

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
October 27, 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

SFC CLERK RECORDED 12/10/2020

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings. All votes by the public body must be made by roll call vote. 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 Joey Rowe of the Finance Division.

Commissioner Hansen requested a moment of silence for State Representative Nick Salazar.

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F. Approval of Agenda

KATHERINE MILLER (County Manager): Good afternoon, Mr. Chair, members of the Board. We only had one amendment to the agenda and that is under Matters from the County Attorney, item 9. E. 4. That item was added to the agenda on October 23rd at 3:26 pm. Everything else was posted one week ago.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Are there any other changes or requests from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I was just going to make a motion to approve the agenda.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Garcia. I'm going to go to a roll call vote.

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

G. Approval of Minutes: September 22, 2020, Commissioner Organization and Orientation Meeting

CHAIR ROYBAL: On the 22nd meeting minutes – is that correct? What it says on my agenda is approval of September 23, 2020 Commissioner organization and orientation meeting minutes.

COMMISSIONER HANSEN: Either the date is wrong on the minutes – I have September 22nd so it would be changed to the 23rd. I just have one other question. It mentioned that the County Manager, that she has served as Santa Fe County Manager for 14 years. I believe she just celebrated a ten-year anniversary. Otherwise I would ask for verification. That's how I'm going to submit them, with a change to ten years.

COMMISSIONER GARCIA: Mr. Chair, if that's a motion, I second that motion.

COMMISSIONER HANSEN: I'm moving to approve them, yes.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen, a second from Commissioner Garcia. Under discussion, is there anything under discussion?

COMMISSIONER HAMILTON: Just for the record, the Tuesday meeting was on the 22nd, so I believe it's wrong on the current agenda. Just a typo.

CHAIR ROYBAL: Thank you for that clarification. Manager Miller, did you have – was that you that chimed in?

MANAGER MILLER: Yes, it was, Mr. Chair, and Commissioner Hansen is correct; it's ten years, and I actually thought that had gotten changed, because I noted that when I reviewed the minutes as well. I don't know if that got changed; it's not in the packet. But I apologize for that. But it's ten years.

CHAIR ROYBAL: Okay. Thank you. Good catch, Commissioner. We do

have a motion and a second. If there's nothing else under discussion I'll go to a roll call vote.

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

H. Approval of Minutes: September 29, 2020, Regular Meeting

CHAIR ROYBAL: Are there any changes to these meeting minutes.

COMMISSIONER HANSEN: Yes. I would like to approve with changes.

CHAIR ROYBAL: Okay, so we have a motion to move to approve with changes that Commissioner Hansen will submit to the stenographer. Do I hear a second?

COMMISSIONER HAMILTON: Second.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: Seconds from Commissioner Hamilton and Commissioner Garcia. Under discussion, anything else under discussion? Okay, so we're going to go to a roll call vote.

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

I. Approval of Minutes: October 6, 2020, Special Meeting

CHAIR ROYBAL: Do we have any changes to these meeting minutes?
Commissioner Hansen?

COMMISSIONER HANSEN: I would just like to move to approve with no changes.

CHAIR ROYBAL: Okay, so we have a motion to approve from Commissioner Hansen. Do I hear a second?

COMMISSIONER GARCIA: Second.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Multiple seconds from Commissioner Garcia and Commissioner Hughes. Under discussion, any other items? Okay, so I'm going to go a roll call vote.

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

J. Employee Recognitions – Years of Service & New Hires

CHAIR ROYBAL: We have our County Manager, Ms. Katherine Miller.

MANAGER MILLER: Yes, Mr. Chair. So as you know, we recognize employees that have hit a milestone, a five-year milestone of consecutive five-year increments at the County, and our reason for this recognition is just to show that we value employees that stay with the County. We value retention and that institutional knowledge that comes with being at the County for several years.

So I just want to put out those individuals that in October hit a five-year milestone. In Public Works Department we have Jordan Vialpando who is in Road

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Maintenance. The County Assessors, we have Roman Abeyta, and yes that is the son of the former County Manager, Roman Abeyta, so he's following in his father's footsteps. He has five years of service at Santa Fe County. Shawn Atencio at our adult facility, with Corrections., five years. Greg Lucero, Property Control, in our Projects and Facility Management, five years. Ken Sisneros in IT, also with five years.

Then we jump all the way to 15 years with Alfonso Gallegos in Property Valuation in our Assessor's Office, and Gerald Vigil, also with the County Assessor's Office in administration. Then in Corrections we have Rita Archuleta. In administration, Danny Ray Campos, Wade Ellis and Patrick Gomez, who also work in our adult facility. And there are more at 15 years. Carlos Markman Lopez.

At our adult facility, Anthony Ortega, Francilla Perez, Maria Roybal and Serlo Vigil. And also in maintenance at our adult facility, Louis Sanchez, and I think they all hit their 15 years because that's when we actually took over operations of the adult facility as a County, to operate the facility versus a contractor.

And then in Finance, Dorothy Vigil, and in the County Assessor's, Marcella Vialpando, also hit 15 years or will hit 15 years on October 31st.

So I just want to recognize those individuals, thank them for their service and appreciate that they have chosen Santa Fe County for their career.

CHAIR ROYBAL: Great. Thank you, Manager Miller, and I also want to extend my gratitude for these employees making a huge difference in Santa Fe County and choosing to make their career here. It's really appreciated so thank you very much. Are there any other comments from Commissioners?

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

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you to all the employees that have been there for many, many years. Roman Abeyta, is he still working for the County? Just kidding. But congratulations to all the employees. We appreciate you because we all serve the public. Thank you, Manager Miller. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments from Commissioners? Manager Miller, were there other announcements?

MANAGER MILLER: Yes, Mr. Chair. There's also the new hires. In spite of having a hiring freeze or I'll say a limited hiring freeze, because we are still hiring essential positions. I'd actually say I think every position at Santa Fe County is essential and it's been really difficult for departments and elected officials' offices to work during this pandemic and this economic time with less staff and I want to thank them for doing so, because I know it means people have taken on more duties and not necessarily with more pay, in addition to working in a strenuous environment, changing to partially working from home, working in limited capacity in the offices also has presented its own challenges.

But, that said, we've still been able to hire some people and fill some critical positions and we're really happy to welcome those individuals to Santa Fe County, glad that they've been willing to take a leap of faith in this environment and come and work for us. This is definitely different in training and interacting. So the list in front of you are all the individuals that were new hires in the month of September, and that's Samantha Woodman in the Assessor's Office, a quality control data analyst. In Finance, William

Thiers – I hope I said that properly. I've seen him in the hallway but have not had the pleasure of meeting him personally, so I hope I said that okay. Erica Moncayo in the HR, and Jennifer Romero in the County Assessor's Office, not to be confused with our other Jennifer Romero in Community Services. We now have both of them.

Hector Ontiveros-Marquez, I believe it is, in Corrections, a detention officer. Alejandro Trujillo in Corrections as well. William Aragon in dispatch. Carrie Olson in Projects in Public Works. Jeffrey Horne in Utilities. Marcos Ward, Howell Caroland, Patrick Ficke and Amanda Boyle in the Sheriff's Office. So I just want to welcome them all to Santa Fe County and hope they have a good working experience at the County. I know that I have and I've had a great career here, so I hope they find the same experience.

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

COMMISSIONER HANSEN: Yes. I want to congratulate all of the new hires but I especially want to send a shout-out to Jennifer Romero in the County Assessor's Office. I had the pleasure of working with her when I was on the City of Santa Fe Parks and Open Space Advisory Commission and I think we're very lucky to have her over here, so welcome, Jennifer. I hope you can hear me. So thank you, and welcome to everyone.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I just want to echo the sentiments. Welcome to the County. We hope that we'll be recognizing you with your anniversaries in the years to come, so welcome to Santa Fe County. I'm also very happy that in these uncertain times that we're able to hire more employees and get more jobs out there to our constituents and to everybody that needs a job, so I'm just glad that we're still hiring and providing jobs for individuals. So thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Yes, Mr. Chair. Thank you. I appreciate all the new hires. As Commissioner Hansen said, Jennifer Romero, I remember when Alice Seeley was her mentor Alice Seeley did a lot for Teen Court and did a lot for this community in this area. Congratulations. Great job in helping out the youth. Thank you, Mr. Chair.

COMMISSIONER GARCIA: Thank you, Commissioner Garcia. Any other comments from Commissioners? Okay. Thank you, Manager Miller.

2. **CONSENT AGENDA**

- A. **Request Approval of County Health Care Assistance Claims in the Amount of \$3,450.68 (Community Services Department/Jennifer Romero)**
- B. **Resolution No. 2020-77, a Resolution Requesting a Budget Increase to the Housing Capital Improvement Fund (301) in the amount of \$468,829 (Finance Division / Yvonne S. Herrera)**
- C. **Resolution No. 2020-78, a Resolution Requesting a Transfer be Budgeted from the Economic Development Fund (224) to the General Fund (101) in the amount of \$300,000 (Yvonne Herrera/Finance Department)**

CHAIR ROYBAL: Are there any items on our Consent Agenda that the

Commissioners would like pulled for more clarification? If not, what is the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I would move to approve the Consent Agenda.

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

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

3. APPOINTMENTS/REAPPOINTMENTS

A. Request Appointment of One (1) Member to Santa Fe City and County Advisory Council on Food Policy

CHAIR ROYBAL: From the Community Services Department we have Ms. Patricia Boies.

PATRICIA BOIES (Community Services) Good afternoon, Mr. Chair, Commissioners. The joint City-County Food Policy Council includes two County employees and two City employees, as well as others with food expertise. I've been serving as one of the County members on the council since 2013, integrating health issues, including the County Health Action Plan's priority for consumption of healthy food, and also CONNECT Accountable Health Community. Lucy Foma in Growth Management became the other County member earlier this year.

My current term is expiring and with senior food issues, including local procurement of senior meals now a focus on the council it's appropriate to have senior services represented. I should note that the council has not held regular meetings during the pandemic but instead working groups have been addressing issues including food security and CONNECT and Growth Management have been heavily involved in food distribution efforts. Another working group produced the report in support of local food, which the Commissioners will be considering later today.

In support of Toby Kessler's appointment I'd like Commissioners to know that Toby has more than 20 years experience managing nutrition programs for seniors in New Mexico, including at the Non-Metro Area Agency on Aging, where he also became a certified food protection manager for the State of New Mexico. Currently Toby serves as deputy in senior services within the Community Services Department and he has advocated for seniors at the State Legislature and participated in many hunger summits. I believe Toby was planning to be present as well, but in any event, thank you for considering this appointment and I'm happy to answer any questions.

CHAIR ROYBAL: Thank you, Ms. Boies. Are there any questions from the Board for Ms. Boies? Commissioner Hamilton.

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

CHAIR ROYBAL: Commissioner Garcia, did you have questions?

COMMISSIONER GARCIA: No, Mr. Chair. Motion for approval. Great job.

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CHAIR ROYBAL: We have a motion from Commissioner Garcia. I'll second Commissioner Garcia's motion. Under discussion, is there anything else under discussion? Commissioner Hansen, did you have anything under discussion?

COMMISSIONER HANSEN: No. I would second this also.

CHAIR ROYBAL: Okay. Commissioner Hughes, did you have anything under discussion?

COMMISSIONER HUGHES: No. I think it's a good idea.

CHAIR ROYBAL: Okay. Commissioner Hamilton, are you good? Or did you have anything under discussion?

COMMISSIONER HAMILTON: No. I support this. This is great.

CHAIR ROYBAL: Okay. So I'm going to go to a roll call vote.

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

CHAIR ROYBAL: I just want to congratulate our appointed member. Thank you very much, and thank you again, Ms. Boies. We appreciate it.

