair, Commissioners. Before you today is a grant agreement. It's a Community Development Block Grant in the amount of \$750,000. It is to construct a deep water well in the community of Glorieta and in support of the Greater Glorieta Mutual Domestic Water Consumers Association. The project will entail drilling the well and all the appurtenant plumbing and piping to connect the well to the existing water system. And currently the well for their domestic water is in a shallower aquifer and there are contamination problems. This will address that problem as well as provide a much more stable and long-term water supply for the community over time.

Additionally, with the acceptance of this grant there is a ten percent match requirement for receiving the grant that is \$75,000, and the match will be provided by the Greater Glorieta Mutual Domestic as part of the overall project. The Greater Glorieta also has additional funding for other system improvements and distribution improvements and it is anticipated that these projects will work together and be implemented as a final phase of a longer-term project to upgrade the wells and the water system in Glorieta. The ten percent match was added to the memo that's attached with the packet material. However, it was not added on the BoardDocs description. So I just want to make sure that that's clear.

Also attached in the memo along with the draft agreement. With that I would

SFC CLERK RECORDED 11/16/2020

stand for any questions.

CHAIR ROYBAL: Okay. Thank you, Mr. Olafson. We really appreciate that and I think this is a big start to a great project. I believe the Commissioner for this project is Commissioner Hamilton, so I'm going to go to Commissioner Hamilton first.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I don't know. You all may remember back before COVID when this project came up when they were applying to be accepted by the Commission to go for the CDBG money. They made a full presentation at that time. I don't know – given that it's a virtual meeting and whatever and what if any representatives of the Glorieta community are on but they definitely asked me to convey their tremendous appreciation for having this opportunity to partner with the County and get this project done.

Every community that the County's worked with that has these kinds of water quality issues, when you're a mutual domestic and you're small, it's an incredible benefit to have the County to come and partner with you, to be able to avail yourselves of this kind of funding opportunity and the community is incredibly grateful, as am I. So I guess with that I would like to move to approve this.

COMMISSIONER HUGHES: Second.

COMMISSIONER HANSEN: Mr. Chair, under discussion. I too think it is incredibly important that our mutual domestics get that kind of support. Having a mutual domestic in my district, the Village of Agua Fria, this kind of support is so necessary for them being such small entities and needing this kind of help. So I am very happy to see that this was awarded and I'm happy. I'm happy for the constituents in Santa Fe County.

CHAIR ROYBAL: Thank you for saying that. I've got a couple of mutual domestics in my district as well and I know the importance of quality of water. It's something, just a basic necessity for our constituents. I'm really happy. A lot of times we have projects that are really beneficial to our constituents and sometimes where we have adverse opinions on different projects but at the end of the day a project like this for basic needs – wow, it's really great to be a part of this approval and see this come to fruition. So I'm really proud to be here as well. So thank you for those comments, Commissioner Hansen. Any other comments under discussion. So I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Garcia was not present for this item.]

3. B. **Request (1) Approval of Amendment No. 4 to Agreement No. 2017-0223-F-LG/MM Between the County and Montgomery & Andrews, P.A. to Provide Legal Services, Increasing the Limit of the Amount Payable to the Contractor to \$350,000, Inclusive of NM GRT; and (2) Authorizing the County Manager to Sign the Purchase Order(s)**

CHAIR ROYBAL: From the Procurement Office we have Mr. Bill Taylor and if needed, Mr. Greg Shaffer, our County Attorney.

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. Good afternoon. The County entered into this agreement in April of 2017 and amendment one

SEC. CLERK RECORDED 11/16/2020

of the contract, there was not-to-exceed \$250,000 of legal services payable to the Montgomery & Andrews law firm for a multitude of legal services as directed by the County Attorney. We are now before the Commission to request an amendment number four to increase the limit of \$250,000 and raise that to \$350,000 inclusive of New Mexico gross receipts tax. Mr. Chair, I will stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Taylor. So is there any questions from the Board? I'm going to go through the list and see if we have any. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Mr. Taylor. I just want to say that I support this. I know that we are short a couple of attorneys since we have been in this pandemic and I think it is really important that the Legal Department have staff and support and backup, and I believe that this contract also includes John Utton who has been a long-term attorney to us who has helped on many different water issues. And so with that I would like to move to approve.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a second from Commissioner Hamilton. I want to go to discussion. Are there any other Commissioners that have questions under discussion for item number 3. B?

COMMISSIONER HUGHES: Yes, Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hughes. Go ahead, sir.

COMMISSIONER HUGHES: Yes, I am certainly in favor of this. I just had a question for Purchasing, which is how many times do we extend contracts before our Procurement requires us to go out to bid again?

MR. TAYLOR: Thank you, Mr. Chair, Commissioner Hughes. Great question. Appreciate that. The Procurement Code only allows up to a four-year term for professional services contract, this being a professional services contract. We would have to go out for another procurement in order to go beyond a four-year term with this firm or anything. So April of 2017 we entered into the agreement, so it's good through April of 2021.

COMMISSIONER HUGHES: Thank you. That was my only question.

CHAIR ROYBAL: Thank you for that question, Commissioner Hughes. So I'm going to go to a roll call vote unless I hear that one of the other Commissioners has a question.

GREG SHAFFER (County Attorney): Mr. Chair, if I could.

CHAIR ROYBAL: Attorney Shaffer.

MR. SHAFFER: Thank you, Mr. Chair, and I appreciate the sentiments expressed by Commissioner Hansen. I did just want to clarify that John Utton's services are not provided for under this agreement. That is pursuant to a separate agreement, but I did want to clarify that for the record. So thank you, Mr. Chair.

COMMISSIONER HANSEN: Thank you, Greg. I thought that he worked for this firm. So thank you.

CHAIR ROYBAL: Thank you for that clarification. So I'm going to go to a roll call vote.

SEC CLERK RECORDED 11/16/2020

**The motion passed by unanimous [5-0] roll call vote.**

3. C. **Request (1) Approval of Amendment No. 2 to Indefinite Quantity Price Agreements 2017-0078- B and C-PW/RM and Amendment No. 1 to Indefinite Quantity Price Agreement 2017-0078-D-PW/RM with Associated Asphalt & Materials, LLC, Española Transit Mix, LLC, and Moriarty Concrete Products, Respectively, Related to the Purchase of Road Maintenance and Construction Materials for an Additional One-Year Term and (2) Grant Signature Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR ROYBAL: And from Purchasing, we have once again Mr. Bill Taylor.

MR. TAYLOR: Thank you, Mr. Chair. I think this may need a little clarification. So we entered into multiple contracts for indefinite quantities for road maintenance materials with multiple suppliers of those materials. They were for a straight four-year contract, and so this amendment will extend the term for another year and contracts B and C were amended once before for additional supplies where contract D did not want to provide a price for that item. So this would be amendment one for that contractor, which is Moriarty Concrete.

In regards to Commissioner Hughes' question about the term of contracts, this of course is not a professional services contract and can extend beyond the four-year term. So we are asking for the term extension to October of 2021 for an additional year for Associated Asphalt, Espanola Transit Mix, and Moriarty Concrete Products. With that, Mr. Chair, I'll stand for questions.

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

COMMISSIONER HANSEN: Mr. Chair.

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

COMMISSIONER HANSEN: Thank you very much. What I'm wondering, Bill, is do any of these asphalt companies – are they plastic asphalt? Did we have any of those companies anymore in New Mexico? I remember a number of years ago there were companies that were producing – I think it was called plastic salt or plastic asphalt. I don't know exactly the name, but it was a really good way to reuse plastic and put it down on the roads. I believe that it had a longer life or as long a life as regular asphalt. And so I'm just wondering if in the future we can look into that because then we are recycling plastic that is unused.

MR. TAYLOR: Right. Mr. Chair and Commissioner Hansen, I recall NMDOT utilizing – certain areas of our highways using recyclable materials. I'm not aware of any local manufacturers of those materials. I may want to defer if anyone from Public Works is on line, I would throw out a lifeline on that question. But we can look into that, Commissioner, and see if there are any of those manufacturer products that would be interested in providing that type of material.

SEC. CLERK RECORDED 11/16/2020

COMMISSIONER HANSEN: Thank you. I appreciate that.

RYAN WARD (Public Works): Mr. Chair, Commissioner Hansen, there are several different products that we use that are recycled. That one in particular I'm not real familiar with as far as plastic being used as the final asphalt product, but we do use quite a bit under recycled asphalt millings and use those for different types of operations. I'll look into that though.

COMMISSIONER HANSEN: I know there used to be a company at least – I'm talking ten years ago in New Mexico, Manager Miller would probably know about this also. But I don't know if they still exist or it was such a hard, heavy lift for them to be able to compete and they were kind of shut out. But I'm thinking with all the plastic that is going into our landfills that it would be beneficial to put it onto our roads and it was supposed to have a long life, maybe even longer than regular asphalt, but that I can't for sure know. But I will try and find some of the information I had about that. It might be a little challenging to find at the moment but I will look.

Anyhow, thank you for indulging my question. I appreciate it.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. Just really quick. What type of aggregate are we purchasing?

MR. WARD: I apologize, Mr. Chair. Could you repeat the question?

COMMISSIONER GARCIA: So the question I have is in a couple of – my district, actually, we have some individuals that actually have provided aggregate to Santa Fe County and to the northern part of the state. So what kind of aggregate are we buying? Is it rock? Is it gravel? Is it dirt? What are we buying?

MR. WARD: What we've been purchasing most recently for our aggregate for our chip seal projects is usually about a 3/8-inch rock. It's becoming more and more difficult to find with a lot of the impacts due to COVID. We've reached out to several different plants for that specific size aggregate and we've had a difficult time finding it but that's what we've been using most recently. And then the asphalt mix is typically a GMAC and that's a smaller rock that we typically use when we do hot mix projects. I don't know if that helps.

COMMISSIONER GARCIA: Mr. Chair, yes. Thank you, Ryan, for that. I'll talk to the zoning director here a little bit later. Not during the meeting, but I just want to know what type of aggregate we're actually purchasing. Thank you, Mr. Chair.

MR. TAYLOR: Mr. Chair and Commissioner Garcia, also in Attachment A of the price agreement in your documents there is a list of item descriptions of the basecourse, types of basecourse, hot mix mixtures, and the items, the materials that we can purchase for your reference.

CHAIR ROYBAL: Okay. Thank you for that question and the description of aggregates. I guess if there's additional questions besides what's itemized then Commissioner Garcia can follow up with that. Is there any other questions from Commissioners? I don't see any hands up so I'm going to go to a vote. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I will move to approve.

SEC CLERK RECORDED 11/16/2020



COMMISSIONER HAMILTON: I'll second.

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

**The motion passed by unanimous [5-0] roll call vote.**

**3. D. Request for Ratification and Acceptance of Center for Tech and Civic Life COVID-19 Response Grant Program to Support Local Governments in the Administration of Safe Elections in the Midst of a Pandemic Grant in the amount of \$677,752.45**

CHAIR ROYBAL: From the County Clerk's Office we have Ms. Julia Valdez.

MANAGER MILLER: Mr. Chair, I don't know if Julia is on the line. This item is just on there – if you recall at the last BCC meeting I informed the Board that the Clerk and Deputy Clerk were successful in acquiring this grant for \$677,000 to assist in elections. I signed the grant in order to make sure we could obtain it, but my authorization is up to \$500,000, and this was to ratify my signature on that grant. We have accepted the grant and this is just to formalize my signature on the grant.

CHAIR ROYBAL: Thank you, Manager Miller. I'd like to reiterate the thanks to the County Clerk's Office and the hard work from Ms. Valdez and our County Clerk, Ms. Salazar for working to acquire this grant, thinking outside the box. I think this is a really great grant. So thank you for doing that. So I would move to approve the signature authority to Manager Miller to go to the \$677,752.45. That's in the form of a motion.

COMMISSIONER HANSEN: I'll second that.

CHAIR ROYBAL: So we have a motion from Commissioner Roybal and a second from Commissioner Hansen. Under discussion, is there any other questions or comments from the Board.

COMMISSIONER HUGHES: Mr. Chair, I have a question.

CHAIR ROYBAL: Let's go to Commissioner Hughes and then I see Commissioner Hansen has her hand up as well. Commissioner Hughes

COMMISSIONER HUGHES: Yes, I just wanted to mention that at my recent townhall, one of my constituents expressed concern about whether he would be safe at the polling place. He wasn't concerned about the virus; he was concerned about troublemakers making it hard for people to vote or intimidating voters. And I just wondered if we had – I hope that that's extremely unlikely in Santa Fe but I just wondered if we had given any consideration to what we would do if that did occur.

GERALDINE SALAZAR (County Clerk): Commissioner Hughes, that's always an issue during elections and the Santa Fe County Sheriff's Department always assists us during election day, and then my staff has also been in communication or seeking communication with the City of Santa Fe Police because of the election that's going on right now at the convention center, so we do work with law enforcement. In addition to that there are also individuals who are challengers and they are out there watching and observing. We have watchers and challengers. That's allowed by law, who

SEC. CLERK RECORDED 11/16/2020

will look at what's going on in a polling place, in a voting convenience center to see if there's any voter intimidation or anything. So they will support any situations that they observe. But that's something that we're always aware of and prepared for.

In addition to that, when I'm out there at the voting convenience centers during election day or early voting seeing what's going on, talking to voters and also seeing if there's any issues, I am paying attention and if we need to call the Sheriff I will, if it's out in the field. But when it comes to the convention center, the policing authority would be the City of Santa Fe.

In addition to that, I also have some concerns about the drop boxes outside. So I was talking to my staff yesterday to see if we could communicate with the County Sheriff to see if we could use some of the funds that we received that Manager Miller signed for to see if maybe they could at different times come in, check the top portion and also the bottom portion if it's open – it may not be. But the top portion, to ensure that our drop box is not being tampered with in any way. We do have signs out there and I have also posted the law stating that we have video cameras and it's illegal to tamper with any ballots.

So we'd like to work even more, probably, with the County Sheriff's Office regarding the drop boxes. Because that also has become a controversial issue throughout the country and also in Bernalillo County where to have official drop boxes you have to follow the law and make a notice 90 days before where you're going to put a drop off box. But what is allowed by law and has been for a very long time is that anyone can drop off their ballot at a voting convenience center during early voting or election day. So that is taken care of during the hours of early voting and election day. But to have other boxes at other locations that we did not have notice for, that's something we cannot do. But I feel here at the County's building here, we do have a drop box and we've had that before where people can drop off their ballots. So it's not part of that controversial portion that you're probably reading more about that has happened in California and also in Bernalillo County.

So that's an issue that could be contention regarding drop off boxes but we are prepared and if anybody witnesses anything or any of the Board members hear of anything I'd like you to contact me, either text me or send me an email or call me on my County cell phone. That would be helpful because I think all of us, and that's the Board and that's the County Clerk and her staff and even citizens, it is our responsibility to inform the County Clerk's Office if there's any mishandling or anything or any voter intimidation. Also Common Cause will be out in the field also throughout New Mexico observing if there's any voter intimidation. But as far as I can tell now there are no issues occurring across the street.

There was one where my staff had to speak to two individuals who were arguing and he presented the fact that if they continued and they continued to disrupt a voting convenience center site that they would call the police to arrange that this would stop. So that's what we do when we have to. So other than that, there has not been anything every contentious when it comes to voter intimidation or someone that's trying to adversely affect the election. But we do have laws that protect us and laws that we will follow and guide us and that's the strength in New Mexico that we do have very good laws to ensure that we can protect the vote and the privacy and also to avoid voter intimidation.

SEC. CLERK RECORDED 11/16/2020

COMMISSIONER HUGHES: Thank you, Madam Clerk. That's very reassuring that we haven't had any problems and we're prepared if we were to. So great.

CLERK SALAZAR: Thank you.

CHAIR ROYBAL: Thank you for that, Madam Clerk. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I also wanted to add my voice. We all know that there are concerns about voting, both with COVID and -- it's a huge amount of extra work, with voter intimidation [audio difficulties] additional effort it's taking to protect our election and to assure that in these times everyone can vote and it can mean big economic impacts on the County as well as everybody else. I'm sure everybody recognizes this but the effort that it took to get this additional money to support these types of activities is a real help to the County and I'm very appreciative that this money came to us and to the people who made the effort to do this. Thank you, Mr. Chair.

CLERK SALAZAR: Commissioner Hamilton, I agree with you. These funds come at a very important time that we're going to be able to use for any unexpected costs that we will have. This is pretty intense. Across the street, when I go and review what's going on and make sure things are going okay, everyone is doing their part, even the City of Santa Fe. Their staff is providing the custodial services that we need to wipe down door handles and bathrooms and all of that, and then the poll workers will wipe the voting booths. So everybody's in sync working together and these funds are a tremendous plus for this process, because this is the most unusual, historical election ever, and all of us should be aware of what's going on, and if you hear of anything, let us know. Also if there's concerns if we need to do anything in addition to what we're doing already and if it involves costs, then we know we have those funds that can help us and that will not create an increased burden on the County.

In addition to that I'd like to mention regarding the issue in California which is very unique and did happen to us here in Santa Fe County but in a very small way. And that is in California you have a political party that had purchased their own drop boxes and started places them in certain places -- in churches and gun shops, and that's against the law. It's also against the law in New Mexico. During the special election in Edgewood there was a political party that donated drop boxes to the US Postal Service and I was very concerned to meet with the postmaster and tell him that I had concerns when I looked at the building and where I had concerns and why, and who had the keys, and if they were boxes that were provided by the US Postal Service, that would be a different issue. But if a party had provided those, and I'd have great concerns and I wanted them removed and they were removed.