4. MISCELLANEOUS

- A. Request (1) Approval of Amendment No. 4 to Agreement No. 2017-0271-CSD/BT Between Santa Fe County and United Way of Santa Fe County, Increasing the Compensation an Additional \$75,000, for a Total Contract Sum of \$350,000, Exclusive of NM GRT; and (2) Grant Authorization to the County Manager to Sign the Purchase Order**

CHAIR ROYBAL: From the Procurement Division we have Mr. Bill Taylor, and also from Senior Services and Community Relations, the Division Director is Anna War.

BILL TAYLOR (Procurement Director): Thank you, Mr. Chair. Good afternoon, Commissioners. Thank you for allowing me to present this today. This is the contract that the County has with United Way, Santa Fe County. This contract includes the Dolly Parton Imagination Library program that has been issued to children from newborn to five years old and has contributed quite a bit with numerous books being distributed to the children in Santa Fe County. This contract was extended in May of 2020 for an additional year and amendment three. Approval of this amendment adds the compensation for this fiscal year, \$75,000 for a total contract sum since the original contract of a total of \$350,000, which requires BCC approval. With that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, thank you. Great organization. The United Way, Dolly Parton, all very good. So I was assuming that Ms. Parton was actually going to provide all the funding and everything else for the books. So what are we paying for?

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MANAGER MILLER: Mr. Chair, I might be able to answer that. I don't know if Rachel's on the line, but what we pay for with United Way – so the Imagination Library, they provide the books, but their support, to identify those individuals who qualify, to get them qualified and into the program – that's what we pay United Way is to administer the program, but the books are paid for by the Imagination Library. So it's a partnership of our resources along with the Imagination Library.

In addition, I would add to that also that United Way does raise money as well. When we entered into this program, we entered them essentially from birth all the way to five years old so by the time they completed their fifth year they have an entire library of their own. And parents are – the United Way works with the parents in reading those books to the children as well as other people reading books to children and just developing an interest in their own collection of books.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Commissioner Garcia, was that all you had, sir?

COMMISSIONER GARCIA: Yes. I'm okay with that. Great. United Way, I get it. Yes. That's all. Thank you.

CHAIR ROYBAL: Thank you, sir. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Bill and Anna for bringing this forward, especially during this time of the pandemic. I think that this is even more important than it has been in the past, and I would like to move to approve this request approval of amendment number four to the agreement for the Dolly Parton and United Way of Santa Fe County.

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

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: Okay, so we have a second from Commissioner Hughes. Under discussion, is there anything else under discussion? Questions or comments? Okay, I'm going to go to a roll call vote.

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

4. **B. Resolution No. 2020-79, a Resolution Delegating to the County Manager the Authority to Negotiate and Execute All Agreements, Purchase Orders, and Other Documents Necessary or Advisable for Medical Administrative Service Only Services, Pharmacy Benefit Manager Services, and Stop Loss Insurance for the Continuation of the County's Self-Funded Employee Benefits Program**

MR. TAYLOR: Thank you, Mr. Chair. We're here before the Board to request approval of this resolution. A little bit of background: We issued, in July of this year, an RFP – two RFPs – one for the administrative services only and pharmacy benefit manager services, and stop loss insurance. As the Commission is aware, back in 2017 the County became self-funded on its employee benefits insurance program moving from the State. Along that with that move, we contracted for brokerage and consultant services, insurance and brokerage consultant services with Gallagher Benefit Services, who

supported and helped assist with the two RFPs for these services.

We received responses for the medical administration and stop loss insurance RFP. We received responses from Blue Cross/Blue Shield, Presbyterian Health Plan, who is our current provider/carrier, Cigna and ReliaStar Life Insurance Company. For the RFP for pharmacy benefit manager services, we received several from the some of the same providers or carriers: Blue Cross/Blue Shield, Presbyterian Health Plan, Cigna, Express Scripts and Envolve Pharmacy. The proposals were all responsive, evaluated by the committee, analysis and support by Gallagher Benefit Services through this process. The committee found that Presbyterian Health Plan provided the most advantageous services for both solicitations and we are in the midst of going into our open enrollment next month and the purpose of the resolution is to allow or delegate the County Manager to help negotiate the contracts, finalize all of the appropriate documentation for the contract to be entered into with Presbyterian Health Plan.

With that, Mr. Chair, I'll stand for questions and we have Mr. Mike Rohr also who is with Gallagher Benefit Services to answer any questions, and also Human Resources Director Sonya Quintana. And also County Attorney Greg Shaffer if there's any questions regarding our coverage plans.

CHAIR ROYBAL: Thank you, Mr. Taylor. I do want to see, are there any other comments for Mr. Rohr, Ms. Quintana or Mr. Shaffer? Okay. Hearing none, then we'll go ahead with the Commission. Are there any Commissioners that have questions or comments relative to this item?

COMMISSIONER GARCIA: I do, Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia, go ahead, sir.

COMMISSIONER GARCIA: Just really quick, Bill, can you tell me, what is this about? Is our insurance, is the employees' insurance going to lapse, not lapse? Are we adding some more insurance coverage? What is this about in a nutshell?

MR. TAYLOR: Thank you, Mr. Chair, Commissioner Garcia. This is our medical coverage for our employees. Being a self-funded entity, now that we're self-insured, we allow for individual stop loss coverages that the County will cover for hospitalization and pharmaceutical up to a level of \$225,000 and then the carrier, Presbyterian, would carry the rest of the cost. We feel that over a four-year period, based on its – it's all projections of claims, of course, but looking at our claims history, we looked at there could be some savings, cost savings, with that level of coverage over a four-year period of maybe \$180,000 to that level. But this is the medical coverages for employees. We are carrying that, and Presbyterian Healthcare would cover the coverages for the employees. The co-pay remains as it is with the prescriptions drug coverages.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Bill. Appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions from Commissioners? Okay, so none. What's the pleasure of the Board on this item? Commissioner Hamilton.

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton and a second from Commissioner Garcia. Under discussion, anything else before I move on? It

doesn't appear so, so I'm going to go to a roll call vote.

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

5. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Tessa Jo, if you can unmute everybody, I'm going to ask, is there anybody from the public that would like to address the Commission? Once again I'll ask, is there anybody from the public that would like to address the Commission? You just need to state your name. Hearing none, I'm going to close item number 5.

6. PRESENTATIONS

A. Presentation regarding Ongoing Broadband Issues within Santa Fe County Boundaries

CHAIR ROYBAL: From the Santa Fe Chamber of Commerce, we have Mr. Justin Greene. Mr. Greene, you're on, sir.

JOSEPH MONTOYA (Housing Director): Mr. Chair, if I could just introduce Justin. He has been a board member of the task force with the Chamber of Commerce. The Chamber of Commerce has just done an exceptionally good job about ways to conceptualize and looking at the needs for broadband service throughout the county. So we've asked him to make a presentation in terms of what the Chamber has looked at, what they're already achieved, and kind of some issues that they can help bring to the Board, and we intend to continue working with Justin and his group because they've really done a really find job of really making sure that – the idea being that everybody should have broadband service in Santa Fe County, and really kind of identified many of the issues. So with your permission we'd like to have Justin provide his presentation. I think you'll be very impressed with the quality of the work the Chamber has done and Justin specifically.

CHAIR ROYBAL: Thank you, Director Montoya. So you're on, Mr. Greene.

CHRIS HYER (Economic Development): Mr. Chair, if I may, Justin has just texted me. He says that he's having trouble getting on and he needs a phone number in order to get on. Oh, Justin is on.

MR. MONTOYA: Sounds like we have his presentation but not his voice. Isn't that amazing? Problems with broadband on a presentation on broadband. We were going over this presentation yesterday and I think I got kicked off three times and I was so frustrated. The broadband devils have a curse on this.

CHAIR ROYBAL: Okay. In the interim we can go on to Matters from the County Manager and at least do 7. A, and see if we get Justin on here just shortly.

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7. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous and COVID-19 Updates

MANAGER MILLER: Sure, Mr. Chair. I can give the update on COVID. As you know, the number of positive cases in New Mexico continues to rise significantly as well as in Santa Fe County. The seven-day rolling average across the state reached 651 through October 26th. Then for Santa Fe County, we reached a seven-day rolling average of 35. Obviously, that's disconcerting. We stayed for so long with two, three cases, five at the most. And it's just been steadily increasing. But that's happening all over the nation as well as internationally, so I think there's something to be said about this happening in the fall which was what many of the health advisers indicated would be an issue.

The Santa Fe CARES Act update – as you know we did get the small business loan application out there. We received multiple applications and those are being processed. I don't know if Joseph can tell me if we've cut any checks yet but I know we received several of them and have been working with our partners to get those processed and get funding out to the small businesses.

We also distributed sandwich boards for CONNECT and have been working with Rio Arriba County to distribute the low and slow signs for our COVID awareness campaign and mask wearing campaign, and we're doing an insert to be sent out with the Santa Fe County bills advertising our CONNECT program.

We requested DFA approval for two projects that were not initially included in our grant application and that was to include extension of broadband to Cundiyo and a partnership with New Mexico Solutions to purchase and distribute a mental health application to Santa Fe County residents experiencing behavioral health trouble during and after the pandemic.

And most of our Community Services CONNECT contracts are in place, purchase orders are in place and we have begun the increased outreach last week.

To date we've received 555 self-initiated assistance requests submitted throughout CONNECT hub and also to date 4,501 grocery boxes have been distributed, 681 of these were delivered to home-bound individuals. And then our healthcare assistance navigators assisted 26 new individuals this week and followed up with 29 others. Last week a total of 2,454 meals. This was a combination of frozen and hot meals delivered throughout the county for our seniors and so far in October we are delivering an average of 575 meals per day. And for the weekly food distribution from Food Depot, 145 bags were delivered to seniors. The bags this week contain canned food and non-perishables as well as fresh produce, and the monthly eco-commodity bags went out this week. There were 49 seniors that were eligible to receive the distribution this month.

High risk medical appointments and transportation continue to average seven trips per day.

And then finally, the census rates, the final numbers for the census are in and Santa Fe County reached 61.5 percent self-response, and that exceeded our goal and only a few counties were higher and most of those had far fewer update leave households, meaning those are people that had an easier time getting census in their mail. So we're really proud of Mr. Chair, your efforts, as the head of our Complete Count Committee,

and also all of the staff and contractors and individuals who were involved in that. So that completes my updates on those items.

CHAIR ROYBAL: Thank you, Manager Miller. I appreciate that. Our staff with the census and all the players that were involved really made for a very successful year doing the census. So just a shout-out to Somos un Pueblo Unido and the City, and just everybody that was involved. We had school board members. We had superintendents, presidents of colleges that were involved. It was just a huge effort and I think the combined effort between everybody really made everything possible so I just want to give a huge shout-out everybody in that, and thank you for your report, Manager Miller.

6. PRESENTATIONS

A. Presentation regarding Ongoing Broadband Issues within Santa Fe County Boundaries

CHAIR ROYBAL: I want to check back to see if Justin is on now, and if not we can go on to our next item and give him some more time. Tessa, is Justin on? All right, Mr. Greene. We'll go ahead and move to your presentation, sir. If you'd like to proceed, go ahead, sir.

JUSTIN GREENE: Wonderful. Thank you, Mr. Chair. Sorry about the delay there. Leave it to the technology presentation to have technical issues. My apologies.

So welcome. Thank you for taking the time to address broadband right now. My name is Justin Greene. I've been a part of the broadband working group over at the Santa Fe Chamber of Commerce, and we've been meeting for over two years to sort of become the brain trust of Santa Fe broadband, because there's not enough people focusing on it and it takes a long time to get anything done. So anyway, in this presentation I'm going to go over the agenda. We're going to get some introductions about who the Chamber of Commerce subcommittee was, what Santa Fe County is doing and Chris Hyer can give a little update if you'd like. But then we're going to go into the position of REDI-Net with Santa Fe County and how it operates for the County, some definitions, some current situations, some use cases, some models, and then the challenges and opportunities and how we might move forward to get some more traction and more focus on what's going on in broadband today.