So that happened to us in a micro level as compared to California where they're doing this in many counties, where they have privately purchased drop boxes which is illegal. How can a County Clerk guarantee that no one has tampered with those boxes. That no one has taken them and brought them back. That's of great concern. So if anything like that happens or if you hear of a rumor we will investigate immediately. But that's where your eyes and ears and everyone involved and also in support of our democracy will keep us informed, that will help us tremendously. Thank you.

CHAIR ROYBAL: Thank you for sharing that information, Madam Clerk,

SEC CLERK RECORDED 11/16/2020

and thank you for the question, Commissioner Hamilton. Commissioner Hansen, did you have a question as well?

COMMISSIONER HANSEN: I don't have a question. I just want to thank Geraldine, Clerk Salazar, for all of her work and for her and Julia getting this grant to help with all the expenses during this challenging time. So congratulations and thank you for making sure that we have enough funds to cover all of our expenses. That's really important and I appreciate you taking that on, making the extra effort. Both you and Julia.

CLERK SALAZAR: Thank you, Commissioner Hansen. And I think the majority of congratulations goes to Julia and also to the support of Manager Miller who was in communication with Julia. I was extremely busy so I could only review. I couldn't write the grant myself but I could review and I know that the operations of this office are in detail. So that was helpful when Julia put together all the information and applied. I could go through the document and say what was relevant, what was not relevant, what was language that really did not pertain to this office. So cleaning up what was put together was important, but the effort that Julia put in to get it done in the time that she did – and we were very surprised how quickly we were awarded this grant, and that is the quickest I have ever experienced in my life of any grant writing or experience of a grant. So that's great. We also have some funds from the County. They put the funds in our budget for I believe the CARES Act; am I correct, Manager Miller?

MANAGER MILLER: Yes.

CLERK SALAZAR: So there's a small portion of funds also that we will utilize. If we can't we'll say where it goes. But these funds are to ensure that there's not a major financial burden for the County. So this is very exciting. I think all of us in Santa Fe County should be pretty excited by this, that we can have the funds that we need to ensure that we're running a safe election in the interests of the people. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. A shout-out to Julia. Thank you so much for doing that. Manager Miller, great job. It's always a sign of a true leader when you recognize your staff. So Julia, I know you worked hard on this and thank you for jumping on it. Commissioner Garcia, did you have any comments, sir? Before I go to a roll call vote?

COMMISSIONER GARCIA: Yes. Just really quickly -- I would just like to thank – 21, 22 more days to go to the election, get out there and vote what you think is right. County Clerk, Julia, as well as Steve Fresquez, because he actually does an excellent job there for the Bureau of Elections. Steve, thank you for what you do, because sometimes people don't realize what it takes to actually go to the elections. Steve knows. And so just thank you to the staff and for getting the grant. Only 21, 22 days to go and counting down. So get out there and vote. Like George Gonzales used to say, *Si no voten, no lloren*. If you don't vote, don't cry. So anyhow, people please vote. So thank you for what you guys do.

CLERK SALAZAR: Thank you, Commissioner Garcia. I really appreciate you acknowledging Steve Fresquez. He works so hard and he has so many multiple talents and he's all over the place. There are three of us who are really, truly troubleshooting and Steve is one. He's all over the place. Theresa Atencio, and the three of us have to troubleshoot at the macro level. But Steve and Theresa are tremendous and I appreciate them dearly of all the hard work and the professionalism that they bring to this

office. And their careers in the field of elections is incredible. And so thank you for acknowledging them, and I think that whenever we talk about government employees pursuing a career in Santa Fe County, that's something that I advocate all the time, because when we have the institutional memory and the expertise we can continue to do all the work that we need to do. And elections are so important. The foundation of our democracy. So your acknowledgement and your awareness in counting the days – thank you. I'm counting the days to when I think I can exhale, November 14<sup>th</sup>. Thank you so much.

CHAIR ROYBAL: We're going to go ahead and go to a roll call on this item.

**The motion passed by unanimous [5-0] roll call vote.**

**3. E. Request Approval of County Utility Line Extension and Development Agreement Between RMGA Resources, LLC and Santa Fe County**

CHAIR ROYBAL: From our Utilities Division we have Mr. John Dupuis.

JOHN DUPUIS (Utilities Director): Good afternoon, Chair and Commissioners. This proposed utility line extension and development agreement is between RMGA Resources, LLC, and Santa Fe County. It governs the terms by which the County will make water and wastewater service available to phases 2 through 5 of the Oshara development. It consists of approximately 367 acres and has a total of 579 dwelling units. It also has 303,330 square feet of commercial development, and the total proposed water budget to support this development is 124.29 acre-feet.

In phase 2 it has 46.3 acre-feet. Phase 3 has 17.28 acre-feet. Four has 26.52. And Phase 5 has 34.19 acre-feet.

The developer is required to design and construct the water and wastewater extension at their sole expense and will offer to dedicate the improvements to the County upon the County's acceptance by the BCC. The lines will become effective and able to serve customers within the county.

The wastewater lines provided will have sufficient excess capacity to allow connection of Oshara I and La Pradera. The County intends that if Oshara I or La Pradera are connected the County will enter into a utility cost share agreement to pay the proportional share, then serve those residences, and recover the proportional share through a monthly surcharge consistent with the process established with Hyde Park Estates acquisition and subsequent surcharge.

This agreement is contingent upon the Board's approval of a final plat for phases 1 and 2. If the Board denies final plat approval for a subsequent phase the County shall not be required to provide service to that or any future phase, and I also wanted to mention that the utility's provision of wastewater service is subject to a memorandum of understanding being negotiated with the City of Santa Fe and it includes the City accepting additional wastewater from the Abajo lift station on a temporary basis, until the flow from the Abajo lift station is transferred to the County's new water reclamation facility, which others may know as the Quill replacement. With that I stand for any questions.

COMMISSIONER GARCIA: Mr. Chair.

SFC CLERK RECORDED 11/16/2020

CHAIR ROYBAL: Questions. Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: No question. I'd like to make a motion for approval and if somebody brings it up for discussion I have a lot of great comments on this project, so I'd just like to make a motion for approval and [inaudible]

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Which district is in this in?

COMMISSIONER GARCIA: It's in Commissioner Hughes' district.

CHAIR ROYBAL: Okay. So we have a motion from Commissioner Garcia and a second from Commissioner Hamilton. Under discussion I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. This is certainly an important project and we need to approve it. I was wondering if someone could just give me a brief description of the development, what the housing is going to look like. Is this single-family? What market is it aimed at? And the same question for the commercial development, if that's something – I don't mean to take up a lot of time but since this is in my district I'm very interested in knowing what this is going to look like when it's built.

MR. DUPUIS: Mr. Chair, Commissioner Hughes, that's a question that if possible, I would defer to the Growth Department Director, Ms. Penny Ellis-Green, if she's not available, someone from her staff might be able to speak more to that. The extent of my understanding is that the development does still need to go through an amendment of the master plan and the details of this may not be determined until they're finally approved. I had noticed that Ms. Jennifer Jenkins is available. She could possibly provide some of that information.

MANAGER MILLER: Mr. Chair, the agent, Jennifer Jenkins is on the line and she might be able just give a general description of the development.

CHAIR ROYBAL: Okay. Go ahead.

JENNIFER JENKINS: Hello, Chair, Commissioner Hughes, Commissioners. I'm Jennifer Jenkins with JenkinsGavin here on behalf of the developer, and I'd be happy to answer a few questions. So where we are with respect to the process is there is an application to amend the existing master plan for Oshara that have been moving through the County review process. It has been through the Planning Commission already and it's been approved by the Planning Commission and our next step is pretty quickly we are going to be coming before the BCC for approval of a master plan amendment. So that will be happening fairly promptly.

The housing is primarily all single-family housing. We are looking at really hitting a variety of price points. As a project within the Community College District, 15 percent of the homes will be priced affordably in accordance with County regulations. And the design of the project is somewhat unique in terms of some of the designs we've seen developed in the Community College District, really creating compounds and really creating a lot of direct connection into the open space and trail network that is being developed as part of the project as well.

With respect to the commercial, that is really something that is going to be market-driven, so we're focusing on the residential first and then as the phases come on line, that includes commercial development. That is going to be driven by the market in

SEC CLERK RECORDED 11/16/2020

terms of what that demand is for the site. But obviously, anything that would be done there, that would be in accordance with the Community College District zoning regulations.

COMMISSIONER HUGHES: Thank you. It's good to hear that the open space is being considered and hooking into the trail system, I think that would be very, very nice. I look forward to seeing your proposals with the plat approval. So thank you.

MS. JENKINS: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. I did see Commissioner Hansen's hand up so I'd like to go to Commissioner Hansen.

COMMISSIONER HANSEN: So thank you, Mr. Dupuis and thank you, Mr. Chair. So with this approval of this utility line, it will make sure that Oshara Village I will be able to transfer to a wastewater line and will be part of our system?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that is correct. It will connect to the Santa Fe County utility. The line constructed by the developer and then in the future, as mentioned, there's temporary service by the City for treatment until the County can construct a redirect from the Abajo lift station to its treatment facility.

COMMISSIONER HANSEN: And what kind of agreement will we work out with Oshara I? They have had a tremendous challenge with their package plant, and so I want to make sure that those people are not being inundated with a high rate of being charged for wastewater. Is the developer doing anything to help them be whole in this?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that is something that is a continued and important concern as we move forward with the developer to ensure that it's something that customers of the utility can afford. I mention that there is a surcharge that we would, being consistent with the approach utilized for Hyde Park Estates, where we look at the current bills that the customer is paying and try to ensure that their bills do not increase by reducing the monthly charge but extending the timeframe. The current estimates are around a \$25 surcharge. That surcharge is monthly, and the ultimate cost of construction is what would determine the final numbers because to connect Oshara I to the line, the developer would be provided a pro rata portion of the construction costs relative to the number of connections being made, and the number of connections available and the type capacity.

CHAIR ROYBAL: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So is this continuing with Oshara Village I to make sure that they're going to get wastewater service. Then I know that Oshara I already gets County water. So this next phase of Oshara II will also be getting water from the County through their water rights agreement and then they will temporarily be using the wastewater plant, biosolids wastewater plant, and then once we complete the repairs and upgrade at the Quill Plant, this will move over to our plant. Am I getting this correct?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that's absolutely correct.

COMMISSIONER HANSEN: Okay. Then the water budget, so in phase 2, they have 46.3 acre-feet, so how many houses do they plan to build in the second phase?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, if you give me moment

SEC CLERK RECORDED 11/16/2020

– the amount is assuming it's all residential connection. Unless I could be assisted by –  
MS. JENKINS: It's a couple of hundred houses in that first – in phase 2, depending upon the final budget.

COMMISSIONER HANSEN: So what are you planning on for your water budget?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, the water budget would support 154 homes.

MS. JENKINS: Oh, it's 154. My apologies.

COMMISSIONER HANSEN: Okay. So the water budget would support 150-some homes. Okay. I think that's all the questions I have for the moment. I am mostly concerned about the people in Oshara Village I and making sure that they are made whole through this process, that they have decent and acceptable wastewater service.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen.

Commissioner Hamilton, did you have any additional questions? You were the seconder.

COMMISSIONER HAMILTON: I was just wondering what Commissioner Hansen means by having the residents made whole. I'm not sure I follow the issue.

COMMISSIONER HANSEN: So I'll try and explain it a little bit. Oshara I has a package plant that was turned over to the HOA and it was not really adequate. It is running okay now but there was some issues early on with that package plant. This is one of the same developers that did development on Area 1 and many of these residents have struggled with wastewater service and different issues. So what I mean by made whole is that they have adequate service. I hope that helps.

COMMISSIONER HAMILTON: Yes. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I'm going to go to Commissioner Hughes. Did you have any additional comments, sir. I'm sorry. Commissioner Garcia actually, he was the motioner. Did you have any additional comments, Commissioner Garcia?

COMMISSIONER GARCIA: Yes. That valley down there in Commissioner Hughes' district, there's like two or three different treatment plants and I would like to commend the developer because he's actually getting everything connected. Just put them all together – this treatment plant, this treatment plant – it's all getting connected, and let's take it to the Quill plant. The Quill plant is the County's plant off of State Road 14. The reason why it's called the Quill plant is because of pen – penitentiary – quill. But I guess somebody told me the other day they changed the name of it.

But I would like to commend the developer for connecting Oshara I, Oshara II, down in that valley there, because whenever the County approved the SLDC, the new code, that's what it's about is getting the developer to pay for stuff and interconnect everybody else. So I just support the motion on the table, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you for putting that on the public record, Commissioner Garcia. If there's not any other questions, Commissioner Hughes, I'll go back to you sir.

COMMISSIONER HUGHES: Thank you. I just had one other questions I forgot to ask which is whether the agreement with the City has already been reached,

SFCC CLERK RECORDED 11/16/2020



since that's sort of the interim plan. Is that all set up or is that an agreement still to be done?

MR. DUPUIS: Mr. Chair, Commissioner Hughes, the agreement is currently being negotiated and there's a water and wastewater routine process that's taking an extended period of time. We do have ample enough time to accomplish that and stay on schedule to have the project completed when the northeast-southeast connector construction is complete as well.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. If there's no other questions from Commissioners I'll go to a roll call vote. We have a motion and a second. The motion was from Commissioner Garcia, second from Commissioner Hamilton.

MANAGER MILLER: Mr. Chair, I just wanted to make something clear because it seems to have gotten a little bit confused. This agreement is only for the Arroyos de Santa Fe and once that line is in it will take separate actions between Oshara I and the County, and any of the other developments along that line and the residents of those developments who want to hook into the Santa Fe County sewer system, and as John said, be assessed an additional fee, because we would need to compensate the developer for the infrastructure.

I just want to make sure that it's understand that doing this agreement does not make it automatic that Oshara I will be hooked into the Santa Fe County sewer system or that La Pradera would be. They'd have to go through a process much like Hyde Park did to become County water customers. And that would require separate agreements and a completely separate process. So it seemed to get a little bit confused that putting this line in makes that automatically happen but it isn't. It would be separate agreements, separate actions with those HOAs or those other sewer utilities.

CHAIR ROYBAL: Thank you, Manager Miller. Any other follow-up questions to Manager Miller's clarification? Okay, seeing none I'm going to go to a roll call vote.

**The motion passed by unanimous [5-0] roll call vote.**

COMMISSIONER GARCIA: This is why the SLDC was created for that district and I commend the developer once again for bringing this forward.

**3. F. Request Potential Action on Interim Permits to be Issued by the Pueblo de San Ildefonso Pursuant to Settlement Agreement Between Santa Fe County, San Ildefonso, and US Department of the Interior Concerning Certain County-Maintained Roads within San Ildefonso**

MR. SHAFFER: I'll be the initial presenter with regard to these items if it's okay with the Chair.

CHAIR ROYBAL: That's fine. Please proceed, Attorney Shaffer.

MR. SHAFFER: Thank you, Mr. Chair, Commissioners. Before you today are actually two types of interim permits, two that will be issued to the County of Santa Fe and two that will be issued for the benefit of private landowners within the exterior

SEC. CLERK RECORDED 11/18/2020

boundaries of the Pueblo of San Ildefonso. With regard to the two permits to be issued to the County, we are asking and recommending your approval of those permits as the County will be a party to them.

With regard to the two interim permits to be issued for the benefit of private landowners we are presenting them to you for your information and should you choose to express an opinion on them we would recommend that you acknowledge that those interim permits for the benefit of private landowners are consistent with the settlement agreement as well as an act adopted by the Pueblo de San Ildefonso called the Interim Road Access Authorization Act of 2018.

So with that by way of overview we've prepared and included in your packet a detailed memorandum that goes through each of the four interim permits in some detail and compares the terms of those permits both to the settlement agreement as well as the Interim Road Access Authorization Act of 2018. I'm not going to repeat that detail during my presentation. Instead I'm going to provide a general overview and reminder of what the settlement agreement between San Ildefonso and the US Department of the Interior provides, and then hit the highlights, so to speak, with regard to each of the interim permits before myself and Director Giron stand for questions.

So with regard to the settlement agreement overview, as the Board will remember, County-maintained roads that are the subject of the settlement agreement will become or will be replaced by Bureau of Indian Affairs roads that are maintained by the County pursuant to a road maintenance agreement between the County, pueblo, and BIA. The County will construct a new road, Yellowbird Road, which will replace County-maintained road 84C, 84D, and Sandy Way, where those roads cross pueblo land. The County will also construct a new BIA road, Blue Dove Road. And finally, County-maintained roads 84, 84A, 84B and the northern segment of County-maintained road 101D will become BIA roads.

Rights-of-way will be issued for both the new roads and the existing roads by the pueblo where the rights-of-way cross pueblo land and by the County where rights-of-way cross private land for a total period of 198 years. That's an initial term of 99 years with an automatic renewal term of 99 years.

Subject to any extension by the parties as otherwise provided in the settlement agreement the rights-of-way are to be issued and Yellowbird Road and Blue Dove Road constructed by April 12, 2023, and that's five years after the effective date of the settlement agreement. So the settlement agreement in Section 9 specifically calls out for three different types of what we're calling interim permits, specifically Section 9 of the settlement agreement provides that the pueblo will grant the County a temporary public road access permit for County-maintained road 84C, 84D and Sandy Way. It further provides that the pueblo will provide legal access to all private land through a legislative grant of temporary access, and will also grant specific temporary access across pueblo land to individual landowners seeking such specific access.