So the broadband working group was organized by Steve Resnick and myself a few years ago when we were trying to look for subtopics for the Economic Development Subcommittee to focus on. And so in broadband we recognized that the need is always siloed with the County doing its own thing and the City doing its own thing and the public schools doing its own thing, and that we needed to bring everybody to one table. And so we started meeting once every two weeks to sort of get an assessment of what's going on in the City, the County, the school district, etc. And so we had Chris Hyer from the County, Alex Fitzgerald joined us later. The City of Santa Fe has been pretty transient with some positions and it's a vacant position currently. I think there's opportunity for the County to work with the City that we'll go into later. And then Patricia Nordby from

Santa Fe Public Schools, and then Eric Moores from REDI-Net used to join us before he moved on to another division.

So as I mentioned, we were meeting once to twice a month for over two years. Our goals were to find common issues and areas where we could cooperate. So some of the commonalities were the digital divide, trying to deal with at-risk populations that didn't quite get to our reach, either because of their location or because of affordability issues, or just maybe computer skills. What were the issues of why people were not hooking up to the internet?

We interviewed almost all of the ISPs that work in the area and some of the ones that don't get work in the area that were interested in working in the area. As a project, we set up the first public wifi hotspot in Santa Fe on the plaza, which was four repeaters on each corner of the plaza delivering gigabit broadband, enough for – I think it was close to a thousand people could be on it at once. And then again, our working group was meant to be the resource, the knowledge base, so anybody that wanted to invest here or find out how to get better internet and so on, we were the people to come talk to.

So briefly, the Internet Age is split in three phases right now. It will all go on forever, hopefully, but the first phase, you may remember was dial-up. It was very slow. You bought internet by the minute over at AOL and they'd send you a disc for 103 minutes and you thought that was a great deal. Since around 2000 or the beginning of this century, internet has moved up to not quite broadband speed but the wireless revolution has started. There is a smart adoption, there's cloud computing, so it's a much faster internet but it's not quite broadband level except for those lucky people that have it nearby. And now we're moving into the phase where broadband is really necessary and that's going to be the 5G era. Internet's going to be affordable. It's going to be enabling all sorts of new technologies that happen. Hopefully we can keep data secure and hopefully devices get smarter and we build for the future here.

So some definitions for you: One of the things that can happen with talking about broadband is you can get stuck in a lot of jargon and you can get caught up in like, I just don't understand what you're talking about, and we want to avoid that. And so we became experts in this and tried to make it as easy as possible in this presentation to help through that.

When we talk about internet we talk about megabits per second for the speed that anybody hooks up at their home. And so one megabit per second is slow and that's what DSL and a lot of wireless providers are providing currently. Ten megabits would be a pretty high-end DSL or wireless connection. It would be pretty decent for a household. You can stream one or two devices off of it. You can do your homework. You can survive off of it. A hundred megabits is fast. Very few folks have really offered that speed, mostly Comcast and that's when you start to get the fiber-backed internet. And then the 1,000 megabits is what we would consider gig-speed and it would be like corporate and enterprise level.

The current broadband standard is 25 megabits per download and ten megabits upload. Just to give you a reference. Anything above that would be considered broadband; anything below that would just be a basic internet connection.

The last mile is a service line. It's the delivery line to the house or to the office or to the institution. The middle mile is a high capacity internet superhighway, for lack of a

better term, the high capacity connection to the main part of the internet. An ISP is an internet service provider – that can be a Comcast, that can be a CenturyLink or that can be a local Cybermesa or Black Mesa Wireless. Fiber optics, as we were mentioning, are the highest capacity internet delivery system. Wifi is a wireless technology. You use it all the time probably, but that is for a very, very localized distribution inside a building or in a public space, like on the plaza, as we demonstrated.

Wireless is generally considered a medium. Another wireless to 2.4 gigahertz would be microwave and TTY space internet distribution. This could go a few miles to a couple dozen miles. And then there's another form of wireless which would be cellular data communications. So we had 3G at one point. Our current standard is LTE or 4G, and then everybody talks about the impending build-out of 5G. But I'll tell you, 5G won't get to Santa Fe for a while. So part of building a good fiber optic network is building the backbone for a good 5G network, four or five years from now.

So again, there are three distribution methods: wireless, copper phone lines, copper, which can be coaxial cables such as Xfinity and Comcast use, and then phone lines which is what CenturyLink uses, and then there's fiber optics. And so Santa Fe County has fiber optics, as you know, with some infrastructure that goes up north and is managed by REDI-Net. Fiber is pretty future-proof. It's pretty expensive to build. It's the gold standard, but really, at this point it's probably overkill to be focusing only on fiber at this point.

So currently, Santa Fe County has a significant amount of fiber in the ground, actually. Back in 2008 there was a plan to apply for American Recovery and Reconstruction Act, ARRA grant money, and some of that was specifically focused on broadband and that's what a BTOP grant was. And nine jurisdictions – Santa Fe County, Rio Arriba County, Los Alamos County, the City of Española, and then four pueblos: Tesuque, Pojoaque, Santa Clara and Okhay Owingeh, all joined forces, and at the time there were actually a few others that had joined forces to write a grant to build out the system. It was about a \$12 million grant and it built about 150 miles worth of fiber up into the north. You can see on the map that it goes from Santa Fe, and it goes up to the border of Taos County, up in Rio Arriba, up on the Rio Grande, just past Velarde, and it connects to Pojoaque and around Española as well.

REDI-Net operates a middle mile network, and so specifically it does not act as an ISP, an internet service provider. So when people say why can't I get my internet from REDI-Net, up in northern Santa Fe County it's kind of possible you're buying it through an ISP that is buying internet from REDI-Net. But REDI-Net does connect anchor institutions such as hospitals, schools, public safety institutions, courthouses, you name it. But it does not connect offices or commercial as an ISP.

So REDI-Net really takes the management out of Santa Fe County's hands and it pools the resources of these nine jurisdictions, and it gives you an IT department to manage your fiber. And so it's very, very good at that. It has a great technical team that can manage anything and it keeps a very consistent service going for all the clients that are up north in Santa Fe. As I mentioned, it works with the ISPs to connect the last mile to customers and most of the solutions currently are utilizing wireless. So somebody will connect to REDI-Net's fiber. For instance, at the Pojoaque fire station it runs up the building to a wireless microwave antenna, and that antenna broadcasts to a couple

hundred homes in the Pojoaque Valley. Or another one that's up in Española that does the Española Valley and so on.

The small asset footprint of fiber in Santa Fe County is pretty small. It could – it has potential, but it definitely needs to be built out further and that goes to how we can take this to the next step. But recently, one of the great things about REDI-Net is it's gotten very competitive with its pricing, so if you were right on REDI-Net's fiber you would be able to get giga-bit speeds at a very affordable price. It's just the issue of the last mile distribution.

So use cases, you all probably know, most of you, but there's a new emergent thing. Everybody at home, as we probably all are right now and we are doing tele-health from home, we're doing education from home, we're doing our entertainment at home, we're working from home. Public safety is a mission-critical issue that we need right now and this is what fiber and the internet is good for. And then commerce, everybody's ordering from home, and we need to get our local small businesses up into the e-commerce platform so that they can sell as easily as Amazon, to put them on an equal footing.

So currently we're at a point where there's a little bit of extra urgency now. COVID has really moved us to home-based businesses and home-based education and home-based everything. So we have an urgency. There's also a lot of money in the CARES Act. Chris can give some details if you have any questions about some of the things that he's been doing to put in play some CARES Act money. He went out and found a bunch of money to do some emergency installations on some long overdue builds. And then the State of New Mexico and Santa Fe County and the City of Santa Fe in general are all focusing on broadband and economic diversification. So entertainment companies such as Meow Wolf and the film industry and Facebook all use the internet like crazy. The national labs, LANL, is trying to build more internet around and use it for its workers from home.

We have a lot of new tech companies that are very internet and cloud computing dependent, and then of course we need to make sure that our local businesses stay competitive. We have – here is a little assessment of some of the providers in the area, mostly where they provide and a little survey of how much they're charging right now. So currently Comcast is mostly an urban Santa Fe footprint and they're under a franchise agreement with the City of Santa Fe to hook up all residences if requested. And they charge – they've got a promo right now which is \$20 a month for 25 megabits. That's pretty cheap, actually. As you can see, they're going to be the cheapest on the list here.

CenturyLink is a phone company and it is reusing copper-based phone lines to provide DSL to homes and offices, and they're currently charging \$49 for 20 megabits. Many people complain about the ability of them to actually deliver the 20 megabits and so that is part of the issue here that people will pay \$49 dollars but only get five megabits, one megabit, and so on. So it's a tricky issue there.

Cybermesa, New Mexico Surf, Black Mesa Wireless and Prism Broadband are all wireless ISPs that serve different footprints, depending on where they have their antennas. Cybermesa is Santa Fe and probably has the largest footprint. They go as far north as Española and Ojo Caliente, and go as far south as some areas of Highway 14 and around in Eldorado. New Mexico Surf has a pretty decent footprint. They also have

deployed a little fiber from around there where their offices are in central Santa Fe. Black Mesa Wireless is in the northern part of the county. Prism Broadband was just started up by Steve Resnick who is a member of our committee, and he had a client down in Madrid that has access to fiber and he set up a system down there because he realized that Madrid was underserved and the community needed to serve that area.

La Cañada is an interesting case where that is a co-op formed out in Eldorado to serve the areas out there and they have a board of directors and they manage their system there for the community.

And then these last two are fiber asset builders and the Plateau Telecom is a Clovis, New Mexico based telecom company that has fiber assets here and in Edgewood, Santa Fe and Edgewood. It works with REDI-Net on a bunch of issues. REDI-Net buys some access from them and vice versa. The interesting part for southern Santa Fe County is that they are actually building out a fiber network in Edgewood. It is happening slowly but they have dedicated assets and a build-out plan for Edgewood. They could be recruited to Santa Fe if we tried to work on that, but we've tried in the past. You need some buy-in from some other people as well.

And then Conterra, the last on the page here is a builder out in North Carolina that teamed up with the public schools, Santa Fe Public School District, and got E-rate money, federal money, where 90 percent of the build is paid for by the federal government. Actually it's 80 percent by the federal government, ten percent by the local community and ten percent by the State of New Mexico. And that network has just built out all the way to Tesuque Elementary and Eldorado Elementary, and all across the city footprint of all the public schools. That system was overbuilt with the goal – probably, we've spoken to them, that they will use the excess capacity for somebody to tie into and build into. And so there's opportunities there as well.

Different typologies have different solutions. The City has franchise agreements with Comcast and CenturyLink to make sure that there's service everywhere. CenturyLink provides copper-based service to everyone in the county for phone service but is not guaranteed to provide quality internet. Within the city and the urban area, the City of Santa Fe, just to give you a little update on some of the things that they're looking at. The City was looking at trying to provide broadband to some underserved areas in District 3 which happens to be mostly newly annexed areas. They most recently were part of the county but now are part of the city. So some of those areas are the areas where Comcast/Xfinity has not been able to build out sufficiently, and so some of the solutions are potentially putting up a wireless hotspot in some trailer parks and some areas that have been newly annexed.

In suburban areas, CenturyLink is providing DSL but there's lots of complaints about that, and then when you get into mountains and rural communities it's hit and miss, mostly because of line of sight areas, foliage, and different issues of some conflicting radio traffic. If anything was going to happen in the future we would recommend that a case-by-case community assessment would go forward, and that would have to happen with any market assessment.

So we have five Commission districts and so I wanted to give some examples of what's happening in some of these districts. So Mr. Chair, District 1, Rio en Medio and Chupadero have some areas in the hills there that don't have enough capacity in there and

they had some issues with emergency responses there and I know that Chris is working on some builds up in that area and he can give some more details but this is the time to do it – CARES Act and some emergency services funding might get that done quicker.

The pueblos, there are three or four pueblos in northern Santa Fe County. Chris and the pueblos and REDI-Net have put together emergency hotspots to allow for some of the pueblos that don't have emergency access or at-home internet access. We've been able to provide an emergency hotspot. And then the pueblos are eligible for USDA grants that the urban core of Santa Fe is not eligible for, and later, when we talk about how to pay for this, this is one of the ways that the pueblos can help participate.

In District 2, Commissioner Hansen –

CHAIR ROYBAL: Real quick, sir. Mr. Greene, can I ask you a question? When it does say limited grant writing, can you elaborate a little bit more on that? I know I can probably work with the pueblos in my district, but I just wanted to know what that term, "limited grant writing" meant.

MR. GREENE: Yes. So in general, each pueblo is a very small project and doesn't have that many grant writers, if they have one grant writer internally. And so similar to how the Eight Northern team up for housing and so on, REDI-Net tries to help them with grant writing but again, REDI-Net doesn't quite have the full capacity and staffing to apply for every grant where they're eligible. And there's a lot of money that it through grants and getting each of the tribal councils to sign on to it takes time and they need to buy in. So I know I worked with Tesuque Pueblo for about three years recently and I know that they have a very, very part-time grant writer with a stack of grants, long before broadband, if that answers your question, Mr. Chair.

CHAIR ROYBAL: It does answer my question. I just was curious because I know I've worked with the Community Services Department from Los Alamos National Laboratory and I know it was said in the past that they are willing to help with grant writers for different constituents for businesses and things of that nature so maybe it would be worthwhile to reach out to that department and see if they would work with the local pueblos to help them with these grant writings. It seems like it would be a good possibility so I'll reach out to them. I was just wondering if it was certain pueblos or if it was more specific pueblos, but I'll reach out to the different pueblos and see if I can make that connection. Thank you.

MR. GREENE: Thank you. And just to follow up, each of the pueblos can do it on their own and then REDI-Net as an umbrella organization for those would be a great place to sort of do it all at once, right? You're right one grant, it works for four different pueblos, or five, now that Nambe has started participating. So thank you.

CHAIR ROYBAL: Okay. Thank you, sir.

MR. GREENE: So District 2, Agua Fria Village is outside of the city proper but they could be pretty easy to wire with Comcast and get it up to the level that is served within the city proper, but then again it is not covered by the City franchise agreement, so it's tough to twist their arm to build out there.

Las Campanas has frequently complained about the issue of broadband out there and it is true; they need broadband. They have potential for a very expensive build, and then they also have potential for a not so expensive solution, which is putting small antennae on their roofs, but because of the design guidelines at Las Campanas they don't

allow antennae. They could be solved if they changed their rules. While fiber to a bunch of houses out there would be a great idea and a big project, they could easily solve their problem with probably \$200, \$300, \$400 worth of antennae, very small antennae on their roofs.

In District 3, as I mentioned, Plateau Tel is down in Edgewood, and that is great. That is like a pretty amazing thing to have achieved down there. And then Highway 14, that corridor has CenturyLink fiber and as I mentioned, Prism Broadband is developing a hotspot in Madrid and hopes to spread out along the Highway 14 corridor.

In District 4, District 4 has Tesuque Peak and all the way up into the mountains. That is sort of some of the more problem spots and there have been some creative solutions there. La Cañada Wireless over on the Eldorado side of things. Cybermesa has connected up into some of the hills, up by Ten Thousand Waves and in Hyde Park Estates, and so there are some creative solutions there. There's also going to be a new power line built because of the recent Medio Fire, a new power line built up to the ski basis, and Jemez Electric is the power provider up there and they are going to be rebuilding the power line and have offered to hang fiber up to the peak. So there's a great opportunity there and there should be some money made available to build when that happens.

District 5 is sort of the center district here of the county. Again, a lot of the same things that have happened in Districts 1 and 2 and 3 and 4, they've all come together in District 5. There's a couple of wireless solutions there. La Cañada Wireless is built out in Eldorado, and then there's the case of Santa Fe Studios which wants to get into post-production and post-production needs fiber. And the jail and criminal justice system need closed circuit communication. So there's opportunity and there's customers down the Highway 14 corridor and any big project, we'll try to line those people up to so that it's cost-effective.

So some of the models, people talk about community broadband and community fiber, so two or three examples of that: One is Chattanooga, Tennessee. They went out, just like Santa Fe County and REDI-Net did, they went out and they got the BTOP ARRA money back in 2008, 2009, and then they started building the project in 2010 and 2011, but in their case, they did it instead of doing it without the ISP aspect, like REDI-Net did, they went and said we do want to be an ISP and we have the way to operate it by operating it through their municipal electric utility. So in their case they have an electric utility that is city-owned. In Santa Fe's case it's the water system that we all own between the City and the County. So there's the opportunity to do that here as well.

A model that the folks over at REDI-Net like to point at as a great model for northern New Mexico is the Utopia model. There are 11 cities in Utah, just south of Salt Lake City. They created an open network of fiber to the house with ISP competition. So you just plug in a model, a welcome screen pops up and says who are you signed up with, and there are five or ten different ISPs that you can choose from. If you want to get AOL or Verizon, no problem. If you want to use a local one, even better.

And then Kit Carson up in northern New Mexico, Taos County, mostly. They, just like REDI-Net, went out and got ARRA BTOP money back in 2008, and in their case, they said we're a power company; we've got a bunch of power poles, we're going to hang fiber optics on it. So they've done that. They haven't done it completely. They're

considered a success at a certain level, but of course everything takes a long time. And something that started ten years ago is nowhere near complete in any of these case. So Chattanooga has been building this for ten years. They're probably the most advanced. Utopia, there are two cities that are at the 60, 70, 80 percent mark, and then the other cities are at the 20 percent mark. And then Kit Carson has a waiting list. You pay your money, you put your name on the waiting list and it takes a long time to get hooked up.

There's another concept called a public-private partnership. You hear about these all the time with government, so with them there's sort of three models. There's the private investment with public facilitation. So I think a good example of this is Google fiber. Google built out in about 19 cities at this point. They went out to the cities and they said, Hey, City, make it easy for us to do this and we're willing to invest. And so the cities made the codes a little easier. They made the sewer pipe more accessible and they pulled fiber through the sewers. They did all these techniques to make it easier and Google paid for most of it.

There's the next one: private execution, public funding. So that's the Santa Fe fiber, what the City of Santa Fe did with their fiber build ten years ago. They went out and they used capital improvement money, \$2 million of capital improvement money. They did not go out and get the free money from the federal government, or they did not receive the grant for it, and so they went out and spent some of their own money and they built fiber from the Sims Building on the Santa Fe Capitol South Campus to the Railyard, and then in the Railyard they created a point of presence, a POP, for Cybermesa, the local ISP, internet service provider, to manage their fiber and to try to encourage competition and a little bit of an open network and maybe some more use of it. Limited success with it. Some success, definitely, but not as much as some other models might allow.

In terms of a shared investment and risk, I could not find a model for that for a public-private partnership in fiber or in internet and broadband delivery, but sometimes it's a public-private partnership where a convention center is managed and the profits are split by the community and the provider.

And then a regional consortium, the JPA model, REDI-Net is one of those. So REDI-Net is northern New Mexico's open network, and then a new one that has just come up, which is modeled after REDI-Net a little bit is the Pueblo Consortium, which is the Middle Rio Grande pueblos, from Cochiti down to Santa Ana. And so in their case, they financed their projects through a Native American development bank that is based down in Rio Rancho.

And then you can just wait for things to happen, which I don't recommend, but some communities have done absolutely nothing. So we're a little bit further ahead than doing nothing, but we're not as ahead as Chattanooga.

So some of the costs – everybody asks, how much do they cost? And so we're currently putting up public wifi hotspots around the county and those costs in general between \$5,000 and \$20,000 per hotspot. It depends on how much last mile needs to be built to the location where you want to build a hotspot. In some cases it could be as little as \$1,000 because it's like built right to the roof and already ready to go. But in general, it's \$5,000 to \$20,000 with all the repeaters and all that technology.

In the 2.4 gigahertz wireless system that we talked about, that's the medium length distance area, those are \$10,000 to \$40,000 per base station. The smaller ones, for

developments or just a very tight valley would be at about \$10,000, and then the stronger ones that have a longer range are closer to \$40,000. Once you have those set up, the antenna and the home modem cost about \$150 per home, and the individual wireless, an individual WISP, can kind of get to critical mass at about 100 or 200 homes.

Then there's the gold standard, which is fiber, and that is very expensive, an order of magnitude more expensive than wireless, and so pole-mounted, where you have the pole agreements and you have open space on the pole, can cost as little as \$10,000 to \$20,000 per mile. And there's a lot of miles in this county so it adds up quickly.

Buried fiber, which is even better – it's safer and more durable – if you're building it with construction – if you're building a new road, you're repaving a road and you don't have to worry about damaging anything, you can build it for as little as \$20,000 alongside construction per mile. But if you're retrofitting something or if you're building something that has to go under a road and bore or around water pipes or gas pipes, or even with SHPO archaeological issues, it can easily get to \$100,000 to \$140,000 per mile to retrofit something.

So it's expensive but the good news is that there's financing for this so over here we have a bunch of sources, and so federal infrastructure programs. We've been waiting for one of those for about four years now, but in the past those have funded lots of broadband projects, and that's what goes back to the BTOP, ARRA grants of 2008 of the Obama administration. USDA is the largest builder of fiber optics across the country. They do it for farms and in rural, and they handle the tribal grant system for this, so that's a pot of money that we would be eligible for.

USAC is the Universal Service Administrative Company and so every time you pay your phone bill you add a couple dollars in there because they want to make it where we're going to provide phone service – it's like the rural electrification or rural phone service. And so one of the programs under USAC and the pool of money is to pay for the schools and libraries to get hooked up. The state, through DoIT and through the administration has broadband grants and REDI-Net has applied for some of those. ICIP, REDI-Net has applied for state legislature and individual apportionments from different representatives. There's CIP bonds, just like the one you just went through. There are LEDA grants, broadband and internet infrastructure is eligible for a LEDA grant.

You could do a special assessment if a community decided the whole community wanted it and just say, hey, we're just going to pop a fee on there, on your next tax bill. The City has been collecting impact fees and I guess the County is probably eligible to do that, if they wanted to start putting impact fees towards that and start charging that. There's TIDs, tax improvement districts, and so a neighborhood – it could be the Community College District, it could be Las Campanas, it could be anywhere they decide they want to pay more on their taxes and they want to recirculate their money as an investment into broadband, they can define a district. It's complicated but it makes things happen. And then there's industrial revenue bonds, which can be used for building a bunch of infrastructure and some of the key trunks in there.

So the money is there, again, and just like there are all these different players and there's all these different pools of money, this takes a lot of coordinating. So part of the – one of my favorite expressions is: You can do anything; you just can't do it alone. And this is a good lesson for Santa Fe County and for all of the players. Nobody – the school

district, had to go through it alone because E-rate was running out of time, but they should have reached out earlier to the City and the County and said we should do this together when they had a big pot of money.

So Santa Fe County, when we're talking about this area and this broadband subject, is in an ideal leadership position, but it definitely should not be the only one at the table and it should not be in too much of a controlling position. It should open it up to all the stakeholders and let everybody participate, but help facilitate. Also, this is going to take time. As I mentioned, Chattanooga has been doing this for about 12 years at this point and they're not 100 percent built out. And so even if we start right now we're talking about a decade. I would be very happy if we said that we had accomplished something in a decade.

This is expensive, but as I mentioned, there's money out there but it takes somebody cobbling together how you're going to pay for it. Some things need a matching grant, a local match. Some things need a small – you've just got to cobble it together. It's like any big construction project. We need gold. You need gold. If we want to specifically move the needle we need to say we want 500 homes – I'm just throwing this out – but maybe it's 500 homes by a year from now. Or a year or two. Maybe it's 5,000 homes in the next five years. Whatever it is, if we don't set a goal, we'll never get there.