To implement Section 9 of the settlement agreement the Pueblo de San Ildefonso enacted the Interim Road Access Authorization Act of 2018, a copy of which was included in your packet material.

So in addition to that Section 9, the settlement agreement also provides that between the effective date and the date of the execution of the road maintenance

SFCC CLERK RECORDED 11/16/2020

agreement the County will continue to maintain County-maintained road 84, 84A, 84B and the northern segment of County-maintained road 1010D and that the pueblo will timely issue permits and such other authorizations as may be necessary for the County to work lawfully on pueblo land.

So consistent with those other provisions, the County staff requested and the pueblo agreed to issue a permit authorizing the County to enter on pueblo lands for the purpose of maintaining County-maintained road 84, 84A, 84B, and the northern segment of County-maintained road 101D.

So moving forward then in terms of the individual interim permits, and again they're called interim permits because they're meant to apply during this interim period we are currently in until the applicable long-term solution is implemented. So they all provide that their term is through April 12, 2023, or until the applicable long-term solution is implemented, whichever occurs first, and they all recognize that the San Ildefonso governor may extend the permits if the applicable long-term solution is not implemented by April 12, 2023.

So I'm going to start with the temporary global public road access authorization for private landowners. This is Exhibit C to the memo and in your packet material. In terms of highlights, this global public road access authorization would apply to all of the County-maintained roads that are the subject of the settlement agreement and would grant temporary access over pueblo land to private landowners and their invitees who access their property from an existing identified access point or a common access point. In addition, as required by the settlement agreement a private landowner who would desire to change their existing access point or common access point would have to get the approval of both the County and the pueblo to do so.

It's important to understand that under this temporary global public road authorization that it's generally applicable to all private landowners so it does not list individual private landowners on that interim permit, nor does it identify specific private land. Nobody has to apply for this interim permit. It's going to be granted as a legislative grant of authority, or excuse me, authorization for access pursuant to the interim Authorization Act enacted by the tribal council. And there's no fee for this interim permit. So again, it's global, it's legislative, and the governor will issue it unilaterally without any requests from anyone.

The second interim permit for private landowners is Exhibit D which is attached to your packet material. It is property specific and landowner specific and will be issued only at the request of an individual landowner and payment of a \$100 processing fee, which is consistent with the settlement agreement which allows for such a processing fee up to that amount. The highlights relative to this interim permit include the following: it's only issued upon request of a private landowner; it does list the individual private landowner or would do so on the permit; it would also list or identify specific private land that will have access from the County-maintained road mentioned in the permit; it does require payment of \$100 processing fee, but again, that fee would apply only if an individual private landowner decided that they desired such an individual permit and requested it from the pueblo. Nothing in the settlement agreement requires anybody to obtain this individual property-specific permit and it is very much the individual private landowner's decision as to whether or not they wish to pursue it.

SFC CLERK RECORDED 11/18/2020

The third interim permit that is before the Board today is one that would be issued to the County. It's a temporary public road permit for County-maintained road 84C, 84D and Sandy Way. Again, this is one of the interim permits specifically called out in Section 9 of the settlement agreement. It authorizes continued public use of those three roads accessed by private landowners and their invitees from those three roads and maintenance by the County of those three roads at the County's expense during the term of the interim permit. It, as with all of the interim permits, prohibits private landowners from changing their access points, i.e., from building new driveways across pueblo land or on the County-maintained roads without the pueblo's and County's prior approval. That's required by the settlement agreement. It also provides amongst other terms that the County has to remain within designated areas for each of the roads, so our maintenance activities cannot enlarge the existing roadways or change their locations, or otherwise result in construction activities.

And then finally, the fourth permit before the Board today is a maintenance permit for County-maintained road 84, 84A, 84B and the northern segment of County-maintained road 101D. And this interim permit would grant the County the right to maintain those roads and would otherwise contain terms that are substantially similar to the temporary public road permit for County-maintained road 84C, 84D and Sandy Way.

In advance of presenting these items or these interim permits to the Board of County Commissioners today, staff did endeavor to do some specific public outreach to District 1 residents. We emailed District 1 residents on Saturday, September 26, 2020 providing them with links to these interim permits as well as to the San Ildefonso settlement agreement. We alerted them in that email that the Board would be considering the interim permits, the Board of County Commissioners that is, at today's meeting, and we also informed them of a public forum that was attended by Commissioner Chair Roybal and County staff at 6 pm on Thursday, October 1, 2020. Not only did we provide a general update on implementation of road settlement agreements but we did go over the interim permits as well in detail at that public outreach meeting.

We endeavored to include within your memo the primary concerns or questions that we took away from that meeting from the public. Concern number 1 was with regard to resolution of disputes involving private landowners and the pueblo with regard to interim permits issued for the benefit of private landowners and specifically Section 1.9 of the Interim Road Access Authorization Act of 2018 provides that such disputes would be resolved in the courts of the pueblo. The County's response to that concern is that that provision is not inconsistent with the settlement agreement because we did not negotiate any different terms relative to such resolution of private disputes.

In addition, by having consenting to sue in the courts of the pueblo it does provide a forum through which disputes can be heard. Ordinarily, as you all know, tribal governments generally enjoy sovereign immunity and so can't be sued without their consent, so this does consent to suit in courts of the pueblo, so it does provide a forum.

And then finally, we wouldn't anticipate there being a lot of such disputes because the only material obligation that landowners have on the interim permits is really to continue using their designated access points. And so we would not anticipate there being a lot of such disputes.

Concern number 2 was with regard to the \$100 processing fee for the individual

SEC. CLERK RECORDED 11/16/2020

property-specific interim permit. County staff's response to that is that this is consistent with the settlement agreement which authorizes the pueblo to charge a processing fee up to that amount, and that further, nothing in the settlement agreement requires payment of that fee unless an individual private landowner determines that such an interim permit specific to them is in their best interest.

Concern number 3 was a question really of why someone would want or need an individual property-specific interim permit. Obviously, while we can't provide advice to private citizens as to when that might make sense for them. We could only think of three primary reasons why an individual landowner might want or need an interim permit specific to them and for their specific property. That would be individual peace of mind that would come with having such a permit issued by the pueblo governor to them for their property, confirmation that the access point that they're using is in fact the recognized access point for the parcel, and perhaps to the extent such an interim permit may be relevant as part of a financial transaction.

Those were the primary concerns that staff took away from that meeting which were of a global nature and not individual property-specific. Obviously, other things were discussed at that meeting and we did not purport to try and capture all of the dialogue and all of the questions relative to other aspects of the settlement agreement for other issues going on in the Pojoaque Valley, but instead focused this memo with regard to the interim permits.

So with that I would just summarize by saying that with regard to the interim permits to the County, staff is requesting the Board's approval and recommending that approval, as they are consistent with the settlement agreement and the Interim Road Access Authorization Act of 2018. With regard to the interim permits for private landowners, they're presented for informational purposes and should the Board want to weigh in on their substance, the recommendation would be that the Board pass a separate motion acknowledging that those interim permits are consistent with the settlement agreement and the Interim Road Authorization Act of 2018. With that I would turn it over to Public Works Department Director Giron to see if he has anything to add to the staff presentation and regardless, would be pleased to stand for any questions.

GARY GIRON (Public Works Director): Mr. Chair, members of the Commission, Greg, thank you for that presentation. The only thing I wanted to add is that I thought it was a very productive meeting and we had quite a bit of input. What we are doing right now is we have collected all of the questions that were asked via chat or in the open session and we are answering those questions now. We will get the answers back to each one of the residents, and then we are working to set up a frequently asked questions page on the County Public Works website so that people can see what questions were asked and how they were answered, and we will have that ongoing.

And then as we move ahead with the rest of the activity related to road acceptance agreements we will be having meetings with individuals that are affected or zones of folks that might have something in common. We will be carrying on those conversations. We are coordinating a mailing so that people will have specific information about their parcel of land and how it might be impacted with the road settlement agreements. I will stand for questions.

CHAIR ROYBAL: Thank you, Attorney Shaffer and Director Giron. I

SEC. CLERK RECORDED 11/18/2020

appreciate it. I just want to clarify for the public edification that all the questions that were asked that were relative to the interim permits with San Ildefonso, those questions were all answered and we posted those answers or emailed them directly to the constituents? Is that correct?

MR. GIRON: Mr. Chair, we are in that process right now and we are doing that. Some of the individual meetings have started to happen. We are probably 40 percent of the way through that process. We should finish by the end of this week.

MR. SHAFFER: Mr. Chair, if I could, and Commissioners. So with regard to the interim permits themselves, there were not many questions or comments. We summarized the ones of the applicability here. In addition there was a question I think that was specific to property owners about their status under previously issued authorizations from the pueblo and we'd be prepared to get back to that individual directly based upon our communications with the pueblo. But relative to the interim permits themselves, again, there weren't much in the way of comments or questions and I think we addressed those globally applicable ones here or at the public meeting itself.

I think what Mr. Giron was also describing were questions that were asked about the road settlement agreement generally. For example, there were requests for clarification about whether or not the new roads would be located entirely on pueblo land. There were some questions about the flood event used for engineering purposes, etc. So I think that was the lion's share of what Mr. Giron was describing in terms of additional questions and answers that would be developed and posted on our webpage. Did I get that right, Gary?

MR. GIRON: That is correct.

CHAIR ROYBAL: Okay. And so just for clarification, once again, I realize that there were questions that were asked that weren't specific to the interim permits, but my question is, questions that were asked that were specific to interim permits were addressed. Is that correct?

MR. SHAFFER: Mr. Chair, yes. They were addressed either at the meeting on October 1<sup>st</sup> or in this memo, and then again, there was one specific follow-up question that I described that we'll be interfacing directly with the person who asked about it.

CHAIR ROYBAL: Okay. And those answers have already been sent out on those specific questions that were specific to the interim permits, right? They've already been sent out to the public? We're not waiting to send those out after we do this approval, correct?

MR. SHAFFER: Mr. Chair, they've been posted on our website for today's Board meeting and we will include them in the road settlement agreement specific webpage on the County website. And two of the specific concerns were also addressed proactively because we had been asked them in advance of the October 1<sup>st</sup> public meeting. So I think the short answer is that with regard to those global questions that information is in the public domain and we'll take additional steps to make sure that it's out there on the road settlement agreements specific webpage. I hope that answers the question.

CHAIR ROYBAL: Yes, it does, Attorney Shaffer. I just want to make sure we've already sent out the answers for these specific concerns I regards to the

SFC CLERK RECORDED 11/18/2020

interim permits. I do want to ask, as far as I know we talked about getting approval for maintenance in a timely manner from San Ildefonso on road maintenance. Do you know what the definition of “timely” would be in this regards?

MR. SHAFFER: Mr. Chair, Commissioners, with regard to maintenance activities, the terms of the interim permits require that we notify them of ongoing maintenance. It’s not an approval requirement per se but it’s a notification requirement, so they know when we’ll be doing maintenance on roads and the general dates on which that will be done. Obviously, if they had questions or concerns that would prompt an inquiry but it’s not technically an approval of maintenance activities.

To the extent that the question was focusing on construction activities, which is something different than what currently exists, the settlement agreement generally provides that the County currently does not have any plans to do construction activities on the roads, and I believe it goes on to say that any such construction activity would be consistent with the grants of the rights-of-way to the BIA and the road maintenance agreement between the parties. So again, with regard to maintenance, which is maintaining what’s already there, it’s a notification requirement, not an approval requirement.

CHAIR ROYBAL: Okay. Thank you for that clarification. So as far as maintenance versus construction, I know that we’ve had this discussion in the past and I believe that in some regards when you’re maintaining even a ditch you have to remove material to build up the sides or whatever you have to do; that’s part of maintenance. But with regards to the road, if we have to add material to make the road in better shape for grading, at that point it would be considered construction. And as a follow-up question, if we have chip-sealed roads in the future that have a pothole that we have to fill, are we going to have to do – is that considered construction? And at that point how long will it take to fill a pothole or to get material, be able to get approval for material to go down on roads or anything in that effect?

MR. SHAFFER: Mr. Chair, Commissioners, with regard to construction activity on Yellowbird Road and Blue Dove Road, you are correct. We are working to have the final driving surface for those roads to be – I believe it is four inches of recycled asphalt pavement with a single layer of chip seal. My point of view would be the once those final driving surfaces are constructed that repairing a pothole would be considered maintenance but that will be spelled out and defined in the road maintenance agreement between the County, BIA and the pueblo, which has not yet been negotiated and would ultimately be subject to the Board of County Commissioners’ approval at a later date.

CHAIR ROYBAL: So that would be maintenance of chip-sealed roads. Would that also include adding material to dirt roads to improve their driving surface, or would that only be to chip-sealed roads?

MR. SHAFFER: Mr. Chair, I believe that it would depend specifically on what material is being added and whether or not it would be consistent with maintaining what is there or changing the driving surface in such a way that it would fall outside the definition of maintenance. Forgive me if that sounds like a very circular answer but I think we would have to get pretty precise as to what exactly it is that we’re contemplating doing by way of adding additional material, what that material is, what impact that could potentially have on surrounding areas, etc.

SFCC CLERK RECORDED 11/18/2020

MR. GIRON: Mr. Chair, if I could add to Greg's answer. In those circumstances as we do know we would probably be required to get a permit to be able to do the work. That has been a pretty straightforward process where we get agreement to what we are going to and then have access to be able to do that, which might be adding material of working in some of the arroyos. So I don't see that as an insurmountable hurdle.

CHAIR ROYBAL: Okay. Thank you, Mr. Giron. And in your experience in the past, how long does it take to get this type of approval?

MR. GIRON: Mr. Chair, members of the Commission, our experience has been it's a matter of weeks, not months, for us to be able to work through this process with the pueblos.

CHAIR ROYBAL: Okay. Thank you for that information. I just wanted to clarify and make sure where we're at. Basically I think that adding material like clay to a sandy road that we maybe had in the past shouldn't be as much of an issue than of course putting down a material like asphalt or anything else, so I think to maintain the durability of that road I think that adding clay or that type of material, whatever the Roads Department recommends is something that's crucial to make sure that we're not just throwing away money maintainancing these roads and not having a good surface. So I think we should be pro-active in making sure we can do those.

And just as a last question, when do you think we might be able to – when are we going to be working with the pueblos to get this information or specifically to work through how we would determine maintenance versus construction?

MR. SHAFFER: Mr. Chair, Commissioners, the settlement agreement requires the road maintenance agreement for particular roads to be entered into soon after the Secretary of the Interior grants the rights-of-way for those roads. So assuming that we are looking to construct phase 1 of Yellowbird Road in 2021, which would be to do the grading and the earthwork and have a temporary dirt driving surface so the subgrade as driving surface, that means that the rights-of-way would have to be issued before that work is done, and then the road maintenance agreement would come soon thereafter. So we'd be looking at first for the first road maintenance agreement, which would likely be a template for any future road maintenance agreements to be approve by the Board next year.

CHAIR ROYBAL: Okay. Thank you. And I did have one other question. I did have constituents that called me that reside within the interior boundaries of the pueblo of San Ildefonso Pueblo, and I just wanted to ask that maybe, if the County – I've already talked to some of the representatives of San Ildefonso Pueblo and trying to figure out if there's a way we can work together to possibly put something out on the website, even the County website, if it helps the pueblo get the word out on how the residents, which I believe are at least between 20 and 30 residents that live within the interior boundaries that access directly onto tribal roads, how we can help the pueblo to be able to work with them to get the word out on how they would need to work with the pueblo to get their agreements in place in case they need them for title insurance or – I would imagine that title insurance would be the biggest reason, whether they're refinancing or selling within those boundaries. So I know it's something we didn't negotiate with these road agreements. We only negotiated on the exterior boundaries, but I'd like to see if we



can work with San Ildefonso to work with the constituents and get information out.

MR. SHAFFER: Mr. Chair, staff would be pleased to take that request to pueblo representatives and follow up with them on that. In periodic meetings we have scheduled to discuss issues as they arise.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. And there was one other request. I wondered if the County – I looked today. I know that Yellowbird was a loop at one point and on one of the sites, it wasn't a loop anymore because it didn't seem feasible. Now there's been questions and wondering whether or not it has to be a loop on the west side of Yellowbird. And I know there really isn't residents on that west side of Yellowbird, so I thought if the County didn't have to make it a loop and it just ended on both sides, maybe that would save the County some money as far as building and constructing these roads. But something to look at and consider possible. So just another thought out there. But I want to go to other Commissioners if they have questions as well. So I'm going to go to Commissioner Garcia. Do you have any questions relative to this item?

COMMISSIONER GARCIA: Mr. Chair, yes, thank you. Excellent questions. Some of the questions – you say intermediate, permanent – what does intermediate mean? Is that a temporary permit? Not a temporary permit? That's one question. Also the governors of the pueblos have to approve the interim permit. So if there's another governor, can they actually, the next two or three years, can they actually rescind that permit?

Also, in regard to Attorney Shaffer, you talked about temporary access to these permits, are the title companies okay with these temporary access points? And also in regards to public outreach, I know we're all about social media and internet, internet, but there might be some elders out there – my grandma doesn't have a cell phone. She has a land line. She doesn't know what internet's about, so how do we actually talk to the people that don't have internet? How does that work? And those are the three or four comments that I have, Mr. Chair. Thank you.

MR. GIRON: Mr. Chair, Commissioner Garcia, I will answer the last question and Greg is ready to answer the first questions. The last question is as we move forward we are planning to be available to any of the residents that are affected so there is specific information about their property and how it might be affected. So that should overcome the barriers for people that don't have connectivity.

MR. SHAFFER: Thank you, Mr. Chair. With regard to other questions, I jotted down I think three. First was why are we calling them interim permits, and that's because they expire on the deadline for us to implement the long-term solutions, which are the 198-year rights-of-way and construction of new roads, so that's why we decided to call them interim permits for shorthand is that they do have a shelf-life.

Secondly, our rights are set forth in the settlement agreements and the interim permits to the County make clear that they're not an amendment to the settlement agreement or otherwise modify their terms but are there to implement it and presuming that we are in compliance with the settlement agreement and the terms of the interim permits I would not view it likely that a future governor would attempt to revoke the interim permits issued to the County, assuming we are in compliance. But if that were to come to pass then we did negotiate two things. One, the interim permit says we get notice

SEC CLERK RECORDED 11/16/2020

and an opportunity to cure if there is in fact a breach of a material condition, and then secondly, if it was being done arbitrarily we would have the waiver of sovereign immunity that we specifically negotiated in the settlement agreement with the pueblo to enforce.

So to sum up, if it was an inappropriate or unauthorized authorization then there is an avenue available to the County to seek redress of that.

With regard to the title companies specifically, we did reach out to at least one representative of a title company about interim permits to them. I believe that there were at least a representative of another title company at the public meeting and to the best of my knowledge we have not received any negative feedback relative to the interim permits. I think those were all the questions that I took down, Commissioner Garcia. Thank you, Mr. Chair.

COMMISSIONER GARCIA: Mr. Chair, thank you. Attorney Shaffer, thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia and Attorney Shaffer. Commissioner Hansen, did you have any questions?

COMMISSIONER HANSEN: Mr. Chair, I'd like to make a motion.

CHAIR ROYBAL: I'd like to make the motion; it's my district. But do you have any questions?

COMMISSIONER HANSEN: No, I'm good. Thank you.

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

COMMISSIONER HAMILTON: No, thank you, Mr. Chair.

CHAIR ROYBAL: Commissioner Hughes, did you have any questions? I know you're relatively new to the whole situation.

COMMISSIONER HUGHES: No, Mr. Chair. I'd just like to thank Attorney Shaffer and Director Giron for spending an hour with me this morning to explain this and I'm not as behind as I was, but I'm still catching up.

CHAIR ROYBAL: Thank you, Commissioner Hughes. So I don't have any additional questions. I'm going to go ahead and make a motion to approve the interim agreement. I do want to go back to Greg because I believe he asked for two separate motions. Is that correct, Attorney Shaffer?

MR. SHAFFER: Yes, Mr. Chair. The motion would be to approve the interim permits to be issued to Santa Fe County. That would be motion one. And motion two would be to acknowledge the interim permits for private landowners are consistent with the settlement agreement and the Interim Road Access Authorization Act of 2018.

CHAIR ROYBAL: Okay. So I will go ahead and make the motion as requested by our Attorney Shaffer.

COMMISSIONER HANSEN: I'll second it.

CHAIR ROYBAL: We have a second from Commissioner Hansen. Anything else under discussion? Commissioner Hansen.

COMMISSIONER HANSEN: We are proving the interim permit issued to Santa Fe County.

CHAIR ROYBAL: That is correct.

COMMISSIONER HANSEN: Okay.

SFC CLERK RECORDED 11/16/2020

CHAIR ROYBAL: We have a motion and a second. I'll go to a roll call.

**The motion passed by unanimous [5-0] roll call vote.**

CHAIR ROYBAL: So I'm going to go ahead and make the second motion that Mr. Shaffer has summarized for us. Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: So we have a motion and a second, a motion from Commissioner Roybal a second from Commissioner Hansen. I'm going to go to a roll call vote once again.

**The motion passed by unanimous [5-0] roll call vote.**

#### **4. MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: Do we have anybody from the public that is signed up to address the Commission, Ms. Mascarenas?

MS. MASCARENAS: Mr. Chair, we did have one sign-up but I'm not sure if he is present for the meeting. His name is Peter Grim.

CHAIR ROYBAL: Okay, Mr. Grim, are you present, sir? Okay, Tessa, if we can unmute just for a moment and I'll ask one more time if there's anybody from the public that would like to address the Commission. So is there anyone from the public that would like to address the Commission? Please state your name if there is. [There was no response.]

#### **5. MATTERS FROM THE COUNTY MANAGER**

##### **A. Miscellaneous and COVID-19 Updates**

CHAIR ROYBAL: Manager Miller, are you going to report on these items individually or are you going to go ahead and report on all of them?

MANAGER MILLER: Mr. Chair, I have some updates relative to COVID-19 and some miscellaneous updates, and then I'll have some things that I'd like Gary Giron to talk to you about, and then I want to go back to an award that our Finance Department received, and then also an update on some negotiations for Eldorado.

So the first thing was miscellaneous COVID updates. I'm sure many of you are aware, COVID cases have increased in the state as well as in the county. The rolling average for the past seven days, October 1<sup>st</sup> through the 7<sup>th</sup>, 244, and we hit an all-time high in the state of 486 on October 11<sup>th</sup>. We've been fairly steady but we've also had some bad days and some of our worst days. That definitely has us concerned. We've ramped up our public awareness campaign focused on the 87507 zip code, and we've also really been pushing another campaign, the low and slow campaign in northern Santa Fe County and northern New Mexico. And we're also going to be working on another campaign for the southern part of the county.

We have developed specific outreach materials for the CONNECT program, trying to make sure people do know how to access the CONNECT services and we've

SEC. CLERK RECORDED 11/18/2020

increased several of our contracts with our contractors for CONNECT. We are delivering approximately 2,700 meals a week to seniors. As you know, we still don't have our senior centers open for congregate meals and probably won't for quite some time, considering the number of cases that we're seeing out there. We also have weekly food distribution from the Food Depot, and 46 bags were delivered to seniors. The bags contain canned food, non-perishables as well as fresh produce.

We're also still doing high risk medical appointments transportation to those appointments, and we're doing about seven per day on those.

Also, we've received over 451 self-initiated assistance requests through the CONNECT program, the website, and to date we've delivered 3,996 grocery boxes that have been distributed out in the community and 566 of those were delivered to individuals who are homebound.

Also, we have the small business grant program with the CARES Act money. We started to accept applications last week and staff is busy working on receiving those applications and processing them. And we also increased the hours for appointments at 100 Catron. We're serving visitors now from 9:00 to 4:00 with the increased activity we're having with individuals paying their taxes, questions regarding voting, and quite a few appointments with Growth Management. As you've seen the construction industry is one of the few areas where jobs have increased over last year at this time, if you read the article in the paper. So we're seeing an increase in permit applications.

Also, the governor came out today with some additional restrictions based on the increase in COVID cases around the state. Now restaurants or establishments that serve food or drink have to close at 10:00. Hotel occupancy was reduced. I think if you had received a COVID-safe certificate you could be at 75 percent occupancy before; it's reduced to 60 percent, and I think others were reduced to 40 percent. And then quarantine from high risk states has also been reinstituted where you could have – if you had a negative test from coming from one of those states you didn't have to do the 14-day quarantine and now the 14-day quarantine has been reinstituted as well as no mass gatherings of over five. We had gone to ten and it has now been reduced to no greater than five.

So all that happened today while we were at the BCC. That said, we've been, staff, I can't stress enough how much Rachel and the CARES Act team have been pushing funding out the door, get it out to our businesses, to our residents and also working to get services to individuals.

One of the things that came up at the last BCC meeting was questions about broadband and I wanted to give the Board some updates on what we have been doing. I think it's become very evident that broadband is severely lacking across the country, but also in certain parts of rural Santa Fe County as well as throughout New Mexico. But we've been actually trying to tackle some of that with the Housing staff and our economic development staff, working jointly with some other entities on how we can increase access to the internet. The Information Technology Disaster Resource Center is making wifi hotspots at seven community centers in the county as well as Pojoaque fire station. These locations were chosen because we have connection to internet already in the building and we're adding wifi hot spots to provide free internet service in particular spaces like the parking lot. So while these facilities aren't necessarily open to the public

the parking lot has free wifi access and the objective is to allow students to download homework assignments. And we received funding for this program through grants and the maintenance will be done by the Information Technology Disaster Resource Center.

And then we have completed various small projects, but I think we've completed the Pojoaque fire station, El Rancho, Camino Jacobo, Chimayo Senior Center, which is the Bennie J. Chavez, Santa Cruz Senior Center, the La Cienega Community Center. We're working on the Nancy Rodriguez as we speak, Edgewood Senior Center, and Eldorado. So I did want you to know that that has occurred.

Also, the CARES Act grant is funding a broadband build in Santa Cruz for \$300,000, so we are, as I said, we are using some of the CARES Act money, getting that out the door. We're coordinating with the Town of Española to connect the crisis center through public housing development to the Boys and Girls Club, and the Abedon Lopez Community Center, to the McCurdy Ministries Campus, and then this expansion should be done by the end of the year. Also Rio Arriba County and Santa Fe County are working through REDI-Net to expand service in Chimayo. And a company by the name of ATNI is also helping with the expansion. No cost for this has been determined yet. Hopefully we'll be able to use some CARES Act money if it can be done before that expires.

We're discussing with the City of Santa Fe to have REDI-Net interconnect to the Santa Fe fiber system, and this is essential for the County to be able to connect the north and south part of Santa Fe County. The City is currently lacking a director of IT and an IT architect. Those positions are vacant, and so until they have those positions filled at the City I think our movement on this initiative will probably be a little slower but once it's completed both networks will complement each other and create an expanded network that would benefit both the City and the County.

Also, our Community Development Division is onboarding a Vista volunteer that will be assigned to help with broadband to update of the economic development plan and the affordable housing plan. The Vista volunteer, his name is Nate Crail, will be writing a white paper prioritizing areas of expansion in Santa Fe County based on current and future resources, and he's also exploring regulation and administrative and financial aspects of broadband deployment.

And then also REDI-Net has a POP, or point of presence in south Santa Fe and that will help us bring service to the Valle Vista community. There has not been a detailed dollar figure put to this yet but it's expected to be also around the \$300,000 range, and this would there for us to connect to the Housing Authority and the Santa Fe Boys and Girls Club.

So I just wanted to let you know, those are things that we are currently doing with broadband. I know that Commissioner Hansen and I had a conversation last week about having a broadband special study session, so I was hoping to get some feedback from the Board when they might be available for that, if the Board is interesting in having a special study session. Commissioner Hansen and I had initially talked about doing it in two weeks from today. My only concern with that is that's our regular BCC meeting as well as our Housing meeting and it might make for a pretty long day if we also tried to do another Board meeting in the form of a study session on broadband, but we could give that a try. I also would have some concerns in trying to get everything together. As I said, staff that's working on this that would be putting together a special study session is also

SHCC CLERK RECORDED 11/18/2020

the staff that's working on the business opportunity grants and the Housing assistance grants and getting the CARES Act money spent. So I would just caution that there's only so much human capacity to put a Board meeting together on a specific subject such as broadband and that staff is already pretty heavily burdened with getting the CARES Act money out the door for the business grants.

So with that I would like to just pause for a minute before I give some other updates to see what the Board's thoughts are on the study session, and I'm sure Commissioner Hansen would like to add to what her thoughts are on having that study session.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. So I'm going to go ahead and go to Commissioner Hansen and then I'll go to the other Commissioners and see if there's any additional questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much. So what I was thinking about is – thank you for all the updates and I'm happy to hear that we're moving forward with a number of things because I think that it's really important that we have that ability to get the CARES money out the door. But what I was thinking of was more like a 90-minute session and maybe we could do this – I wasn't actually thinking of the next Board meeting but maybe at a separate meeting, like in an afternoon. I know for Commissioner Roybal it's better to possibly do something in the afternoon. So if we kept it to a 90-minute session we could have a brief intro by Chris and Alex. We could also include the chamber working group, which has been working on this for over two years, and they also include the County, the schools and the City, and small business and REDI-Net. And then the goals: expand access to affordable and adequate broadband for education, healthcare, home, business, and economic development; reach under served and at-risk communities. Definitions of broadband – fiber, wireless, coaxial, wifi, ISP, the last mile, middle mile, etc. Like a short-term goal is to get antennas out and a long-term goal is to do fiber and that seems to be what people are really interested in. Maybe a local map, local providers, who's providing what service. User cases, like education, public safety, telehealth, economic development, entertainment, the film industry. Available technology, finance, examples of community systems' model, the key stakeholders, which are the County, the City, the public schools, the film industry, the state, Pres, Christus St. Vincent's and those others, and working together with REDI-Net and possibly the MPO, and recommendations moving forward.

So I know that this is a task force of regional key stakeholders, address the intermediate critical needs, CARES Act money, if possible. Use REDI-Net interconnect and by City services develop a medium and long-range with new development codes in financing and develop regional partnership.

So I just want to share some of the things that I was thinking about that we could talk about in a study session, and also, I see how it is challenging for all of us. The internet is not stable and sometimes we don't always have the modes that we need to connect. Some of us have better access than others, and so I would hope we could find an afternoon, like sometime maybe in the next two weeks, after 4:00 so it doesn't interfere with Commissioner Roybal, but maybe on a Monday, maybe on the 20<sup>th</sup>. I don't know if that's enough time. I also don't want to take away from Chris and everyone working on trying to get the CARES money out the door, so maybe we wait until the 29<sup>th</sup>. I think I

have a meeting on the 29<sup>th</sup>. Thursdays are bad days, but maybe the first week in November.

So I'm just throwing those out as ideas for the rest of the Commission to think about and see if anybody else is interested. When I mentioned this before other people said they were interested in broadband so I wanted to start pulling together some ideas. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Any other questions or comments from the rest of the Board? I'll look for a show of hands. Commissioner Garcia, then Commissioner Hamilton and Commissioner Hughes.

COMMISSIONER GARCIA: Really quick, Mr. Chair. Thank you, Commissioner Hamilton, for bringing this forward at our special meeting the other day for the ex-Fire Chief Stan Holden. Great guy. Just want to say a little prayer for him and his family. Great guy. Awesome. We all are but Stan actually created our Fire Department and Commissioner Hamilton, thank you for bringing that forward. Those of us that worked with Stan Holden, Chief Holden, I'll bring that up again.

So, the Association of the General Contractors booklet, just want to thank staff and everybody who worked on that building, and Katherine, we got the best in show. Somebody forwarded that to me. That building got best in show in the entire state -- General Contractors Association.

Also, the Mountain Valley Healthcare Facility, design-build in the entire state. Because of staff and our voters, the voters for the general obligation bond we actually got best in show and best design-build in the entire state. So staff, thank you, and thank the voters for it. Thank you because we have a GOB bond coming up next in the next 21 days, 22 days. But I just wanted to bring that forward and thank you for that.

And just really quick, Manager Miller, I see Anna. I'd like to see what's happening with the equestrian facility down south. I don't want to talk about it now but if somebody would please give me a call on it tomorrow I'd appreciate it. And other than that, Mr. Chair, thank you, staff, and everybody that works for the Santa Fe County and our citizens. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Ms. War, do you have information? It looks like you might have raised your hand.

ANNA WAR (Community Services): I can give an update on the Edgewood equestrian arena. We're actually going to be -- we're trying to get it opened by the 15<sup>th</sup>. We have developed some COVID-safe practices for open and private riding that have been submitted to the County Manager for review as well as our Legal team. Legal had a few updates that I made the revisions that they needed and sent that back today. We will be waiving the fees for open and private riding during the COVID pandemic. So that's where we are now, just waiting on a final blessing from Legal.

We'll also be opening up our Stanley Cyclone Center for open and private ride as well around that same time.

CHAIR ROYBAL: Great. Thank you, Ms. War. Appreciate the update. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So going back to the issue of broadband and the potential that we were having a study session and general approach. I clearly agree that broadband is a short-term and a long-term problem. Most of

SFC CLERK RECORDED 11/18/2020

us on the Commission have been working on this issue since we've been Commissioners. Some of the progress in developing broadband solutions, it's clearly difficult because it's painfully slow and there are still clearly areas all over the county that are underserved to put it mildly, and that creates many disparities for students and for businesses being able to respond. The pandemic has simply magnified that disparity.

But the issue of how to address it gives me some concern, because largely at this point, because of all the other things that are competing for staff time to get CARES money out. So my thought about a study session is what would be useful is to start with far more limited and discrete, step-wise objectives for an initial meeting and step-wise in the sense that we can have others as time goes on. And I guess I feel like rather than having everybody who is involved in broadband and trying to present – and it's way more than 90 minutes of presentations if everybody that Commissioner Hansen mentioned would be at the first meeting. Not that they don't all have important roles and it's all needed information, but I think at this time it might be more productive to think in a much more limited basis.

One of the things I would really like to see and I think having this information might actually facilitate our ability to push the envelope, to get everybody to step forward, is to have a map and a summary that goes with that map of where the biggest lack of broadband is in the county. I have been in numerous meetings about broadband and it's still very difficult to say exactly what areas are not well served. It was great to hear from Manager Miller that in several places they are trying to set up hot spots and what not. But I think if we got such a map we could actually have a fairly short study session that would minimize the impact to staff time and we'd be able to discuss whether there are some piecemeal solutions in addition to the things that Manager Miller already mentioned, in putting hot spots there might be some interim or piecemeal solutions for a few other areas and we could think about who could be involved and then have some subsequent interactions with those limited entities.