And then execution. Again, this is such a complicated thing. It needs a plan. It needs a budget. And it needs project management. It's not impossible but you need somebody who has the bandwidth to literally just sit there and move it along.

So, as I mentioned in not doing this alone, part of the reason is that because some people, some of these groups on this slide, are eligible for one pot of money, and some are eligible for another pot of money. And the other groups are not. So education money goes to the public schools, it goes to the Indian schools, it might go to the Community College. Money for tele-health, fixing up health clinics or senior centers is probably health related and might go through the hospitals and the hospital system here. Money that the State gives out probably goes through cities and counties. And so at the end of the day, these are the key players that are not – specifically, these are not the providers, but these are the infrastructure builders and owners that need to sort of be at the table. They will all recognize the need and their key position, and they just need a format, I think, to help us move forward with this, and to be participatory.

In the old days, or relatively recently, you could go to – it's divide and conquer, and nobody gets anywhere. And so we need to really focus on sort of bringing the team together.

So next steps: Santa Fe County could utilize and support REDI-Net a little more. Santa Fe does not take broadband service from REDI-Net and so as proof of concept you could help support REDI-Net with a little purchase of service and show that it is a dependable backup and then potentially primary service. It would help with Santa Fe County's resiliency. It could have some backup servers to deal with some cloud computing and disaster preparedness. And then REDI-Net has the capacity to help you build what you want to build. So if you need to build up Highway 76 or you need to build down Highway 14, REDI-Net has the technical expertise to help you get that setup. They're pretty thin and it's a volunteer board and they don't have staff but the board is

technically very savvy and can point you in the right direction and should be utilized for these opportunities.

Another concept is the dig once policy. So when you, Santa Fe County, build a new trail down the river, that is a great corridor to string fiber optics and help connect all of the homes on each side of the river. And in a dig once policy, that makes the fiber build, that puts it in the \$20,000 a mile range instead of \$100,000 a mile range, because you build it when everything's a mess and you don't worry if a truck breaks the sidewalk or things like that. So there's no sidewalk in place. So the dig once policy is an internal policy for Santa Fe County, that when a road project happens, when a construction project happens, when something in a building happens, they just check with somebody who's in charge of broadband to say how does broadband fit into this? Should we cross the road here? Can we get down the road here? Can we get up the building so we can have an antenna on top of the building? And so on. So it just incorporates it into your plans and makes it significantly cheaper when you're doing it. Because it's virtually invisible if you catch it in time.

New land development codes, so when somebody goes and does Rancho Viejo, or whatever the next new development is, or Las Campanas, the requirement would be that, hey, you need to put in fiber optic to the home as part of your development package. That is a very good way to achieve our goals. So if the next 5,000 homes that are planned and subdivided and lots that are subdivided in Santa Fe County come with fiber to the home, well, that's again, a lot cheaper than having to retrofit. So doing it in the land development code pre-development saves a ton of money. Again, the developers don't care that much as long as you don't have to come back and do it later.

Develop an MOU and a JPA to start focusing on this. Again, this is trying to bring everybody from the slide before. Most of those folks are government organizations and non-profits and some sort of MOU and JPA could coordinate the planning and make it where everybody can start working on grants and the funding of a big project that they will all benefit from.

That goes to the investment and planning and project management. Again, Chris and Alex do a great job over at the County but they're only two people and they've got a very big portfolio of things to do and some folks or a person focused on planning and project management, either at the County or at REDI-Net or independently could help you move things further, faster.

And then one of the aspects of this is that if we think that we're going to build this in the next ten years, one of the problems is that we don't have a workforce for this. If you go and talk to any of the IT installers, any of the installer, whether it's Cybermesa or Capitol Computing or any of the computer shops, they are all desperate for people that could do this work. And so a great opportunity would be as part of this ten-year plan, that we talk to the Santa Fe Community College and say we're going to need 100 new IT professionals, or 200, to help install this across the area. So if somebody comes in and is going to help us build this and they say I can't hire people, you say, well, wait, wait, wait. We're going to go help you train people. So we can help them get people that would be great employees and would be local. They wouldn't be bringing people in from other communities to build our system. We would train them here for our community.

That's pretty much it, guys. I had a lot of help from some of your team, some of our team over at the Chamber. The Chamber's been great. And a shout out to Commissioner Hansen who's been encouraging me to do this for a while and I've been bugging you all to try to get in front of you, so if I can answer any questions, thank you very much for your attention. It's been my pleasure.

CHAIR ROYBAL: Thank you, Mr. Greene and thank you for the presentation. It's really informative to know the different measures and the direction that we're going in and seeing the possibilities for the County to work with you on these areas. And I'm glad to see that we are as well. I'd like to just thank you once again for your presentation, but I'm going to go to other Commissioners right now. I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: I'm fine.

CHAIR ROYBAL: Thank you, sir. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you for the presentation. I actually wonder if we could get a copy of the presentation. It wasn't loaded up with BoardDocs. It would be helpful.

MR. GREENE: Yes, ma'am. Absolutely.

COMMISSIONER HAMILTON: Fabulous. Thank you so much.

MR. GREENE: And Commissioner, just a follow-up, if you have any other further questions I know I promised you a briefing similar to this prior, so if you have any more questions, you could ask me.

COMMISSIONER HAMILTON: I actually will, but some of them are at a level of detail that's probably not useful, quite so useful for an open meeting, so maybe a follow-up meeting. And this was really good background for that. So I would like to be able to get together and pursue some of the specifics further.

MR. GREENE: You got it.

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

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you so much, Justin. This was really great. Thank you for all your work on it. Over this last week I sat in on a number of federal policies that NACo is working on and one of the main things that they are working on is broadband. It was like at the top of the list. So I think we're right in line. NACo is a lobbying organization, National Association of Counties, that could lobby for more federal money like we had with the Recovery Act. And so I think that is really important.

I think it's interesting that DOE and LANL have such difficulties with broadband. They clearly need help with that. They can't hold any meetings without them just completely falling apart. At least all the ones that I have been on and I have been on a number of them. So it's clear that we need to figure out some resources and that is why I thought we need study sessions and I'm looking forward to us doing them over the next couple months to start coalescing into some really strong ideas.

Also I really want to support the dig once program policy. I think that is really an important policy that we all need to get into the land use code, because we're not going to go backwards at the moment. And I completely, wholeheartedly agree with you that we need to use the Santa Fe Community College as workforce training and capability,

especially for IT and for many other things and we have that potential there and it needs to be expanded. So I'm grateful for all the things that you have brought up. And yes, of course, I would like a copy of this presentation, but I'm sure Chris or somebody will share with all of the Commissioners. Thank you, thank you, thank you, Justin, very much, for all your hard work on this. This has been great.

MR. GREENE: My pleasure. Thank you very much. Thank you for your time.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. I also appreciate, especially the possible next steps for us to take. I think that's very useful for us to look at as we're considering how to move forward. I did have one quick question, if you could elaborate a little bit. You talked about using wireless in areas like Las Campanas. Does that translate to a lot of the county? In other words, where people are set out pretty widely, wireless is going to be more useful? Or is it sort of a mixture of places? That's my question.

MR. GREENE: Yes, sir. Thank you, Mr. Chair. Thank you, Commissioner. So Las Campanas is unique in the sense that they have a restriction on antennas on their roofs. So they limit themselves from visible antennas. They could then work with the current wireless systems that are out there. So their problem is a little bit of a self-made problem, and the solution could be as easy as then changing their regulations, if only for a few years if they decided that this was something that was urgent for them.

Wireless works if you have a clear line of sight up to Tesuque Peak or to one of the one of the radio towers. Wireless works great almost everywhere in the county. But if you have trees or if you have a hill or a ridge or something, then you start to get into problems, and then there becomes the possibility of getting to – like in Española, because there's a lot of competing wireless systems up there, that there's a lot of radio traffic, and so some of the channels get a little busy, and so they degrade and Española is sort of a little bit of a free-for-all.

Santa Fe County doesn't quite have that issue so much, but it could if we depended only – if we didn't have Comcast and everybody in the community was depending on wireless, we would probably have some pretty heavy radio traffic. So the answer is yes. This could be a solution for most places. I don't think it's the only solution but it is definitely the shortest term and easiest solution out there right now.

COMMISSIONER HUGHES: Yes. Okay. Thank you. That was helpful.

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

CHAIR ROYBAL: Commissioner Hughes, are you done, sir?

COMMISSIONER HUGHES: Yes, thank you, Mr. Chair.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hughes.
Commissioner Garcia.

COMMISSIONER GARCIA: A really good job. What's the plan for people that live in rural areas? Because we can put fiber up and down the interstate, up and down County roads. And how do you get to the really rural areas – Santa Cruz, Chimayo, Edgewood, La Cienega. What's the plan for that?

MR. GREENE: Sure, thank you, Mr. Chair, Commissioner Garcia. So each place, each community has its own problem and set of opportunities. So as I mentioned earlier, Edgewood has fiber optic being distributed to the homes by Plateau Tel, a New Mexico based cooperative telephone company, and then La Cienega is a different case. La Cienega has the potential for wireless, but is pretty dense with foliage, so a lot of houses don't get a great line of sight to whatever antennas are out there. So that is probably one of the areas where a new antenna might need to be built. La Cienega is also a spot that if there's potential to build fiber or to tie into fiber that's going up and down the interstate, it is along the interstate. So there is potential to tie in there.

It's just coalescing the community. It's like going door to door and saying, how bad is it and how bad do you want it? And how much money does the community have to do it. And so the good news is you're not just giving away this service for free. Right? So you kind of know what the cost basis is and if every household is going to give you \$40 or \$50 a month and you think you've got 300 homes, you can figure out the financing for this, for that little project. Each community is different. As I mentioned, Edgewood is lucky to have fiber.

COMMISSIONER GARCIA: Thank you for that answer. So really quick, sitting on the school board, and so what the school board actually did, and Dr. Garcia did an excellent job, her and her staff. Every kid of almost 12,000 kids has access. So what we did, we actually went and bought two mobile hotspots. And T-mobile does not work good here in La Cienega. T-mobile does not work good in some of the areas. And the reason why we bought hotspots from T-mobile was because Verizon was actually like four or five months out.

So if we actually put a hotspot or broadband on a bus or some kind of community center, that way everybody could have it? Or does it also have to have fiber connected to it?

MR. GREENE: Mr. Chair, Commissioner, yes. The school board has done a lot of emergency solutions and it's been really great about that. The school district, early on in this pandemic we were sitting with Patricia Nordby and before we even realized how bad this was going to get we were preparing for the concept of – oh, my. We're going to be sending the kids home pretty soon. And she was months ahead of us. She saw it coming and they were preparing. Of course months is not enough time to get really prepared but it was better than nothing, right? And so there have been a lot of innovative ideas that are temporary fixes. The long-term fixes are what I'm interested in right now, is how we can get to a system that lasts for the next 20 years or 30 years.

So the short-term fixes, the CARES Act money has lots of solutions and encouraging Chris, he's already gone out, Chris and Alex have gone out to get CARES Act money. Go get more. There's going to be another infrastructure bill probably in six months. Go get another one of those and we should have as many plans lined up to be shovel-ready, for lack of a better term, for whenever these bills come, because when they come down the pike you've got to be ready really quickly. And having a plan is a way to say that you're ready.

COMMISSIONER GARCIA: Thank you for that. I'd just like to give credit to Senator Richard Martinez and the late Speaker Ben Lujan. In northern Santa Fe County, all the way up to Questa and so on and so forth. The late Senator Sisneros, and

we have fiber up and down the roads. So I just wonder how we get to the rural areas, to the people who live down the road in Chimayo or down the road in La Cienega. How do we get them internet service? But thank you for the answer, Justin. I appreciate the presentation.

MR. GREENE: Thank you, Mr. Chair. Thank you, Commissioner.