So I respect Commissioner Hansen's report that included all the potential players. I think if we actually do an initial study session we can keep all that in mind and maybe do a session on a much more limited objective and a more limited participant group, and then move one step at a time forward from there. That would be my thought, and I think part of it is broadband has some very short-term needs that maybe we could address but also some long-term needs which would take – which would require participation from the greater number of groups that Commissioner Hansen mentioned. I'm just not sure we want to go all the way there first. I hope that makes some sense and I'd be willing to talk about it further, even off-line as needed. But I would just strongly recommend more limited objectives for the first meeting to maybe achieve a couple small goals as a first step. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I know that even being the chair of the census I've seen where a lot of their data pointed towards some of the areas that didn't have a lot of response and they attributed it to internet connection and things of that nature in those areas as well. So maybe it's not a bad idea. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Yes, I would agree that a study session is a good idea. I certainly relate to trying to get CARES Act money

SFC CLERK RECORDED 11/19/2020



out the door. I'm trying to do that in my other job and it's difficult to see how we're going to – sometimes you think: How am I going to just get all this done? So perhaps we can do this at a time, a little bit – maybe it has to be even a little further in the future so that we don't stress the current staff out too much. I would think that sometime in November things are going to sort of fall into place with the CARES Act money. But maybe that's too optimistic. I don't know.

The other thing is I've heard that we're going to have a Vista volunteer study this for us and I wonder if when we have the study session if the Vista volunteer had already done some research maybe, that would be a good point to start from. Maybe by that time our Vista volunteer will sort of know where they key places are that we need broadband or whatever else it is we need to know. It would great to have – not wait till they're all the way done with their study because then we won't have any input into it but maybe somewhere along the line that they've at least started so they can be part of the conversation.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Great points. Commissioner Garcia, did you have anything relative to broadband. You're on the school board as well.

COMMISSIONER GARCIA: So really quick, what happened with the school board, we have broadband up and down County roads, but how do we get broadband way down there in Chimayo? Way down in La Cienega? What happened with the schools, we actually bought a lot of hot spots from T-mobile because Verizon was four or five months out. The school board is doing an excellent job, by the way. So we actually bought hot spots from T-mobile. But in the Valley of La Cienega, T-mobile doesn't have good reception down there. So I think everybody is correct as into we could create maybe a committee because Senator Martinez, the ex-Speaker Lujan, they spent millions of dollars to get broadband up north. So we have fiber up and down the interstate, but how do we get from the fiber down those little rural roads?

So I think Commissioner Hansen, you're right. All of us are right, but maybe we have to create a committee to see where we have broadband, where we don't, how do we get there, what hot spots are available, if we can park a school bus there and get it done. We have to create a committee because it's needed in the rural areas. I have rural areas all over my district – Cerrillos, Madrid, that have no internet. But there's fiber up and down the internet, but how do we get from the fiber to broadband. But thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hansen, do you have a follow-up?

COMMISSIONER HANSEN: I do. I agree that we have short-term goals. So the short-term goal is to get as much CARES money to be able to spend on broadband as possible. And if we only have until December it looks like staff is working on that, but we also have members of the community such as the chamber working group that has been working on this for a couple of years and they might have some really interesting ideas to share with us. So maybe that might be part of the first meeting is to also bring in some other people from outside the County. I think that everything that we're doing in the County is good, but we have REDI-Net, and like what Commissioner Garcia just said, we need it not just on the internet, we need it on 599. We need it to be – my constituents in Las Campanas and Agua Fria Village can't even get internet. It's not there.

SECC CLERK RECORDED 11/18/2020

Commissioner Hamilton is breaking up half of the time that she's talking just now, and so we know that there's issues with broadband throughout the county.

And it is consistently a challenge. So I think a committee is a good idea but the reason to do a study session is that we can all be present at the same time and we can be noticed. Because we can't have a committee of more than two Commissioners. So that limits our input of where and how we want to go. And so maybe we do it at the next meeting and we take a half an hour and have a short discussion about some of these issues, but when we have people in the community who are working on these issues and are interested in them, especially from the chamber, then I think we should bring in some of that expertise and care what they have to say and what problems they're running across. Because it's more than just the County and the City. I see there is a problem with the City if they don't even have an IT director – that is an issue, but they do have an economic development director, so we need to all be working together to solve these issues. But broadband is something that has just been ripped bare by this pandemic and how bad it is throughout New Mexico, Santa Fe County, and the United States.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. I'm going to go to Manager Miller. I believe I saw her hand up just a moment ago. Manager Miller. Then I'll go to Commissioner Hamilton.

MANAGER MILLER: So Mr. Chair, I guess what I'm thinking, I don't really know what the Board wants County staff to do. County staff is getting out there and getting hot spots put in place, expanding broadband with our facilities and using our facilities to push broadband out from the facilities out further into the county, and using CARES Act money to do that. But short of coming up with millions of dollars to build infrastructure throughout the county, and having a committee that would actually say, kind of like COLTPAC did when we had \$2.5 million of open space funds, we said, okay, what's the best property to buy? This is so – I hate to use the word "broad" but the request that's coming up is so broad I think that there's one thing to have different organizations, and I think there's some merit in that, having some organizations present what they are doing and what they think is needed. But I think saying – trying to have a study session so that we then develop a committee that I don't even know what I'd say this committee needs to do until we spend a little more time finding out what are the gaps and what is it the County as an entity could do to try to fill those gaps, and then maybe that's where you have a committee working on what are those steps to do that.

I hate the thought of just creating a broadband committee without a good focus for what it is we want them to accomplish. And I don't think we know what that is yet. So that would be my one thing about a committee yet. I think there is merit in having a study session and having one sooner rather than later, but maybe we kind of narrow the agenda, because I do believe just a study session having one or two of the entities, Commissioner Hansen, that you brought up, would take an hour and a half, if they would just talk about – convey the things that they're finding out and what they think government could do to help. Just the chamber alone could take up an hour and a half discussion between what they've found and what questions the County Commissioners would have and what County staff.

So all I would say is we kind of narrow the subject and maybe we do a series of them, so that we can hear from different groups over the next couple of months and like

you said, limit it to an hour, hour and a half, and it's getting information from other entities that have been working on it.

That might be what we – we narrow it to something a little bit, like you said, the first one have County staff talk about what they're doing, what they think they maybe need a little bit of assistance to do more, and then have one group present, like the chamber's task force. Would that be something we could do in a couple weeks? Would the Board be interested in that? And then at that meeting we figure out maybe what the next one would look like.

COMMISSIONER HANSEN: I think that sounds like, Manager Miller, Mr. Chair, I think that sounds like a good beginning. Just making some kind of progress, dedicating an hour, not longer than that because I think then the meetings get way too long, as you said. I'm not necessarily advocating for a committee. I mentioned a task force. That's why I went back to a study session because I feel like that is a place where we can gather information, and like you said, gather information over a series of times so that we can actually see what this County is doing, what are the possibilities. Maybe we hear from the Chamber at the same time, see what those are. Then the next time we talk to another group. I like that idea. So I would support that.

MANAGER MILLER: So I'll put things together and I'll send out a few dates to the Board. We'll put maybe a little draft of what we think we could do, a little draft agenda and a few dates to see what maybe works from 4:00 to 5:00 one night in the next couple weeks. Would that work? I see a couple thumbs up.

CHAIR ROYBAL: I'm fine with that.

MANAGER MILLER: Okay. Great. So that's what I'll do with the broadband.

CHAIR ROYBAL: Commissioner Hamilton, you had your hand up?

COMMISSIONER HAMILTON: I'm good. Because what Manager Miller and then Commissioner Hansen said was reflecting what I was trying to drive at so I'm very good with it.

CHAIR ROYBAL: Thank you. Manager Miller.

MANAGER MILLER: Okay. So that's broadband. And then on – I believe that Anna War actually did an update on Edgewood. I was going to bring that up that we hope to have both Edgewood and Stanley open, two very small groups of people, clearly, five or less, in the next week. And then also Commissioner Garcia mentioned the awards that we received. So it was the Association of General Contractors, the AGC, they do annual awards and our 100 Catron won the grand prize of projects. So as our contractor said, it was like winning the Oscar of general contractor awards in the State of New Mexico. So it was – I can read it off of this – the grand prize of show is the Santa Fe County Administrative Complex, Santa Fe County, owner, Jaynes Corporation is the general contractor, and architect Studio Southwest. And then it listed all the engineers and doing a project delivery method of design-build in new construction.

And then – and this is the 2020 winners. And then, down in the design-build category – so that was the grand prize of all of them, but in the design-build category, our Edgewood health facility, the Mountain and Valley Regional Health Facility, owner Santa Fe County, general contractor, Jaynes Corporation and architect Studio Southwest was the architect, won the best design-build project in the state as well. So as

SEC. CLERK RECORDED 11/16/2020

Commissioner Garcia said, really amazing, great job, great job to our project team including our contractors, all our consultants and all the staff, including Tony Flores, who started both of those projects off for the County, put together a really good team with Paul Olafson, Daniel Sanchez, P.J. Montano, Tessa Jo Mascarenas, Daniel Fresquez, and many other staff that helped make those projects happen, and contractors and consultants. So just want to say congratulations to everybody who worked on those. Really great, great news.

And with that, I think those were all of my miscellaneous and COVID updates. And then I wanted to turn it over to Gary Giron because as you know, everything solid waste is of great interest to our constituents and our residents and the individuals who use our transfer stations. We have some operational issues that we need to deal with, and so I wanted Gary to put a little bit of a presentation together for you so that you can see what we're thinking of doing to address these operational issues and make sure that we're on the right path before making any changes at the transfer stations.

CHAIR ROYBAL: Thank you, Manager Miller. I just want to thank you for all the hard work on the broadband and hot spots for our facilities that will help serve our community. So thanks again. I appreciate that. I know it was something that I talked to you about earlier, before school started and I'm just really grateful to you. So I just wanted to say that because I don't think I said that in the first place, so I thank you very much for that. Gary, go ahead.

MANAGER MILLER: Thank you, Mr. Chair, I did want to say, Joseph and his team really did all the work. You just called and asked could if we do something and that started a chain of events that I think it came out really positive.

CHAIR ROYBAL: Thank you. I really appreciate all your guys' hard work. Go ahead, Gary.

## **5 B. Update on Solid Waste Days/Hours of Operation**

MR. GIRON: Mr. Chair, Commissioners, Manager Miller, we have a proposal to change the convenience center schedule. Daniel, could you go to the third slide and then we'll go back to the second slide. We have three issues that we're trying to resolve with the solid waste convenience centers. One of them is a safety issue. The second one is covering lunch. And the third one is vacancies.

With this new plan that you will see in a second, we achieved something that I think we've been trying to achieve for a few years now, probably several years now, is to have a minimum of two staff at each of the convenience center sites, which, as you can imagine, is a safety issue. We have sites that have spotty telephone and internet coverage and it is an issue that we need to resolve to get enough coverage so that there is redundancy so that if somebody would get hurt we have a second person that could call for the assistance they need. So this plan covers that safety issue.

The second one is that we have convenience center sites that do not close for lunch because we don't have two people to cover that time. This new plan would allow for lunch coverage and it would bring us into compliance with the union agreement, and it allows staff to take a break during the day. And I will tell you that the plan for that would be that we would probably have each staff person take a half-hour lunch so that

everybody gets lunch and that anybody that comes in after the time that we close for lunch would still be able to unload and then leave the facility and that would not stop people coming in at five minutes to 12:00, if that was the lunch break.

And then the third one is that we have recurring vacancies with our caretakers, our solid waste staff that we're trying to resolve. And one of the problems we have is that caretakers come to work for us and they work Saturday and Sunday. And that's difficult for people who have families. The new plan that you will see allows us to give each of the staff people one weekend day off. Daniel, could you go back to the second slide, and I'll keep talking through this.

On the top you will see what the current schedule is and that we are closed on all sites on Monday and Tuesday, and then for Nambe, San Marcos and Tesuque, they are closed on Thursday. So they're closed three days. Everyone else is only closed two days. You'll see on the bottom chart what we have put together is that everybody would close from 12:00 to 1:00, and that allows us to have a lunch break. We would also recommend that we close Sunday and Monday, and that gives everyone one day with their family on the weekend, and to accommodate this we would proposed to close Nambe, San Marcos and Tesuque on Wednesday and Thursday. That would still leave a Tuesday and then a Friday, Saturday, for people that are looking to dump trash. And then there are sites that are fairly close so that people would be able to go to those if there was more of an emergency for them to get to that on that day.

I think this is really important as we look forward in terms of our recruitment issues and our safety issues and then compliance with the rate renewal agreement, and with that, Mr. Chair, I will stand for any questions that anyone has.

CHAIR ROYBAL: Okay. Thank you, Mr. Giron. I think that this plan has been very well thought out and I think that it's important for our employees to have time with their families, so I'm going to go to Commissioner Garcia, and then I'll go to Commissioner Hamilton.

COMMISSIONER GARCIA: Mr. Chair, I have no questions. Thank you, Mr. Giron.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I don't have any questions but I agree with the Chair. I think this looks very well thought out and very, very reasonable, so I support this and I appreciate the consideration you've given to both the constituents and the staff, because both is really needed. So thank you. Thank you, Mr. Chair.

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

COMMISSIONER HANSEN: I don't have any problem with this. I wonder what kind of push-back we'll get from closing on Sunday but I think it's a good idea to close on Sunday and Monday but I'm just interested to see what kind of push-back we will get. So that's all I have to say.

CHAIR ROYBAL: Thank you, Commissioner Hansen. And it's a very good point. I think a lot of people do like to take their trash on Sundays as well so we'll see how constituents react. I don't know if they typically like to take them on Saturdays so I guess we'll have to see how it works out. Commissioner Hughes.

SEC. CLERK RECORDED 11/18/2020

COMMISSIONER HUGHES: Yes, I think this is very reasonable and makes a lot of sense and I guess maybe we should just try and make sure before we close on Sunday that we communicate that as broadly as we can so people don't – I think people can get used to bringing their trash on a different day but if they come on Sunday that's when they're going to get mad if they've gone to all the trouble to load everything up and then they show up and it's closed. So I think communicating would be great.

MR. GIRON: Mr. Chair, if I could, Commissioner Hughes. So that in advance of any of these changes being made, in the several weeks we'll not be making any changes so that we have enough time to put signs up in each of the centers and to be able to put in our website and probably work with the public information officer to get the information out to the community so they know the changes coming.

COMMISSIONER HUGHES: Thank you. That sounds good.

CHAIR ROYBAL: Go ahead, Manager Miller.

MANAGER MILLER: One of the things that we're trying to do is see if we can utilize COVID, to use some of the CARES Act money to deal with the increase in the COVID cases we're seeing in Santa Fe. Also, to go back up to not punching cards and see if we can cover that cost through the end of the year. So we are – I will keep you posted on that but if we are able to do that with CARES Act funding that's another thing that we would return to the policy that we had for the three months when we were kind of shut down in April, May and June. Or I think we did it May, June, July.

So it was very costly though, just so you know. I want to say – Ryan can correct me if I'm wrong – something like \$285,000. So we want to make sure that we can utilize CARES Act funding for that and if we can we return to that policy till the funding expires.

CHAIR ROYBAL: Thank you Manager Miller. And I would be very supportive. I was going to mention it during comments from Commissioners but I've been getting phone calls again in different communities where they're starting to see trash being thrown in arroyos and I think I've called staff to go out and look in some of the areas because the last call that I did get indicated it was in our County easement. It turned out to be on private property, but it was somebody that threw it just into somebody else's property and there were bags of trash. So the County couldn't assist in the cleanup but they did work with the owner to make sure that they picked that up. But I'm starting to get calls again in regards to illegal dumping. So I would appreciate that and also support it. Thank you, Manager Miller.

MANAGER MILLER: Okay. Thank you. And then, Mr. Chair, if there's nothing else on the solid waste permits I wanted to go to the next update, and rather than having Yvonne present herself with the award, I wanted to do that. So I don't know if there's any other questions on solid waste.

CHAIR ROYBAL: It looks like we're good. Go ahead and proceed.

**5. C. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the FY 2019 Comprehensive Annual Financial Report**

MANAGER MILLER: Okay. Thank you. I just received notice about ten

SECC CLERK RECORDED 11/15/2020

days ago or so that Santa Fe County Finance Division has received a Certificate Of Achievement for Excellence in financial reporting for fiscal year 2019 comprehensive annual financial report, the CAFR, which is also a financial report which is what's audited by our external auditors, and they were awarded the achievement of financial reporting for 2019 from the Government Finance Officers Association. And this award has been received by our Finance Division for nine consecutive years.

It's really great and I think that as Yvonne said, it's because they're good. So, Yvonne, congratulations, and would you like to say something about all the work you and your staff do?

YVONNE HERRERA (Finance Director): Mr. Chair, Commissioners, Manager Miller, yes, thank you. Yes, we are good. We're awesome. It's just an expectation I guess. With all the hard work that the division does, as well as every accountant out within the county, we can't do what we do without everybody contributing. And I myself, I can't speak for the Finance staff, but I myself am very grateful to work with such a high quality group of people within the County. And while it took me a stupid long time to finally decide to come over, I'm actually glad that I finally did come over.

So I want to thank all the staff. They're great. They're spectacular. They work hard. They do what they need to do in order to get stuff done, and all the support from the Commissioners, as well as you, County Manager Miller, and the rest of the County. Historically, we've all taken a group picture. Unfortunately, because now of COVID we obviously can't so I asked Daniel to help me to a Brady Bunch kind of picture for this upcoming CAFR. So here's the team that has helped contribute to the nine consecutive years of the GFOA certificate. Thank you, everybody.

CHAIR ROYBAL: Thank you, Ms. Herrera, and congratulations once again. It's not the first time that we've been able to congratulate the Finance Department on their achievement. The services that you guys provide have never dwindled. You've always done really well, and we just want to commend. I'm very proud of the achievement that you guys have gotten and just the recognition that you all deserve so thank you, and thank you for the picture. All the familiar faces on here that have been a part of the team, and you're absolutely right: it's a team effort. Every single one of you. You're only as strong as the weakest link, right? So we appreciate all of your efforts and just the great commitment. I'm going to go to other Commissioners. Commissioner Garcia.

COMMISSIONER GARCIA: No, just congratulations, under the direction of Manager Miller, Katherine, you've been there for many years and you created a strong, strong team over the years. The entire staff there – great job. It's good to be a policymaker for Santa Fe County and you guys do an excellent job. Just one question, did Bill get a haircut. Excellent job. Great job. Awesome. Thank you.

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

COMMISSIONER HANSEN: Way to go, everybody. Yay. Yay, team. It makes us all proud to know that we have a great Finance Department and it's just fantastic, so congratulations, everybody. I'm honored to work at Santa Fe County and be a policymaker and work with such dedicated and honorable and hard working employees.

SEC CLERK RECORDED 11/16/2020

So thank you, thank you, thank you.

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

COMMISSIONER HAMILTON: You know when you're right, you're right. You guys are awesome. [audio difficulties], so congratulations and I love the Brady picture approach. That's great.

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

COMMISSIONER HUGHES: Yes, I'll just add my congratulations and thank you, and I look forward to meeting the wonderful team here. I do have to say that one of my considerations when I decided to run for Commissioner was the fact that I knew the County's finances were in good hands and that made me feel like maybe we could do things because finances underlie everything else we do and there's no use having great policies if you don't have the financial team to back them up. So thank you very much.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Is there any other comments from any other Commissioners? Hearing none, I just want to congratulate you guys again on your accomplishment and keep up the great work that you've always done, so we appreciate you.

MANAGER MILLER: Mr. Chair, real quickly before we go to that there was one thing I was going to mention about meeting schedule. And I wondered if the Board would indulge me for one minute to consider a slight change to our November and December meetings. As it stands right now we're scheduled to have our first November meeting on November 10<sup>th</sup>, that's the second Tuesday, and then our next meeting would be November 24<sup>th</sup>. And that is the Tuesday before Thanksgiving. And then our December meeting is December 8<sup>th</sup>. Then we don't have another meeting because we don't do one at the end of December. We wouldn't have another meeting all the way to January 12<sup>th</sup>.

So I have to give this credit to Attorney Shaffer. He felt what if we slipped our November 24<sup>th</sup> meeting to December 1<sup>st</sup>, and then our December 8<sup>th</sup> meeting to December 18<sup>th</sup>. That way we don't end up having a meeting during the week of Thanksgiving which is always – a lot of people try to take that work off to use their use-or-lose leave, and while it's a little unorthodox because it's the first, it actually spreads those three meetings out a little bit better so we don't end up with five weeks between our December meetings.

So if the Board is amenable to that I would change our noticing if that works. Otherwise we'll leave it as it is.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. We're going to – do we have any comments from the Board? Commissioners?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I don't have any problem with that. What I'm wondering is when are we going to do the swearing in?

MANAGER MILLER: We usually do that right around the 30<sup>th</sup> or 31<sup>st</sup>. So we actually do that right at the end of the year.

COMMISSIONER HANSEN: Not that that's a meeting, but it's another

SECC CLERK RECORDED 11/16/2020



gathering. I don't know what we're going to do about it because of the COVID situation but it is a ways off so I'm just asking. But I don't have any problem with changing the meetings but I don't know who has conflicts.

MANAGER MILLER: What we can do, Commissioner Hansen, is contact everybody who needs to be sworn in, make sure that we – we usually put out a couple of times and find a time that works for everyone who needs to be sworn in. Now, if you'd asked me three months ago I would have thought we could have done that in person. I'm not sure that that's – the way the numbers are going, I think we had 44 cases in Santa Fe County today. So the way numbers are going it's likely to need to be virtual. So we're going to have to figure out how we do that. So I don't know if it will be individual ones or whether it will be a full-on Board meeting. I'll have to see how we can best do that.

CHAIR ROYBAL: Okay. That makes sense. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: I recognize it's a little unorthodox but if noticing is not a problem I think moving the meeting schedule is great. It certainly works for me. I think it's a great idea.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Garcia, did you have any comments relative to this issue?

COMMISSIONER GARCIA: No comments. I'll take the recommendations of Manager Miller and the other policymakers. Thank you.

CHAIR ROYBAL: Commissioner Hughes, did you have any questions or comments?

COMMISSIONER HUGHES: Just that the new schedule works fine for me. Either way is fine with me.

CHAIR ROYBAL: Okay. And I also would be fine with that new schedule. So I'm fine with that. As long as we do the correct noticing I think we're fine. So thank you, Manager Miller.

MANAGER MILLER: Okay. And then, Mr. Chair, the only other thing we have is that update on the Eldorado water agreement, and then I don't know if you would like, you could just see if there's any questions on the – oh, we have a presentation on Yearout. That's about 15 minutes. I don't know if any of the Board needs a break or anything but we could do all of that including the report, and then do the public hearing, and do executive session at the end of the meeting today if you would like.

CHAIR ROYBAL: I think that that would be fine, and the presentation is the next item, and you want to just move the Matters from the County Attorney, Executive Session to the very end, right? Is that correct? And do the public hearing first?

MANAGER MILLER: Yes, Mr. Chair. I was going to suggest that we do that. So we have the presentation. We have Mr. Shaffer's update and John Dupuis' update on the Eldorado. Then we have the Yearout presentation. I believe they are on. I would suggest we then do the public hearing, and then if there's any questions on the report from Corrections, and then go to Executive Session.

CHAIR ROYBAL: Okay. So I think we probably could use a break. I'm looking at maybe 15 minutes to resume back at 5:30. Will that work for the Board?

COMMISSIONER HAMILTON: Are we going to get the Eldorado update first?

SEC. CLERK RECORDED 11/16/2020

CHAIR ROYBAL: That should be pretty quick, right?

MANAGER MILLER: Yes.

CHAIR ROYBAL: Okay, so let's do that and right after we'll take that break.

**5. D. Update on Negotiations Concerning Water Delivery and Wheeling Agreement Between Santa Fe County and the Eldorado Area Water and Sanitation District**

RACHEL BROWN (Deputy County Attorney): Mr. Chair, Mr. Shaffer will be joining the meeting shortly. I know that John Dupuis is able to begin that presentation.

CHAIR ROYBAL: Okay.

MR. SHAFFER: Thank you for that, Ms. Brown. I should be able to kick things off. I apologize, Mr. Chair. I was having a little bit of difficulty unmuting myself. We have uploaded to BoardDocs a memorandum that highlights where things stand as well as some of the macro-level deal points that are being discussed at this point with the Eldorado Area Water and Sanitation District. We have circulated to this district, County staff, a draft water delivery and wheeling agreement. We anticipate receiving specific language comments back from the district this week. Our hope would be to have a final draft of this agreement on the BCC's October 27, 2020 agenda for consideration and potential action.

I would just highlight that these negotiations over the water delivery and wheeling agreement should not stop progress on the Cañoncito at Apache Canyon Mutual Domestic Water Association portion of this overall project. That's the portion that's funded in part by the Water Trust fund award and that portion of the project consists of construction of new waterlines within and near Cañoncito, so that would be unaffected by whether water is wheeled through the district or delivered through an alternative path.

So by way of high level summary of what is being contemplated at this time, at least at the staff level is that the water delivery and wheeling agreement would allow for the perpetual wheeling of water through the district system for the benefit of Cañoncito. That saves a not insignificant amount of money relative to upfront capital costs, because the alternative was to build a waterline around the district. It also helps address operational issues that could have arisen with such a long pipeline with such a relatively small customer on the other hand, if the district was bypassed in total.

It also would allow for the district to be a supplemental customer of the County in perpetuity, meaning that we could supply water if we were able to do while meeting all the other peak demands of our customer base. So as a supplemental customer they would have no guaranteed supply from the County but rather would have the option to request water and the County could deliver that if water was available.

So that secures mutual benefits to both sides, if the agreement along those lines were approved by the district board and the Board of County Commissioners. But the draft also would recognize that the parties hope to enter into a replacement water delivery agreement, which would provide potentially even more significant benefits to both parties as well as to the aquifer that we share, and in particular, under the replacement water

SEC. CLERK RECORDED 11/16/2020

delivery agreement it's contemplated, if we're able to reach terms, that the district would take or pay for and the County would agree to reserve and supply 100 acre-feet per year or more of water to the district. Again, this is separate and apart from water wheeled through the district to Cañoncito. This is water that would be delivered to the district for district customers.

And in the draft agreement that we're working on now, it would recognize that there are some not insignificant issues that we would have to reach agreement on in order for such a replacement water delivery agreement to materialize. Those include delivery of water rights or a payment in lieu of for such guaranteed deliveries, equitable sharing of the cost of disinfectant byproduct treatment infrastructure which the County is going to pay for in the first instance under the, I guess, wheeling and supplemental water delivery agreement, how we might be able to share in water that is in fact recharged or stored in the aquifer under such a large commitment of water, and other fees and charges that might otherwise be due under County ordinance. And then also the terms under which the district could utilize up to a \$1.5 million credit, which would be made available to them under such a long-term contract. And that represents an equitable share, if you will, of the capital costs that are saved by wheeling water through the district rather than building a pipeline around it.

So we attempted to – this is a committal statement in the draft that is being worked on between the parties to negotiate such replacement water delivery agreement by December 31, 2022. We picked that date so as to help meet the district's concerns about changing of the Board of County Commissioners, so to speak, and a lack of political will, potentially in the future to see this through. And so we suggested that date as a target to have a replacement WDA in place, because all of the sitting Commissioners are anticipated to be in office through that date.

So again, that's a high level overview of the terms that are on offer. Under the wheeling portion of it I would emphasize that there would be a wheeling fee charged by the district to cover its incremental costs of actually taking the Cañoncito water and wheeling it through their system and there would be, as indicated, the County would pay for the construction of disinfection byproducts treatment infrastructure as part of the deal currently being negotiated.

So I would offer John Dupuis to provide any additional comments or information as to where things stand before we stand for any questions from the Board. And this interim – well, I'm calling it interim, but it actually has the capability to be perpetual – agreement, where they wheel Cañoncito water and have the ability to be a supplemental water customer is mutually beneficial if that's as far as it ever goes. But again, under the draft agreement the parties would be committing to a larger scale arrangement and relationship whereby we would be providing, the County, 100 acre-feet per year or more of water to the district for the district's use. Thank you, Mr. Chair and Commissioners, and Mr. Dupuis, do you have anything you'd like to add before we stand for questions?

MR. DUPUIS: Well, one thing, Mr. Chair and Commissioners, the one thing I would like to add was some acknowledgement and appreciation for the effort put in by Mr. Shaffer, Mr. Dupuis, Steve King and the board members of Eldorado. The entire process has been one with a lot of effort and good faith put in and it is nearing a point where we can take it to our key policymakers for consideration. So that effort has

SFC CLERK RECORDED 11/18/2020

been one that I just wanted to acknowledge.

CHAIR ROYBAL: Thank you, Attorney Shaffer and Mr. Dupuis. Do we have any questions from the Board? Commissioner Garcia.

COMMISSIONER GARCIA: No, at this time, Mr. Chair, I do not.

CHAIR ROYBAL: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: No, actually I don't have any questions at this time.

CHAIR ROYBAL: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: No. Thank you.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just a quick one.

What would you say is the biggest stumbling block now to getting this ready for our next Board meeting?

MR. SHAFFER: Mr. Chair, Commissioners, I don't know that I would anticipate any major stumbling block other than getting the simple deal points all confused and wrapped up in legalese and finding the time to do that, which always takes time. That was a joke. But in other words, I think on the terms of the wheeling and the supplemental water customers, our initial feedback is that we're good in principle there. I think looking beyond that the stickier issues are on the replacement water delivery agreement, what water rights of fee in lieu of might be required, how long they have to use the credit, etc. So I anticipate that that's where the heavier lift will occur, rather than under the wheeling and supplemental water agreement.

COMMISSIONER HUGHES: Thank you, Attorney Shaffer. That's great, and thank you all for working so hard on this. I would certainly agree; this is a very important deal. When I first moved to Eldorado, having my background in water resources management I knew that this day was going to come, that we had to hook up to another water source and I'm glad it's finally happening, before Eldorado actually does run out of water. So this is great. Thank you for working on it. That's all. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Okay. Thanks again for that update and we'll go ahead and take a recess, which will give us until 5:35 to come back. So let's take a quick recess. We're in recess.

[The Commission recessed from 5:20 to 5:35.]

## **6. PRESENTATIONS**

### **A. Presentation of Results of Investment-Grade Energy Audit by Yearout Energy**

CHAIR ROYBAL: From the Projects Division, we have Ms. Claudia Borchert.

CLAUDIA BORCHERT (Sustainability): The good news is I may be passing off the presentation very quickly to Ryan Jewell of Yearout Energy. I just wanted to introduce Yearout Energy as the team that presented this investment-grade audit, and so they've been going over 14 buildings that the County has with a fine-tooth comb

SECC CLERK RECORDED 11/16/2020

trying to identify where energy losses occur and has come up with a list of projects which if we implement will pay for themselves with utility savings within 18 years.

I just also wanted to note this work identified within the audit, together with the solarization efforts that County has undertaken will go a long way in helping the County meet our emission reduction goals and the Paris Agreement in the energy sector. So with that I will pass it off to Ryan Jewell. Thank you.

RYAN JEWELL: Thank you, Claudia. I appreciate the introduction. Mr. Chair, Commissioners, it's a pleasure to be here this evening to present to you. We're excited to be here and we understand that this project is going to help propel Santa Fe County as a leader in energy efficiency, sustainability and renewable energy, and we are extremely proud and excited to be a partner in this project.

So we have a pretty lengthy presentation today. There's about 30+ slides so in an essence of time I'm going to go ahead and try to cover about half of those slides and really hit some of the highlights and key information, and then of course the rest of those slides will be for informational purposes. I do want to take a quick second before we dive into the presentation to thank the Sustainability team as well as the Facilities and Maintenance teams for all of their help and collaboration in developing this project. I'd also like to thank some of the key project stakeholders across the various facilities that have been instrumental in helping us develop this project, one that's self-funding and will go a long way toward Santa Fe County's energy efficiency goals and sustainability goals. So I do want to thank all of the Santa Fe County team members that have been involved in this project for their help and we wouldn't be here today without them.

So our objective for today's presentation is really to gain your support to move this project into next steps. This is really a general timeline of kind of the work that Santa Fe County and Yearout Energy have been going through over the last two years. So we're really at a point in the process where we have submitted our – we've delivered our draft IGA report to Energy, Minerals and Natural Resources Department along with the Office of the State Engineer for certification. So we're currently working back and forth with them, trying to answer questions as well as address any comments that they have.

So we anticipate having certification of this investment-grade energy audit by the end of October. One of the best parts about certification of this audit is the second that the County decides to implement this shovel-ready project the County is guaranteed to save no less than \$107,000 per year, and if that savings isn't achieved, well, Yearout Energy is on the hook to cut you a check for the difference of that savings. So we measure and verify that year in and year out over the 18-year project term as Claudia mentioned briefly upfront.

So really the first piece I want to cover is around our baseline utility consumption. The baseline utility consumption is the foundation and the framework for how we develop projects, and so what you'll see here is that your consumption is fairly even across natural gas and electricity, and although your electricity consumption is slightly lower than your natural gas consumption, as we move to the next slide, you'll see that there's a significant cost difference in electricity and natural gas. So although your natural gas consumption runs a little bit higher than your electric consumption there is a massive cost difference. And so really, that's why we have to take baseline annual utility consumption and costs into perspective and really use that as the foundation and the

framework to drive our projects, because this really ensures that we're focusing on the right actions and the right measures to help reduce your electrical consumption as much as possible, therefore having the most impact on cost savings.

So one of the other things that you'll notice in this slide is the cost of water. City of Santa Fe and Santa Fe County have very high priced water structures, of course, because it's a very scarce resource. And as we move to the next slide, you'll really see the annual utility cost savings that Santa Fe County will realize through this project. So together, we've been able to identify about \$107,000 in savings that will be reinvested into County facilities. As you can see, your electricity costs will be significantly reduced. Your natural gas costs will be reduced. And your water/sewer costs will be decreased by about \$17,000 per year.

So I like to point out water, because of how the water rates are structured, it's only a \$17,000 a year cost savings in water, but the measures we would be implementing would equate to a 2.1 million gallon water consumption reduction per year. And so this is really an unbelievable amount of water and something that Santa Fe County can be extremely proud of through these measures.

So now that we understand a little bit about the utility consumption and the cost savings, I want to briefly run through the scope of this project and show some key deliverables that the County facilities will see, based on the measures that we've been able to identify in collaboration with County staff.

So as we move into the next slide you'll see on the left side we have our key benefits, and these are really – each of the benefits that these measures will show to the County once they are implemented. Now, a lot of these benefits go above and beyond utility savings and they offer things like operations and maintenance savings and improved reliability and standardization, things like safety and security, among a few other things. So really what we were able to identify were six facility improvement measures, and the first of these facility improvement measures or FIMs is LED lighting. A key to LED lighting is that it really addresses every one of these key benefits that you see on the left-hand side.