Starting with a case by case, like every road corridor, or every community, literally going and saying, what is available? Is there something available? No? Okay, then we need this definitely high on a priority list. If there's something available, every once in a while you find people that just don't like CenturyLink but CenturyLink is completely fine. But they have a personal preference. So competition is definitely better. It brings prices down, it keeps quality up. But we need to probably look at some strategic bills, and I think 76 is one of them. I think Chris is already working in a project for 76, and that's one that I think is going to be both Santa Fe County and Rio Arriba County but he could give you details about that if I'm mistaken. So thank you.

COMMISSIONER GARCIA: Thank you, Justin. Thank you, Mr. Chair.

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

I just want to see if there's any other comments from any other Commissioners. Just feel free to chime in if there is. Okay. So I do want to thank you once again for your presentation, Mr. Greene. Also, I was wondering if we should try and do an update biannually, quarterly. I kind of want to get some feedback from your or I don't know if staff, we can have them do updates, but I do want to invite you to come back if you'd like to do update every so often. And also just have an open line of communication with the Commissioners as well so that we can work to help you with that. What would be your suggestion, Mr. Greene? Or would you say that we have staff that we would have do the updates? How do you think we need to proceed?

MR. GREENE: Yes. You have a resource with me here, right now, and our committee would be happy to give an update on things. You also have a great resource with Chris and Alex over and the Economic Development Division. We're happy to work together. The more interest there is in this, the more we'll get done. Right? Part of the punch line is that Chris is stretched a little thin and he's got a lot of things on his plate, which is fantastic. Right? But this is one thing that he needs probably added capacity. And that can take a lot of different forms. And so that was part of what we were trying to be, is be a little added capacity. He has support from REDI-Net and he has support from the Chamber. We're there to help. When it's time for budget planning, we're happy to give you our recommendations and I'm sure Chris would as well. And when it's time for questions about specific neighborhoods or communities, some of us know some answers and I'm sure Chris knows all the answers. So I think you have a real resource there, but we're ready to give you as much as we can from a more holistic perspective maybe.

CHAIR ROYBAL: Okay. I appreciate that and I know staff does a great job doing that as well. I just wanted to see what the thoughts were. I appreciate that. I know that I'd like to see if we could get updates on broadband. It's pretty important to all of the Commissioners, or very important to all of the Commissioners, I should say. So I just want to make sure that we're being as pro-active as possible. Any other comments? I thought I heard – was that Chris Hyer that was chiming in? Or Mr. Montoya?

MR. MONTROYA: Mr. Chair, I think the plan was to be able to present this kind of information. I think Justin has done a fantastic job of setting the tables that might be, giving us the common knowledge of what's going on out there, what the possibilities are. And then so in discussing this issue with Katherine, who's very interested in making sure that we continue to increase our broadband capacity in the County, our intention was to provide you with several different pieces of information, several different other speakers. During that time we would be collecting the information and hopefully coming up with some policies to be able to move forward.

That's the same way that we just discussed at the Housing Board what our work plan was. We intend to kind of do the same thing here for broadband. So that was the idea. So this wasn't a one-off and it wasn't just the Chamber of Commerce coming to you every once in a few months, well, this is what happens. It's part of the plan to be able to put something together, to participate in and make sure that staff is moving forward in order to increase capacity.

CHAIR ROYBAL: Okay. Thank you. Once again, thank you, Mr. Greene, for the presentation. You did a great job. We appreciate it; very enlightening. Thank you, sir.

MR. GREENE: Thank you, Mr. Chair. Thank you, Commissioners and I look forward to following up with you.

7. B. NM State Legislature Interim Committee Reports

CHAIR ROYBAL: Who's going to be talking to this one, Manager Miller?

MANAGER MILLER: Mr. Chair, Hvtce Miller will be presenting.

CHAIR ROYBAL: Okay. Mr. Miller, you're on sir.

HVTCE MILLER (County Manager's Office): Good afternoon, Mr. Chair, Commissioners. I have provided a report to you earlier today in an email regarding the interim committees and that's what I'm going to report on today.

What I have here is a basic overview of different topics that were being discussed through the interim. The interim committees have started since the conclusion of the special session which was in June of this same year and the main item which is being discussed probably throughout all governments in the United States is revenues and the budget, and that's because of the toll that the pandemic has put on governments and their collection of taxes or other revenues they rely on for providing goods and services to their communities. And the State of New Mexico is no different.

The Legislative Finance Committee had a report provided to them in late September, early October, and the findings of the report were that the State was losing revenue because of the shutdown and the businesses that were doing well still in the pandemic were large corporations. And this was a problem for New Mexico because while we have large corporation entities here they're not headquartered here, and so most of our small businesses were being impacted even greater are located here but they weren't the ones thriving through the pandemic.

In addition, oil and gas has taken a big hit all across the world because of the lack of travel, either by motor vehicles or by plane, and it looks like this is going to continue

throughout the entire length of the pandemic, however long that will go on, because most people are staying home, working from home, going to school from home and they're not traveling the same way as they have or they had been pre-pandemic.

And I'll read the next paragraph here so I can get the numbers right. It says, economists for the legislative and executive branches of government said, "Revenue came in stronger than expected in the first half of 2020, pushing State reserve levels to about \$2 million or 29 percent of spending on July 1st, the beginning of the fiscal year. While this provided a better situation than was expected, a buffer provided by the federal stimulus package which included expanded unemployment benefits and checks to taxpayers was the key to the State's elevated economic activity."

So up until that point we're still doing pretty good but there's a lot of unknowns going into the remainder of the year and into next calendar year and that has a lot to do with future stimulus that the federal government may or may not provide to states and local governments, and without that knowledge it's a hard thing to do for economists, to predict for the State as to what we should look for.

The economist from New Mexico State University, Dr. Peach, was suggesting that in an effort to combat any lower revenues by the State that the State could look at taking up increased taxes, both in the property tax realm and the fuel tax realm. And that's because this is where the state has room to increase taxes. The State of New Mexico has comparatively lower rates on property taxes and on fuel taxes compared to the rest of the United States. So an increase in these taxes in particular could probably be withstood because of the fact that increasing them would take New Mexico to a more equal status among states in the United States.

Also, what Dr. Peach recommended was investments in education, workforce training and recreational amenities to strengthen New Mexico. And in regards to the taxes, legislators were not in favor of any increased taxes of any kind, both by Republicans and Democrats. The main thing that would help the State overall is trying to study and plan for different options which the state would be looking at as far as revenues, that's saying that oil and gas might go up, although oil and gas may continue to go down. Will the federal government provide more stimulus, and if so, will they broaden the scope of how stimulus could be used by states? So overall it's trying to be prepared for different options, and that's what was recommended by economists at the State, that the State should look at.

So a lot of the other legislation that's being discussed in the interim is predicated on what will happen with the State budget and what could be expected or State revenues into the future. So it might not be cleared up until next year, calendar year 2021, but a lot of expectations could be answered after the general election, and that could determine, for example, whether the states will get an extension on the CARES Act grants, and maybe those monies don't have to be spent within the calendar year, which is the situation right now, and that would help out predicting how much more money would be available to the State and local governments, and it would also, after the election it could also be seen as to which party would be in control of the White House and different parts of Congress, and that could determine which way federal stimulus might go. So that's one of the real determining factors that could help understand what we're going to expect in the future, as far as revenues.

What I have here on the next page, page 2, is this listing of some of the major topics that relate to Santa Fe County and some of the major interim committees that meet during the summer and into the winter. I just have them listed here so that you can see them and if you need any more information on any of these items me and Tessa follow these meetings and we can provide you information as to any of the specific topics and what is going on with those items that they have been discussing at the legislature.

Lastly, I would just like to mention that going into November and December the State legislature, the interim committees in particular, will start presenting legislation for sponsorship by the committee. So into November and December we'll get a real look at what actual pieces of legislation the legislature will be taking on in January. So we'll be back and we'll be providing more updates next month and in December as well, so we'll keep you abreast of what's going on as far as proposed legislation.

Lastly, at the bottom of page 2 and on page 3 is a listing of all the different interim committee meetings that have been held and if there's anything of interest that you see there please let us know and we'll be happy to answer any questions that you have about that. So that's all I have as far as presentation today. If you have any questions please let me know.

CHAIR ROYBAL: Thank you, Mr. Miller. Appreciate that. I'm going to go to the Commission. Commissioner Hansen, did you have any questions for Mr. Miller?

COMMISSIONER HANSEN: Okay. I would just say to Hvtce and Tessa, I have attended some of the Radioactive and Hazardous Materials Committee meeting. I attended the one on September 9th. I didn't know about the one on October 25th. I don't seem to be on their list. So if you could help me with anything like that I would be appreciative. I've also been attending these work sessions on community solar with Commissioner Stefanics who set up this working group. I think it's Senate Bill 63, either a memorial or something about community solar, I would be interested in finding out the final of the legislation that might be coming out of that working group with Senator Stefanics. And otherwise, thank you.

MR. MILLER: Mr. Chair, Commissioner Hansen, yes. We'll make sure and keep you informed of anything related to the community solar and those types of legislation and provide both you and the District 2 liaison any future information and updates as well.

CHAIR ROYBAL: Thank you, Mr. Miller. Thank you, Commissioner Hansen. Was that it, Commissioner?

MR. MILLER: Mr. Chair, Commissioner Hansen, just feel free to contact us whenever you're able to with any questions that you have. We'll make sure and get them answered.

CHAIR ROYBAL: Thank you, Mr. Miller. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Hvtce, thank you for what you do. As you know, the Roundhouse, you get it. You understand it. So I guess in the next seven days, eight days, we'll figure out where the country is going and what we need to do and so thank you for what you do, and I actually would just like to give some kudos to Manager Miller, because she was very conservative and thanks to Manager Miller we are where we are in Santa Fe County. And we're still moving forward, and

thank you, Katherine for what you do because you get it. You've been there; you've done that, Katherine. You've been there in that Roundhouse and spent a bunch time in 2009, 2010, whenever you were a major player there. So what happens at the Roundhouse is going to be interesting, especially the next seven, eight days. I just want to give some kudos to Katherine because Santa Fe County, we're doing great and I appreciate that, Katherine.

So Hvtce, thank you for what you do. Keep your eyes on what's going on over there and thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and whatever support you need from the Commission, Hvtce, you make sure you let us know. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I actually found the summary very, very helpful for directing interest in things that are going on from my point of view that I would be interested in following up on. We're augmenting things that are already going on so I really appreciated this summary and we'll just work with you directly on questions.

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

COMMISSIONER HUGHES: Yes, thank you, Mr. Chair. I have a very simple question which is just because I'm new. Do we at some point put together a package of bills or projects that we support at the legislature and then actively promote those?

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Yes, Manager Miller.

MANAGER MILLER: So to answer Commissioner Hughes' question, one of the things we do and usually we've done it by now but I have not received it yet from New Mexico Counties is they have a list of priorities that all of the affiliates – the Treasurers affiliate, the Clerks affiliate, the Managers, the Commissioners – bring forward to a committee and then that committee kind of gives thumbs up or thumbs down as to whether those things should move forward for recommendation to the New Mexico Counties board, and then the board approved New Mexico Counties' priorities. And we usually bring that to you by now. I need to check with Steve Kopelman as to when. I know that they have been discussing legislative priorities but I don't know if they've finalized the list.

So that usually starts off our first list of items that we prioritize for the County as item that we will track and follow and either be in support of or opposed to. Then each Commissioner also has bills or areas of interest that we look for any bills that might be submitted in those areas and give reports. Also this interim committee report is one that we started this year just because it's a little hard to follow everything that's going on. We thought this might give you a little bit of a head start of areas of interest and things you'd like us to follow.

But each Commissioner usually brings up items that they have an interest in and those that they're interested in and then we'll bring those forward to the Board as whether or not they will be a County priority or at least whether the County wants to take a

position on the legislation and that enables staff to speak in favor or against legislation that falls within the parameters of what the Board directs.