The other key is that it's also one of the biggest energy consumers within your facilities if not the biggest. So with the measure, implementing LED lighting technology throughout all 14 County facilities, you would see upgraded LED fixtures to the tune of about 3,200 new fixtures and retrofit fixtures as well, and then you would also see a lighting power density reduction of 64 percent. So this is a really big piece of that pie that we originally showed up in the utility consumption, and this is a really big piece of that pie. So it's a very large number and something that's very beneficial for the County.

So the second measure as we move to the next slide is our HVAC controls. So outside of the Public Safety building and the adult detention facility, there are no enhanced controls across the facilities that we audited. They are all unitary controls like the ones that you see in the pictures here. A common issue found is that there's a lack of standardization across these controls also. They also don't have functionality for scheduling and then it also makes it really challenging for facilities staff to be able to coordinate, because there's no remote access with these controllers either.

So the FIM that we've recommended here is installing new wireless thermostats at select facilities, and really what these thermostats will do is allow for scheduling and

setback along with remote access for your facilities team, so they're not having to drive all over the county to address hot/cold issues or minor items that they may be able to take care of from a central location. So that's the key with our HVAC controls.

As we move to the next slide, this is another key energy efficiency measure, really that looks to mitigate air leakage through various points of your building. So this measure would remediate about 150 square feet of wall cracks, gaps, leaks from windows, doors and vents. So with this measure, sometimes it's hard to picture. You can see some of the pictures there that we had airflow coming out of. Really what this measure would do is if you can picture a 14-foot diameter hole in one of your facility's walls, this measure would look to address that as a link. And really reduce the amount of energy that's being lost through those gaps and cracks.

The next facility improvement measure we will see is renewable energy. We know that this is one of the biggest goals that Santa Fe County has, so through this measure we were able to identify four facilities that did not have solar that were good candidates for solar. So this measure will install 82 kilowatts of solar and these facilities include the Bennie Chavez Community Center, the La Cienega Community Center, the State Health Center and Vista Grande Library.

So again, this really is just making the Santa Fe County solar portfolio a little more robust and adding it to a few more facilities.

Daniel, if you could move to slide 18, water conservation. This is our fifth measure here that we've recommended. Again, this measure is huge and one of our development team paid special attention to because we know how scarce of a resource water is. So through this measure we will look to retrofit flushometer throughout six of your facilities and we'll also install new vandal-resistant faucet aerators that will drive the 2.1 million gallons of water savings that we talked about previously. So again, another big measure, one that we want to include.

Another potential measure that we discussed briefly with the County, because things have changed with COVID and the pandemic is going to touchless sinks and faucets. So these are all things that we would be happy to investigate for you if that was the direction that the County wanted to move. That of course would change some of our project scenarios, but that's a conversation that we could have as well.

So if you'll move to the next slide you'll see our sixth and final measure that we've recommended. It's high efficiency, low voltage transformers. So these are pieces of electrical infrastructure that often go unnoticed or neglected and sit in your electrical rooms or your mechanical rooms within a facility for 30 or 40 years at a time. So we've seen these in your facilities and these transformers are constantly wasting energy in the form of sound and heat. You may walk into an electrical room and wonder why it's 150 degrees in there, and that's because these transformers are giving off an enormous amount of heat.

So this measure would look to upgrade about 315 kVA of capacity in transformers, which is quite a large capacity, and we would replace them with new higher efficiency transformers.

So those are the six measures that we're looking to implement within this project, and if you jump to the next slide, Daniel, you'll see that we have a brief overview of all of the measures that we're looking to implement through this project. So this is a quick

SFCC CLERK RECORDED 11/16/2020

breakdown. Then if you'll move to the next slide, Daniel, you'll see that we have broken out even more to which measures are being installed at which facilities. So this is a really good overview to show exactly which of these measures are being implemented at each facility.

Again, LED lighting and building envelope, two really key measures to help drive in the project and providing some more capital intensive measures throughout the facilities.

So if you'll move to the next slide we'll discuss a little bit of environmental impact, and again, this is one of the keys for Santa Fe County through this project is that you'll see a huge impact in the way that you're contributing to the environment. There's a couple of key numbers that I want to point out that this project would deliver in terms of environmental impact. We've already touched on the gallons of water per year, but when we put that over the average useful life of the equipment in this project, which is 21.5 years, that amounts to 45.5 million gallons that the County save through this project.

A couple of other numbers that I want to highlight here. This project would be equivalent to planting 109 acres of trees per year, and also a half a million miles not driven by an average sized car every year. So as you can see, these numbers really start to add up when we're looking at energy efficiency and sustainability projects like this. So these are some very big numbers and something that I think Santa Fe County can be very, very proud of.

So if you'll move to the next slide, Daniel. Of course this is the slide where we all want to know what it costs, so since we've talked about it from a scope standpoint of the deliverables as well as from an environmental impact, we definitely have to talk about the costs. So what we're looking at for this project is a \$1.99 million turnkey project amount, which means there's zero upfront capital contribution from Santa Fe County. So this is a fully self-funded project from energy efficiency. So that the measures that we look to implement through this project are going to pay for themselves over that 18-year term.

So one \$1.99 million, our turnkey project amount is a guaranteed maximum price amount, so all of the scope items that we discussed will be implemented for a maximum of \$1.99 million, which is a key for Santa Fe County. You don't have to worry about additional costs as soon as our IGA is certified.

A couple of other key items to note on here is your estimated utility rebate of almost \$40,000 from your utility providers that will help contribute toward paying for the project. You also have your year-on utility savings of \$107,000, that number that I mentioned up front. This is again guaranteed. So if we are not able to achieve these savings every year Yearout Energy will cut a check for the difference of those savings.

Your year-one operations and maintenance savings, a little over \$10,000. This is a pretty conservative number for us. We've estimated it at right about the ten percent mark. Really, this takes into account materials that the facility maintenance team is having to purchase. This does not include labor or any staff; it's strictly materials. There's a couple of numbers on here, your financed amount and your finance period. These numbers are still a little malleable. They're a little plastic. They can change, and the reason for that is because again, we're conservative in the numbers that we're providing because we're not exactly sure what lender fees and capitalized interest is going to look like at this time.

We are seeing in a lot of our projects right now interest rates of 2.2.5 percent or



lower, so really, we've calculated this project at 2.85 percent, so we want to be conservative in that. We're always able to get a little bit better on these and that always makes a project look a little bit better. So we believe we can get that 18-year term down, depending on what interest rate the County was able to secure.

[A portion of the presentation experienced substantial audio difficulties.]

So Daniel, if you could move to slide 26 we'll discuss next steps. So right now again we're currently in the certification process of the investment-grade audit report and with your support today we would like to come back in the next 30 to 90 days for approval of this project, and then we'll work to help secure project funding. We'd probably be looking sometime in February for that, and then we'd like to commence project implementation in March of 2021.

So those are really our next steps and with that, I will stand for any questions.

CHAIR ROYBAL: Okay. Thank you, Ryan. Do we have questions from the Board? I'm going to go to Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Ryan. The numbers look impressive. It's nice to know that we can save this amount of money and I particularly like the acres of trees planted and the number of miles not driven, gallons of water conserved. And it all looks fairly straightforward. So thank you for the presentation and update. I appreciate it. Thank you.

MR. JEWELL: You're very welcome. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen and thank you for the presentation, Ryan. We started this some time back so I'm really glad to see we're at this point now to get this presentation, so I appreciate that. Commissioner Garcia.

COMMISSIONER GARCIA: I'm fine, Mr. Chair. Thank you for the presentation.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: No, but I'll add my thanks and I'm glad to see that it was more than just a narrow evaluation of energy savings, to include the upgrades that achieve the water savings and that sort of thing. So I think these goals are well worth achieving. So thank you.

CHAIR ROYBAL: Okay, thank you, Commissioner Hamilton. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. This seems like a really great project and thank you for the presentation and for the work that went into it. I know a couple of my constituents are going to ask this, so I'll ask whether you considered streetlights. I know we don't have very many streetlights but I don't know if they were part of the lighting consideration or not, converting them to LEDs.

MR. JEWELL: That's a great question. So really, the facilities were picked out from the County and those were the ones that we evaluated. We have discussed of course looking at a phase 2 project. Other things like street lighting, fleet electrification, the rest of your facilities, but we wanted to get through this phase before we started to address some of those other facilities and potential phase 2, phase 3 projects that we could help the County on.

COMMISSIONER HUGHES: Great. Thank you.

CHAIR ROYBAL: Thank you for the question, Commissioner Hughes,

SECC CLERK RECORDED 11/18/2020

and just once again, Mr. Jewell, I just want to say thank you for the presentation. I think all the Commissioners are very happy with the presentation and we look forward to moving forward and also seeing what other evaluations that we can bring forward in the future. So thank you very much for your presentation.

MR. JEWELL: You're welcome. Thank you, Mr. Chair and County Commissioners.

CHAIR ROYBAL: And I also want to say thank you to Claudia. Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair. So I was really happy to hear the presentation from Yearout a couple of weeks ago and really excited that they could put it together for the Board. There's a series of things that need to happen then for us to move forward with any of the improvements, one of them being the Energy and Minerals approving their performance contract, and then we would look at if the Board wants to move forward with this we would come back to you with ways to finance it. So their presentation shows you how much we can save if we implement these measures but it's not an automatic that they go forward and implement measures. We actually have to determine how we would like to pay for it.

So I've gotten with Yvonne about having us talk to our financial advisors. There's a couple of things we could do. These would end up having to be revenue bonds, in other words we'd have to use our gross receipts tax revenue capacity to incur the debt, because we did not put it in as a general obligation bond question. So it does really suit us, or it's not likely to suit us to try to issue bonds for it when we do our GO bonds if we have approval of the GO bonds in the election, which by the way, the *New Mexican* did endorse voting for our \$20 million bond questions which is great news.

But at the time we were considering our bond questions we didn't have enough information to say whether we should do a bond question for energy improvements, so under this scenario we would likely do – I think for \$1 million a lease-purchase type of agreement would be fairly complex and probably not the best recommended way to finance this, considering that we do have capacity to obligate some of our gross receipts tax revenue.

What my point is is we'll save the money in energy but we still need, for purposing of financing this, a revenue stream that investors or the Finance Authority would consider consistent and adequate enough in order to purchase the bonds. So one of the things I want to look at is whether it makes sense for such a small amount – I say small amount – revenue bonds in the million, two million, three million dollar range, your cost of issuance can get pretty high compared to the amount of money you're borrowing, so it makes sense to combine with an entity like the New Mexico Finance Authority and get in a bond issue that they do that's say, \$50, \$75 million spreading out those costs of issuance across everybody who's borrowing.

So I think what we'd like to do, and I just want to make sure that the Board is aware that we're going to look at this, is look at what it would cost or how we could potentially finance this with the estimated savings and some gross receipts tax bonding capacity that we'd have to actually delegate towards this, but it's a small amount, relatively speaking, to our total capacity by doing this, financing it sometime early next year through the New Mexico Finance Authority.

So I just want to put that out there as that's what I was thinking if the Board likes what was presented, would like to move forward with actually initiating the project, because then I'd look at bringing back a proposal to finance it through the Finance Authority.

CHAIR ROYBAL: Okay. Great. I think that's a great idea. Any other comments from Commissioners? No? Okay. Thanks again, Katherine.

MANAGER MILLER: Okay. Thank you, Mr. Chair. Thank you, Commissioners.

**7. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS**

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

CHAIR ROYBAL: I'm going to go to Commissioner Garcia. Commissioner Garcia, did you have anything to share today, sir? Okay, I'm going to come back to Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just one thing I wanted to mention. I did have my townhall and I've been talking to people in District 5 and a number of issues have come up, only one of which I'll mention now, but I want to preface it by saying that since the County took over taking care of the roads in my neighborhood they've been a whole lot better than they used to be. I've lived here since 1989 when I think I mentioned at some point that the roads were so bad that my car started falling apart just driving on them. It's so much better now.

But it does seem like people are confused about the paving of Cerrado Loop and Cerrado Road and perhaps other paving projects so I do want to – I just bring that up as an issue that I think we need to work on. I assume that people want their roads paved. Not everybody does. Some people think it's charming to live on a dirt road, but I do want to just – I'm going to get back in touch with some of the people who've been contacting me and see if I can't figure out where the breakdown in communication is and why they don't know what's going on with their roads and what their concerns are. Water and roads are the things that I hear about the most. Thank you, Mr. Chair. That's all for now.

CHAIR ROYBAL: Thank you, Commissioner Hughes. I would agree with you wholeheartedly. That's one thing that I always do hear quite a bit about as well. Of course, what I was going to bring up earlier was complaints about trash and debris being thrown again in different areas.

But I do want to talk about the 4-H program. I did start receiving cards. I just wanted to read some of these cards as I do every year into the record and kind of share with the constituents the impact that we do have by having our 4-H'ers participate in different events. So this is one card that I received: Dear Commissioners, thank you for your support for our 2020 Youth Achievement Days. I was so excited to be able to show my lambs. I really appreciate all the help you gave us to allow us to show this year. Thank you. Heidi Tucker.

Then another card: Commissioners, I would like to thank you for supporting our

SECC CLERK RECORDED 11/16/2020

County fair in Santa Fe this year. With your support, as a 4-H'er I was able to show off the hard work I did with my projects and I appreciate all you do for us 4-H'ers to make it as easy and a good fair. Thank you sincerely, Brianna Corey.

And that's from the New Generation 4-H Club. And one other card here: Thank you, Commissioners. Thank you for your support for our 2020 Youth Achievement Days. I was so excited to be able to show my lambs and steers. I really appreciate all the help you gave us to allow us to show this year. Thank you, James Tucker.

Thank you, Commissioners. I would just like to thank you for all your hard work and fighting for us 4-H'ers to have our achievement days and auction. Sadly, this year was my last one, but because of all your support my 4-H time has been wonderful. I really enjoyed getting to work with you in the shooting supports. Thanks, Lovenia Roybal.

Okay, we have another card here: Just a thank you to all the Commissioners, and it's got a photograph. I'm going to go ahead and show the photograph as well. So hopefully everybody can see that.

And then also: Thank you, Commissioners, Aiden Howells, and he's got a photograph as well. I think it would be cool for them to see their photographs on our meetings. Not the best photographer for holding it up the best. So there we go. I just want to reiterate as we do every year as a Commission, we definitely help to put things in place but the backbone and hard work really goes to our staff and to the participants in the 4-H. They're the ones who make it successful and make it such a great experience and just a great time for these young kids in developing their leadership skills and I couldn't talk highly enough about the program. So I'm just very happy that we were able to put it together this year. I know we did it virtually so it was a little bit different but I think with all the input from the Commissioners and staff I was really happy to see this move forward. So a special thank you to everybody that was involved.

I'm going to go to Commissioner Garcia. Okay, I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks. It's funny that Commissioner Hughes mentioned roads and water and that is often what I am hearing about. And given both of those things I just frankly wanted to do a shout-out to our Public Works Director, Gary Giron as well as John Dupuis and some of Gary's other senior staff, because just over the last few months and very recently they have just been so responsive and adept at the way they reach out when there are problems brought to their attention and deal with constituents in a very pro-active, very professional manner. It's just so delightful to work with them and I so appreciate that they resolve problems to everybody's benefit. So that's my shout-out. It is well, well deserved. Thank you, Mr. Chair.

CHAIR ROYBAL: Great job, Commissioner Hamilton and great recognition. I couldn't agree with you more. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair, and everybody, thank you. I want to thank all the 4-H'ers also. I love and appreciate so much that you read their cards. I have received a number of cards and I'm always grateful to get them and I appreciate what they're doing.

As I said earlier to Geraldine, I voted last week and that was really great and I think she's doing a great job. The convention center was very well organized and the line moved quickly.

I also have been meeting and talking to the congressional delegation about the shooting concerns that I continually have in my district, especially behind La Tierra Nueva and behind Las Campanas, so I have spoken with both Udall's office and Ben Ray's office and Heinrich's office again on the shooting issues because it is a federal issue because most of it is on BLM land and it's not stopping.

Then I wanted to share some updates from NACo. I sit on the Arts and Cultural Committee and we had a good meeting last week and a wonderful presentation called Black Out Loud by students at a college in North Carolina. And then I also spoke to them about working on any arts committee for Santa Fe County. And then tomorrow is Energy, Environment and Land Use Leadership Committee, which I am the vice chair of the Energy area and I am asking for a presentation on solar and wind, and the effects and benefits in the United States and New Mexico and what we have to offer.

So that's all I have at the moment besides everything else that's been going on. I want to thank all the staff for all the updates and support throughout this meeting, and thank you, Mr. Chair. I'm grateful for all your help on many of the different issues that face the County.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I appreciate the update. I did want to say that Commissioner Garcia and myself did meet with Congressman Lujan in a meeting and some of the other elected officials in the area, other Commissioners. There was a forum that Edgewood put on and we did have the opportunity to talk about sustainability, traditional land use, broadband, acequias, land grants, just a lot of different areas and I was really happy to hear that there's a lot of common problems and common ideas that were shared, so I think that in future meetings I'm going to be excited to bring some of those discussions forward to the Commission.

So I do want to go to Commissioner Garcia. Tessa, is Commissioner Garcia on and can you unmute him. I think he texted me and told me he was having problems getting unmuted.

COMMISSIONER GARCIA: Mr. Chair, I'm here.

CHAIR ROYBAL: Yes, sir.