So we do – it's kind of an ongoing process, Commissioner Hughes. Usually by December we also – and we've already approved our capital priorities. We did that when we approved our ICIP and our top five projects. That becomes what we present to the legislature as our capital priorities. Not that I have a whole lot of hope there'll be capital funding this coming legislative session. But we do that as well as the New Mexico Counties' priorities that we support and any other individual ones that Commissioners have brought forward, and we add that to our total package as we go.

So it even happens through the – during the legislative session, something might come up and a Commissioner might bring that forward to the Board. So we have it as a standing item on our agenda to discuss legislation and take action as a Board if you want to direct County staff to support or oppose legislation. I hope that helps.

COMMISSIONER HUGHES: Yes. So I guess that will be happening in the next month and a half to two months and then ongoing. That's very helpful. I'll put my list together. It will be a short list; don't worry. Thank you very much.

MANAGER MILLER: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. I just want to say thank you, Hvtce. It was very informative and I look forward to see how things progress, so we appreciate your presentation, sir.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I just want to mention, I thought it was very interesting that we talked about taxes in the Housing Committee that we had earlier, and it was possibly a tax on second homes and apartment complexes. And I'm thinking that maybe that might be something that the legislature might even think about supporting. I just wanted to mention that to you, Hvtce. That was something that Director Montoya was talking about in Housing. I think that that is something – a tax that they might consider.

MR. MILLER: Mr. Chair, Commissioner Hansen, thank you for that information. I'll get with Joseph and get more information.

COMMISSIONER HANSEN: Thank you. That would be great.

MR. MILLER: Also, I'll check the interim committee notes and see if there was anything brought up by the legislature already, but to my recollection I don't believe so.

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

CHAIR ROYBAL: Thank you, Commissioner Hansen. Once again, thank you, Hvtce, for all the information that you provided and always working with the Commission, sir.

MR. MILLER: Thank you.

7. C. (1) Update on New Mexico Civil Rights Commission and (2) Overview of Public Comments Submitted by County Staff to Commission

CHAIR ROYBAL: We have our County Attorney, Mr. Greg Shaffer.

SFC CLERK RECORDED 12/10/2020

GREG SHAFFER (County Attorney): Thank you, Mr. Chair and Commissioners. This is an informational item only. We're not asking for any direction from the Board of County Commissioners this evening. However, on the topic of the upcoming legislature, we did want to give you some information and an update on proposed legislation that will undoubtedly command quite a bit of attention by public entities and legislatures during the upcoming session, and that is legislation that would create a new state law cause of action for deprivation of New Mexico constitutional rights.

The Chapter 1 of the laws that came out of the last special session created a New Mexico Civil Rights Commission and that commission consists of nine members, three of whom were appointed by the governor and six of whom were appointed by the Legislative Council. The Commission was tasked with looking at a variety of things, including developing proposals for laws for the creation of the civil right of action for the deprivation by a public body of any right, privilege or immunity secured by the constitution of New Mexico, considering whether such right of action shall provide for monetary damages including punitive damages and other equitable relief including injunctive relief; considering whether attorneys' fees shall be mandated for a prevailing plaintiff; the statute of limitations for any such cause of action; and indemnification of employees of a public body in cases involving right of action; reviewing the use of so-called qualified immunity as a defense; liability by an employee of a public body for a claim that could be brought under federal law or pursuant to the right of action considered by the Commission; and then finally, reviewing and assessing the need for and cost of additional insurance policies for public employees and public bodies relative to any laws proposed by the Commission.

So the law, House Bill 5 from the special session, set as November 15, 2020 the deadline for the Commission to submit a report of its findings including specific recommendations and proposed legislation to the governor, the New Mexico Legislative Council, and appropriate legislative interim committees that deal with court, corrections and justice. This past Friday, October 23, 2020, the commission voted on certain matters that it has tasked with considering. So I'm going to get to what the commission recommended in a minute, but first I wanted to provide you with an overview of comments that the County Manager and I submitted to the commission. Our comments were generally consistent with comments that had been made by New Mexico counties, as well as some other local public bodies. In general, the County Manager and I pointed out that state law already provides a cause of action for violations of the New Mexico constitution by law enforcement officers, which includes deputy sheriffs and detention officers. So one of the stated reasons or purposes of the commission to deal with a reckoning of police brutality claims across the country, we could say truthfully that state law already provides a cause of action to address any such situations.

We pointed out that a new, broad cause of action for deprivation in New Mexico constitutional rights that was uncapped or provided for attorneys' fees to the prevailing party, or punitive damages would likely call the market for medical malpractice insurance to completely dry up. Consistent with that, New Mexico counties provided information to the commission noting that such a cause of action would likely cause the market for reinsurance for New Mexico counties to dry up as well. So in other words, part of what

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would happen is that more and more risk would ultimately be borne by local governmental entities because it wouldn't be insurable in the marketplace.

We also noted that in the context of substantial liability claims and attorneys' fees, our view is that qualified immunity makes sense, since you wouldn't want exposure on such claims if the law on which they were based wasn't clearly established at the time that the public official made their judgment as to how to proceed. We also noted that uninsured judgments against local governmental entities like the County that cannot be satisfied through existing resources that are paid for by taxpayers, ultimately all of the funds that the County manages are taxpayer funds or public funds in some sense, but the constitution of New Mexico as well as state law provides that judgments rendered against the County can actually be paid for by a specific tax levy that is imposed to pay that judgment.

And then the final point that we made is that given all of the challenges and requirements that local governments have to provide services that now really isn't the time for the legislature to be diverting taxpayer dollars to claims, but instead the legislature should be exploring opportunities and ways that their traditional resources can be made available to local governments, resources for law enforcement for jail operations, more resources for the treatment of people suffering from substance abuse and/or mental health disorders so as to minimize their interactions with police officers and keep them out of county jails, as well as more resources to train and supervise law enforcement officers.

So we generally use the County's adult detention facility as a way to frame some of these concerns and to demonstrate the challenges we face in terms of the medically fragile population that we serve, the investments that we've made to serve that population, and what remains to be done, as well as our own experience of which you're well aware in terms of the hardening insurance market.

Attached to – uploaded to BoardDocs and attached to this memorandum was the text of the specific comments that we did submit to the commission last Friday and I'll go on to wrap up with what the commission did, as I understand it, at its meeting last Friday. So although the votes were not unanimous, the commission as I understand it did recommend or vote to recommend a new state law cause of action for violation of the New Mexico constitution. That recommended cause of action would not include a cap on compensatory damages, at least at this time, so the amount of damages would generally not be subject to a hard dollar cap. That's in contrast to current law under the New Mexico Tort Claims Act. It would include an attorney fees provision for prevailing plaintiffs. So if plaintiffs prevail in the cause of action the governmental entity would be required to pay their attorneys' fees. Often times attorneys' fees are actually larger than the damages awarded and it is a significant exposure for governmental entities when faced with litigating for federal constitutional violations. For example, attorneys' fees is a big motivator to settle and can often again be seven figures in some cases in terms of attorneys' fees, but at least six figures in others.

The proposed cause of action would require public employers to indemnify public employees for claims brought under the recommended cause of action. That is actually something that the County Manager and I and our staff-level comments supported since most claims would bankrupt public officials and the plaintiffs without a recovery if in

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fact there was not an indemnification requirement. And the specter of such huge personal liability may well drive people out of public service, which would mean that the most qualified folks would look for other careers, which is the exact opposite of such a cause of action is meant to achieve.

It would not include qualified immunity as a defense and would not allow for the award of punitive damages, which I would take as at least one small win, so to speak, relative to what the commission recommended. Punitive damages are a great wild card whenever you're dealing with litigation, since they're meant to punish, so a majority of the commission felt that punitive damages would be inappropriate.

So the commission will now work over the month of November to finalize its report and again, it would be recommending a cause of action along the lines that I outlined. So I'd be please to answer any questions. Again, this is informational only. In the future the Board of County Commissioners will have to decide what if any position it wants to take relative to this proposed cause of action and any law that would actually enact it, but for purposes of today it was just to provide you with information about this significant commission and the work that it has done. Again, I'd be pleased to answer any questions. Thank you.

CHAIR ROYBAL: Thank you, Greg, for the update. I'm going to go to Commissioners with questions and comments. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Greg. HB 5, who's sponsoring the bill?

MR. SHAFFER: Bear with me one second while I find that information, Mr. Chair and Commissioner Garcia. I'll have to look that up. If you have another question, please ask it.

COMMISSIONER GARCIA: Yes, I do. So yourself as well as the County Manager submitted a letter in regards to the House Bill 5 on behalf of the County Commission or was that – so did you guys submit a letter on behalf of the County Commission? That's another question I have.

MR. SHAFFER: Mr. Chair, Commissioner Garcia, we submitted staff comments and they were denominated as being from the County Manager and from the Attorney.

COMMISSIONER GARCIA: Okay. Thank you. And also, one thing that I think is very interesting about the bill. I understand it and I've read it and I've heard about it. In regards to the mental abuse or drug addiction policies, I totally get it. As we all know, we have a case that's going to possibly come before the County Commission here in District 4, Commissioner Hamilton's area. It was in the paper Sunday that everybody else saw. And so I guess my mind just rolling as into I get the bill. I understand the bill because I've seen the bill. I've heard about the bill. So I just want to bring that forward for public discussion, for the record. So thank you, Mr. Shaffer, Mr. Attorney. So I appreciate that, Mr. Chair. Thank you.

MR. SHAFFER: And Mr. Chair and Commissioner Garcia, before we move on, if I may, Mr. Chair, the sponsors of House Bill 5 were Brian Egolf, Karen Bash, and Gerald Ortiz y Pino.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Mr. Shaffer. Appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Thank you, Attorney Shaffer. I'm going to go with – I see hands. Okay, Commissioner Hansen, I see you. Go ahead.

COMMISSIONER HANSEN: Thank you, Greg for this update. One of the things I'm slightly concerned about is the impact to our insurance and is there anybody on the commission that kind of understands how difficult it already is for counties to get insurance?

MR. SHAFFER: Mr. Chair, Commissioner Hansen, I don't want to speak to what individual commissioners may or may not have understood. What I can say is that that information was presented to the commission, both by myself and the County Manager relative to our experience with medical malpractice insurance, which as you know, we contacted in excess of 20 carriers or markets and received only one quote for medical malpractice insurance. It was 21. And I think information was likewise presented by the New Mexico Counties in terms of the struggles that they've had to retain or get quotes for reinsurance. So certainly that information was presented, and I won't purport to say what commissioners did or did not understand. I didn't speak with any of them specifically, nor did I listen to all of the deliberations. So I hope that answers your question, Commissioner.

COMMISSIONER HANSEN: It's just concerning to me, because it is extraordinarily difficult for us, for counties. There are other levels of insurance we've struggled with so if this is putting more hurdles up for us it's creating another challenge. So thank you for presenting this and also thank you very much to you and the Manager for providing comments. I think that's incredibly important. So thank you.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. Attorney Shaffer or Manager Miller, thank you for looking at this and making the comments. It seems to me that this Civil Rights Commission was trying to address a problem that we've all heard about in terms of excessive use of force and things like that. Are there recommendations we could make to improve this bill so that it would be acceptable, or are they just going in totally the wrong direction, in terms of the problem?

COMMISSIONER GARCIA: Great comments, Commissioner.

MR. SHAFFER: Mr. Chair, Commissioner Hughes, I think as we at the staff level continue to analyze the recommendations of the commission with New Mexico Counties and with other governmental entities there may be items or areas of potential compromise for individuals to consider. I don't think we're there yet at the staff level and I don't think we're there yet in collaboration with New Mexico Counties and our other governmental partners. But the short answer is there may be, but the slightly longer answer is I don't think that we're prepared to bring forth any specific recommendations or thoughts along those lines at this time. Do you have anything you want to add, Manager Miller?