COMMISSIONER GARCIA: So I just wanted to thank the 4-H individuals who sent letters. Nice job for those kids that actually did a lot of work and I echo all of the comments that my colleagues have done and presented, so that's all I had to say for now, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

**7. B. Other Elected Officials' Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations**

CHAIR ROYBAL: I know that we have Madam Clerk on so I'm going to yield the floor to our esteemed Clerk, Geraldine Salazar.

CLERK SALAZAR: Yes, Chair Roybal and Board of County Commissioners. I want to thank you for all the acknowledgements that you are making for County staff during this meeting. So many people, so many of our constituents, our community members, our staff, on and on, are going through a tremendous time with

SEC. CLERK RECORDED 11/19/2020

COVID-19 and everything about our adjustments and our lives and our jobs. So appreciating staff is so important. I receive telephone calls and I return calls to members of the community that I need to communicate with or address business or concerns, and they also express how difficult it is right now. So I think acknowledging that this has happened to everyone.

Because everyone is working hard. It has changed our lives. It has made us realize how many vulnerabilities we have because of COVID's presentation into our nation. But to acknowledge and recognize that in Santa Fe County we have a strong finance policy. We're doing many different things. We're utilizing funds and grants to bring us even more into the 21<sup>st</sup> century. So the acknowledgements are great and important.

And I also appreciate the support, what we're going through now with this election. There are going to be many thank yous because many individuals, groups, even the City of Santa Fe have stepped forward to assist us and appreciate us. Yes, we get people who are panicked and concerned, and so it's our job to communicate with them. Our telephone lines are very busy. It's extreme. And our staff is working very hard. So even the funds that I mentioned that we are receiving are a true benefit at this time. So thank you for acknowledging everyone because I think that helps everyone move forward and understand, yes, they are appreciated, and we do appreciate them.

You as my colleagues, it's important that we do that because our jobs can be difficult too. But they're in the trenches and they're with the public. Running an office can be difficult because there's many variables that we have to deal with, many challenging variables in the Santa Fe Clerk's Office right now. And what I want to mention is that currently, absentee in person voting, which is also considered early voting, is occurring at the Santa Fe Community Convention Center, which is a new location due to COVID-19, at 201 West Marcy Street, across the street from this building, and early voting is available during regular business days and hours, Monday Through Friday, 8:00 am to 5:00 pm.

I'd like to mention to voters who are voting absentee, and when they return their absentee to a drop box or to a voting convenience center in person, to ensure that they have that security envelope on the outside. If you submit your ballot without that security envelope that has a lot of information and the ability for us to track your vote, if you don't have it, it will be immediately disqualified, because we won't know whose vote, whose ballot, how do we account for it, so it is immediately disqualified. So we've had a couple of those, and so I have great concerns about that. I heard a rumor that someone was telling voters that they did not need their security envelope on that absentee ballot; that is false. That is not true. You must have that security envelope with all the required information so that your vote gets counted.

In addition to that, if you apply for an absentee ballot and you change your mind, you want to cast your vote in person, you can do that. The law has changed recently where you can present to a voting convenience center during early voting or election day, tell the poll workers that I no longer want to vote by absentee, and now I want to vote in person. The poll workers will void that absentee ballot and issue you a replacement ballot that you will cast, and then place in a voting machine right there on site and will be tabulated right then and there on the voting machine.

Also, if you did not receive your absentee ballot you can do the same thing,

SEC. CLERK RECORDED 11/16/2020

present to a voting convenience center during early voting or election day and night and do the same thing and let the poll workers know this. If you received your ballot, do not bring it to the polling site if you change your mind and now you want to vote in person; you must destroy that ballot and present on site and then the process begins right there. And you sign an affidavit stating that you will not and you have not voted that ballot that was mailed to you.

Do you have any questions at this point regarding elections? And I just also want the public to know that I am preparing finishing up – I'm double, multi-tasking here – preparing ads for the papers for this week. So there's updated information. So I encourage you to direct your constituents and voters and community members, families and friends, to look at those ads because there's a lot of information. Some people – it appears very overwhelming, but there's so many details involved that we have to provide this information. So don't get frustrated. Just read through it. And if you have questions you can email us. You can email me. I receive many emails.

So continue to ask questions. We're all going through this together. It's difficult but it's our reality and everyone has the right to vote. It is the foundation of our democracy. It's trying times, but let's do it. We're doing it. We're working hard and my staff, my dear staff, they're overworked. I hate to say that but they are and they're used to it. The majority of them are used to it, and we do cross-train all of the other staff that did not have experience prior to the 2020 primary election, but it's happening and we're very happy with how it appears and it's working next door. We're receiving a lot of compliments. Sometimes people express concerns and rumors are there and it creates more work for us, but this is what we need to do: inform everyone, and continue to do what we do so that everyone can cast their vote. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. We really appreciate that. Are there any other elected officials that would like to address their constituents? And are there any questions from our Commissioners for our esteemed Clerk? Okay, hearing none, thanks again, Madam Clerk for bringing that up.

Also, one quick recognition. I did receive a letter from a constituent on one of acequias that actually, giving kudos to our Public Works Department again. Our road maintenance crews help out a lot of times with in-kind for some of our acequias in the area, and I did get a letter from one of the acequias in Pojoaque, Mr. Roy Trujillo sent a letter commending and thanking the help from our maintenance crew for helping them with their acequia. He did send a letter in appreciation and also had the Commissioners from the acequias all sign this letter, so it's something that I want to share and send to Mr. Giron so he can thank these staff members personally and also put this letter in their file and I think it's just a great sign of work ethic and working with our constituents, so I'm very proud of that crew. So thank you very much.

MR. GIRON: Mr. Chair, I will pass that information on. Thank you so much.

CHAIR ROYBAL: Thank you, sir.

## **9. INFORMATION ITEMS/MONTHLY REPORTS**

### **A. Quarterly Report on Restricted Housing at County Correctional Facilities Pursuant to Laws 2019, Chapter 194 (HB 364)**

SEPC CLERK RECORDED 11/18/2020

CHAIR ROYBAL: Is there anybody that needs additional information on the reports that were received from our directors? I do want to say thank you for those reports, but is there any other information?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: So this is a quarterly report on restricted housing at the County correctional facility pursuant to Laws 2019.

CHAIR ROYBAL: Who will be reporting on this?

COMMISSIONER HANSEN: It should be Pablo.

CHAIR ROYBAL: Okay.

MANAGER MILLER: Mr. Chair, it's just an informational report. We don't actually usually present it. By statute we're required to quarterly put a report of any restricted house that we've had. In this particular report you can see the days people were in the facility in restricted housing. I just would like to note that there is no difference between what we have to report for individuals who are being quarantined for COVID versus restricted from movement for other reasons. Because it's just a matter of if we have – and I want to remind the Board that we are quarantining people as they come into the facility because we don't know if they will bring COVID-19 in, and potentially infect the population, so we do have people not in congregant areas as a result.

So I just wanted to point that out. It's something that does somewhat distort the intent of the legislature in having us make these reports. I do believe that Director Sedillo is around if anybody has any questions.

CHAIR ROYBAL: Actually, Director Sedillo isn't here right now and I believe that we will have Deputy Warden Page and Captain Vanessa Rios are supposed to be present. Is that correct?

VANESSA RIOS (Adult Detention Facility): I am here, Mr. Chair.

CHAIR ROYBAL: Is this Vanessa?

MS. RIOS: It is. Yes.

CHAIR ROYBAL: Okay. Ms. Rios, go ahead, if you have anything to add or if you'd like to also chime in and give us some more information.

MS. RIOS: The County Manager was pretty spot on. We had a total of 61 inmates that were separated for the months of July, August and September. So if anyone has any questions I can answer.

CHAIR ROYBAL: Do we have any questions from the Board? I'm going to go around the table. Commissioner Hamilton, did you have any questions relevant to this item?

COMMISSIONER HAMILTON: No, it was clear and I appreciate the inputs. Thank you.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Vanessa, and thank you everybody, for filling this out and getting it to us. It is clear and I appreciate your hard work.

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair, and forgive me for

SECC CLERK RECORDED 11/18/2020



being new. This question has probably been asked before, but I assume part of the reason for this report is to see if we can't reduce the time that people spend in restricted housing, and are we working on reducing that time?

MS. RIOS: So House Bill 364 requires a report every three months for anyone who is confined to a cell for more than 22 hours a day. The only inmates that were placed in restricted housing, they were placed there for three reasons. One was for COVID-19, which there's no way to get around those inmates. The other two were for behavior health holds, and then the third was if they had an abnormal scan. So we do try and get these inmates in and out as quickly as possible.

MANAGER MILLER: Mr. Chair, Commissioner Hughes, I would add to that, we are working on constructing some individual recreational pods or bays, or I don't know what you want to call them, but frequently individuals can't be put in general population or in a group setting for fear of harm to themselves or to others, and so one of our limitations is the actual physical construct of our facility. So what we're doing is actually going to build individual sections in the recreational yard so that they would be able to be outside. Obviously, the winter is a little more challenging, but that we have individual yards that you can still see and interact with other people but not physically be in the same yard with an individual. So that's one of our construction project that we did put funding to in July and hope to move that forward rather quickly to also provide opportunities to get inmates out of their cells or their pods for longer times and more frequently.

COMMISSIONER HUGHES: Thank you, Manager Miller, and I look forward to when things open up, being able to see in person what that looks like. So thank you.

CHAIR ROYBAL: Thank you for the question, Commissioner Hughes, and believe me, a fresh pair of eyes always brings great questions so thank you for bringing that question forward. Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, no, I'm good. Just thanks, Vanessa. I actually dealt with a personal issue about a week or so ago with the RECC, very professional individuals there and I just appreciate staff. Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Did I miss any Commissioners? I think I went to everybody. So I just want to say thank you also, Manager Miller, for the great update, and Ms. Rios for being here. We appreciate it and you guys have a great evening and I appreciate you updating the Commission.

**10. PUBLIC HEARINGS IN ADMINISTRATIVE ADJUDICATORY PROCEEDINGS**

- A. CASE # 20-5100 NM Fine Dining, LLC, dba Bobcat Bite Restaurant Beer/Wine Liquor License. NM Fine Dining, LLC, dba Bobcat Bite request approval of a Restaurant Beer and Wine Liquor License. The property is located at 418 Old Las Vegas Highway and is Zoned as Commercial Neighborhood (CN), within Section 28, Township 16 North, Range 10 East (Commission District 4)**

SECC CLERK RECORDED 11/16/2020

CHAIR ROYBAL: And we have from our Land Use Department we have Mr. Jose Larrañaga, case manager.

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. The Bobcat Bite opened as a restaurant in 1953. The last operators of the restaurant closed in 2013. Jimmy and Jennifer Day purchased the property in 2016. The owners are currently remodeling the structure and have submitted a site development plan and development permit to the County to bring the site and the structure into compliance with the Sustainable Land Development Code.

A final inspection of the site is required to ensure compliance with the SLDC prior to recording the site development plan. The operator of the restaurant can then apply and obtain a County business license prior to opening the restaurant.

The applicant is requesting approval of a restaurant liquor license to serve beer and wine with meals at the Bobcat Bite Restaurant. The property is located at 418 Old Las Vegas Highway. The zoning for the property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code. The site is zoned as commercial neighborhood. Appendix B, Use Table, illustrates the uses allowed within the above-mentioned zoning district subject to all other applicable standards of the SLDC. Appendix B, Use Table, allows for a restaurant with incidental consumption of alcoholic beverages as a permitted use within the commercial neighborhood zoning district.

The State Alcoholic Beverage Control Division granted preliminary approval of this request in accordance with Section 16-6B-4 NMSA, the Liquor Control Act. The Liquor Control Act requires the local option district to conduct a public hearing on the request to grant a restaurant beer and wine liquor license at this location. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the license if the location is within 300 feet of any church or school, the issuance would be in violation of zoning or an ordinance, or the issuance would be detrimental to the public health, safety or morals of the residents of the local option district.

Legal notice of this request has been published in accordance with the Liquor Control Act by publishing the notice before hearing twice in the Santa Fe New Mexican, on September 13, 2020 and September 28, 2020.

Growth Management staff has reviewed this request for compliance with pertinent code requirements and finds the following facts to support this submittal. Appendix B, Use Table allows the requested use within the commercial neighborhood zoning district; the applicant has met the State of New Mexico requirements for noticing; the site is 2.1 miles from the nearest church and two miles from the nearest school.

Staff recommendation is approval of a restaurant liquor license to serve beer and wine with meals to be located at 418 Old Las Vegas Highway. Mr. Chair, I stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Larrañaga. We appreciate that. I'm going to go to Commissioner Hamilton first. This is in her district I believe, so Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. To be perfectly honest I don't have any question. Bobcat Bite is a landmark in District 4, very close in proximity between my and Commissioner Hughes' district. I think this is – I don't see any problems. I think I would like to hear if there are public comments but I certainly support

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this and have no questions. Thank you.

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

COMMISSIONER HANSEN: I have no questions. I'm just ready to go to public hearing.

CHAIR ROYBAL: Okay. I'm going to go ahead and go to Commissioners first and then we'll go to public hearing and then I'll go to Commissioners. I know that deviates a little bit. Commissioner Hughes, did you have any comments or questions?

COMMISSIONER HUGHES: Thank you, Mr. Chair. No, not really. My question might be about the quality of the green chile cheeseburgers, whether it would meet up to the predecessors but I have to check that out on my own.

CHAIR ROYBAL: Okay, we'll wait for that evaluation. We appreciate it sir. Commissioner Garcia.

COMMISSIONER GARCIA: No, Mr. Chair. What a great location, but no, I don't.

CHAIR ROYBAL: Thank you, sir. So I'm going to go ahead – this is a public hearing. Tessa Jo, do we have anybody from the public that has signed up to address the Commission?

MS. MASCARENAS: No, sir. We don't.

CHAIR ROYBAL: Okay. So if there's anybody that is here to speak in opposition or support of this item we're going to go ahead and unmute, but I would like for everybody to be as quiet as they can because it gets very loud, but if there is somebody that would like to comment relative to this case then please just state your name and then we'll call on you. So Tessa, if you could unmute, please. Okay, I don't think I heard anyone. Maybe some gunfire from a video game. Okay, so since we don't have anybody from the public that would like to comment on this item for Bobcat Bite Restaurant beer and wine liquor license I'm going to go ahead and close public comment. And with that being said I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I'd like to move to approve this application.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hamilton. Commissioner Hansen, would you like to second?

COMMISSIONER HANSEN: I would like to second it and I would just like to thank Vicki and Jose. Thank you. Nice to see you both.

CHAIR ROYBAL: So we have a motion and a second. Under discussion, I also would like to thank you guys for being here tonight and bringing this forward. Under discussion, are there any other Commissioners that have comments? Commissioner Garcia, did you have a comment, sir? Commissioner Hughes.

COMMISSIONER HUGHES: No, sir. Thank you.

CHAIR ROYBAL: Okay. So with that we have a motion from Commissioner Hamilton and second from Commissioner Hansen. I'm going to go to a roll call vote.

**The motion passed by unanimous [5-0] roll call vote.**

SECC CLERK RECORDED 11/16/2020

**8. MATTERS FROM THE COUNTY ATTORNEY**

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:**
- 1. Contracts Concerning the Acquisition and/or Disposition of Water Rights and Real Property Interests for Water Infrastructure**
  - 2. Acquisition of Real Property Interests for Santa Fe River Greenway Project**

CHAIR ROYBAL: Attorney Shaffer, would you please give us a summary of what we need to go into executive session for?

MR. SHAFFER: Yes. Thank you, Mr. Chair, Commissioners. We need a motion to go into executive session to discuss 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 the 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, one, contracts concerning the acquisition and/or disposition of water rights and real property interests for water infrastructure; and two, acquisition of real property interests for Santa Fe River Greenway project.

As I understand it we will be adjourning this evening from executive session so this will end the open portion of the meeting and we will not be coming back out to open meeting in order to adjourn the meeting. So that would be the motion we would be requesting, Mr. Chair.

COMMISSIONER HANSEN: Mr. Chair, so moved.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Can we get a roll call vote, Madam Clerk?

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

Commissioner Garcia  
Commissioner Hamilton

Aye  
Aye

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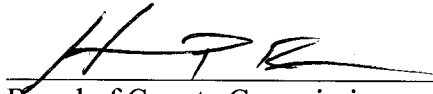
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

11. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Chair Roybal declared this meeting adjourned at 6:45 p.m.


Approved by:

  
Board of County Commissioners  
Henry Roybal, Chair

ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

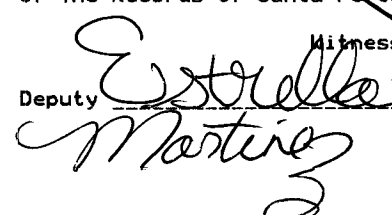
Respectfully submitted:

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

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 61

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Of The Records Of Santa Fe County

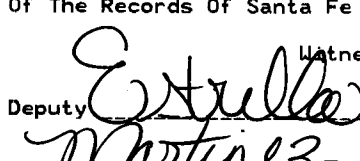
  
Deputy \_\_\_\_\_ County Clerk, Santa Fe, NM  
Witness My Hand And Seal Of Office  
Geraldine Salazar

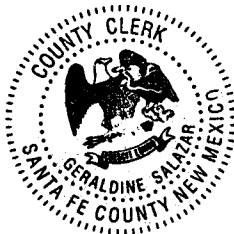


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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Witness My Hand And Seal Of Office  
Geraldine Salazar



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