MANAGER MILLER: No, Mr. Chair. I think what Greg said is true. My understanding is this was even put forward to the commission, and they put the questionnaire out there hoping to try and get some input, just about the concept of the legislation and I don't know that there is a specific bill already prepared for this

legislative session. So I think that that's – it's still be seen what comes out of the process at the Civil Rights Commission.

COMMISSIONER HUGHES: Okay, well, thank you. I guess I'm just thinking it's a little uncomfortable to be sort of in opposition to a civil rights type bill and if we could help them fix it so that it was acceptable. That might be one task. Hopefully that's still possible. I guess that's all I wanted to say. Thank you.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hughes. Is there any other comments? We'll go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, actually I was going to ask – I had some similar concerns to what Commissioner Hughes expressed. In general, the commission and some of the concepts seem like good ideas but the implementation of those ideas can have some positive but also some very negative impacts and they are interrelated. And I'm not clear in my own mind – I'm not even sure how I would try to contribute to fixing that because it's complex, but there's this sense of wanting to contribute to some appropriate fixes. I guess going forward, like Commissioner Hughes, I'd be very interested in if you guys are planning to – if we're to continue some analysis where there might be some contribution we could make. I'm not sure, that that's not really a question but it is an expression of interest in a way where there could be some major negative impacts, in what the State is trying to achieve that could be very important. It clearly has some needs.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Yes, go ahead, Manager Miller.

MANAGER MILLER: I think New Mexico Counties has been very engaged in trying to at least kind of stay on top of this by comments and it isn't about being out there to just oppose any proposed legislation but certainly we thought it important to inform the commission of the potential unintended consequences and so we thought it was important to comment. I said it's not typical that a commission or a committee will put out a survey like that so it was an opportunity for us to provide comments. I also know that New Mexico Counties provided comments. But we wanted to provide the reality for a local government with a jail or a law enforcement agency, what some of the challenges that we face serving a delicate population and what resources we could utilize.

And so I think what we tried to do is focus on not just everything that would be bad about legislation like that for us but what we think they could focus on, because jails have become de facto crisis centers and behavioral health facilities and we just don't have the resources to provide those kinds of services. And there needs to be a focus at the federal and state level to address these issues. And so we will, so that our comments would spur some thought about what are some alternatives than legislation that just provides more opportunity for losses.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. I did want to ask, did you guys engage Sheriff Mendoza when we sent this letter out?

MANAGER MILLER: Mr. Chair, I don't know if he's – he wasn't a part of sending this particular letter out. We focused primarily on our insurance and the Sheriff doesn't really control our insurance premiums and insurance payments. But I believe that he is involved in some of the conversations going on at the New Mexico

Counties. We can engage him in future conversations about it.

CHAIR ROYBAL: Okay, and just a brief summary. The Sheriff is on, and maybe we can also ask for comments from him, but a brief summary how this affect the Sheriff's Department.

MR. SHAFFER: Mr. Chair, Commissioners, if there was a new cause of action, if liability was expanded, and the impacts I think primarily would be felt by the County. We would have to try and procure coverages for those claims and pay for any uninsured claims in terms of the actual law suits themselves. So in other words, as it's now going forward, I do not understand the commission to have endorsed individual liability for public officials, including deputy sheriffs. Instead, the liability would remain the governmental entity. So that's as far as I would be willing to venture down that path in terms of explaining why the fiscal impacts would be on the County. And I think you're correct, Mr. Chair. I believe I see the Sheriff is on the call, and so perhaps it would be more appropriate if he wants to address what his concerns may be relative to any impact on his operations. But I will say that this type of lawsuit does highlight the operations at the County level of law enforcement which are generally entrusted to an independent elected official and financial responsibility for claims arising from those operations which really come back to the Board of County Commissioners. So I think that as you increase the potential liability, the split between operational control and financial responsibility just comes into starker and starker relief. So I'll stop there. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Attorney Shaffer. I'm going to go Commissioner Garcia and then I'll go to Sheriff Mendoza for comments and concerns. Commissioner Garcia.

COMMISSIONER GARCIA: Yes, Mr. Chair. Thank you. I appreciate the concerns that Manager Miller and Attorney Shaffer have and I want to just be careful where we're treading. I understand the situation and I just want to be careful of where we're treading and how we're going to get there, and what we need to do. It's up to the Commission. Because by you guys, it's just us. It's the County Commission that actually is the ultimate decision that's going to make it and move this item forward. I don't know as far as taking the lead on it. I don't even know if we want to take the lead on this. This is actually – Steve Kopelman, the director of New Mexico Counties, they should be taking the lead on this and they should be the ones holding the ball and running with the ball.

And I understand that we're a very great, powerful county so I want to just be careful how we tread in these water and what we need to do and how we need to do it. And Manager Miller, I understand it. I get it. Good point, and you guys make an excellent case. So I just want to put that on the record as into I think the New Mexico Counties should be the lead on this and not just Santa Fe County because sometimes it seems like it happens where – you guys are going to take the lead on that. You guys can put your neck on the line. And so it's not – I'll put it on record as into please, please, please, let's be careful how we tread. And I understand the situation. I get it, Manager Miller, Attorney Shaffer. So I just wanted to put that on the record as into let's just be careful with we tread down these waters. Thank you. Good presentation. Thank you, Mr. Chair.

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

Sheriff Adan Mendoza. Sir, do you have any comments or concerns?

ADAN MENDOZA (County Sheriff): So I apologize that I got onto the meeting late and I wasn't sure exactly what's being discussed, but I'm assuming that it's in relation to House Bill 5, and correct me if I'm wrong, but I think some of the legislation that is being proposed is individual liability for public officials or servants, which would range anywhere from law enforcement to anybody employed with a government agency. Is that correct, Mr. Shaffer?

MR. SHAFFER: Thank you, Mr. Chair and Sheriff Mendoza. As I understand it the proposal actually adopted by the commission recommended that public officials continue to be indemnified as is currently the case under State law, with the public entity, the governmental entity ultimately responsible to pay for the defense in any judgment or settlement. So you are correct that that was certain out there as a range of possibility for them to consider. I think they ultimately zeroed in on a recommendation that indemnification was the policy that they were recommending. So I don't believe, as it's going forward, that they're recommending individual liability.

SHERIFF MENDOZA: Okay. So I guess – I hate to comment because I didn't catch all the information that was being discussed. I know that some of this proposed legislation that's moving forward, if in fact it does address individual liability for law enforcement it could obviously be problematic for our office. I do understand that that does leave the County responsible for any payments or tort claims that come forward, but I think we would have a hard time holding on to officers, employing officers or recruiting law enforcement in general if in fact they thought they were going to be held individually liable for actions.

And I know that – and I'm hoping I'm on the right track here, and I apologize that I came in late, but I would be totally against any individual liability for law enforcement. I think – I know it may be statewide. It may be adopted in statute, but I think Santa Fe County, the Sheriff's Office does a great job. I think we have a pretty good track record so far in the time that I've been there and we can continue working on that. But I don't know what the answer is. I know the public is looking for changes in how we handle officer misconduct and accountability, but I'm not sure opening up individual officers for liability is the right answer. And I hope I'm on the right track on this discussion and not going off on something that you guys didn't talk about.

COMMISSIONER GARCIA: Mr. Chair, can I ask a quick question on that note?

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: So Greg, Attorney Shaffer, in a nutshell, what the bill is trying to say is if somebody sues the government, or the Commission or the Sheriff, of an elected official, the Clerk or the Assessor, so what the bill – does the bill actually say that they want to get the attorneys that are suing the government, they want to get paid, win or lose. Is that what's happening, in a nutshell?

And we're still – the Sheriff, the Clerk, the Commission, we're still saved by the insurance, but what the bill says if attorney A wants to go and sue the government for whatever reason, win or lose, that the government will pay for their fees. Is that it in a nutshell?

MR. SHAFFER: Mr. Chair, Commissioner Garcia, no. That's not what the

commission recommended. The commission recommended that a prevailing plaintiff's attorney would have their fees covered, so they would have to win in order to have their fees reimbursed. And that's similar to the fee-shifting provisions, what is called a fee-shifting provision under federal law that allows for a prevailing party to have their fees and costs covered. The point I was trying to make is that attorneys' fees in these cases are often quite high, six figures and it's not unheard of for seven figures to be claimed, and so they're often a significant driver of the overall costs of a claim, and it's a significant additional liability that would be put in place relative for State constitutional violations which doesn't exist under current law.

And if I could just go back, because there was I think a comment about insuring that there is a remedy available, again, as the Sheriff said, we don't have, in my experience, a lot of brutality claims against deputy sheriffs but looking at it in the abstract, that cause of action already exists under State law, and that's really the point that we were making, is that there's not a need for expanded – for a new cause of action in order for detention officers or for deputy sheriffs to be sued for violation of a state constitutional right. That cause of action already exists in state law. And so that was one of the major points we were trying to make, but it does not have the component of a fee-shifting provision. So I hope that answers your question, Mr. Chair and Commissioner Garcia.

COMMISSIONER GARCIA: Yes, thank you, Mr. Shaffer. Really quick, so why are they introducing the bill? What does it do different that's not already there?

MR. SHAFFER: Mr. Chair, Commissioner Garcia, I think that the bill, House Bill 5, was meant to set up a separate body, a Civil Rights Commission, to explore these various issues and to see whether or not a new state law cause of action should be recommended to the legislature, so I think House Bill 5 was to get the benefit of such a commission's recommendation. I believe that those who feel as if the cause of action should be established feel as if it will, number one, appropriately redress those who are injured through constitutional violations and probably further believe that it will spur more positive reform and better operations.

So as in most things, I don't – I wouldn't lightly impugn anybody's motivations as to why they're acting. I think it is just a good faith difference of opinion as to what the appropriate course of action is and where that public policy line should be drawn between allocating dollars to claims versus allocating dollars to improved services and to actually improving training and the resources that are available to the public at large.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Attorney Shaffer. Appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Garcia and Sheriff Mendoza. I think that the questions were great. I know that this affects pretty much any elected officials and I know that we have our County Clerk as well. I don't know if you have any comments that you'd like to add.

CLERK SALAZAR: Mr. Chair, I would have a question for County Attorney Greg, how would that affect the offices? How can you give us some information regarding that, specific to our elected offices?

MR. SHAFFER: Madam Clerk, Mr. Chair, so if a new state law cause of action was created that allowed for compensatory damages to be awarded any time there

was a constitutional violation, you would potentially see, and I don't want to come up with a bad example, but say there was a claim that so and so elected official violated somebody's free speech rights. That would eventually be actionable under this new state law cause of action, and that law suit could be brought and the County would be defending against that. So that might be one example. Equal protection claims might be another example, but what it does in essence is just opens up the types of claims that can be brought against all elected officials and all public officials, not just those that are defined as law enforcement officers. I hope that answers your question, Madam Clerk.

CLERK SALAZAR: So County Attorney Shaffer, does that affect an elected official personally, in addition to affecting the County?

MR. SHAFFER: Madam Clerk, as I understand what the commission voted to propose, the governmental entity would be required to indemnify or pick up the cost of defense and of judgments in settlements as is the case under current law, so I don't foresee that there would be individual exposure on such claims. In other words, if public official A was sued and the judgment was rendered, public official A would not be paying out of their personal pocket. It would come from the taxpayer, from the public entities' coffers. I hope that answers your question.

CLERK SALAZAR: Yes, it does, County Attorney Shaffer. So my emphasis would be, and that's to anyone in the public and elected officials, and that is that we – it is important that we are honorable, ethical and accountable. And the County could also establish some type of introductory course or overview of County government, which includes this type of information to prevent a liability in the future. I think what's important, candidates in general need to understand that the behavior that an elected official could engage themselves with other constituents could create a liability. So I think that's important for anyone who's elected into office to understand, and seek the legal counsel from the County Attorney's Office, and also to understand that we work in the interest of the public and not in ourselves. And so the County – I would highly recommend some form of introduction about County government, what we say and how we run our offices, all of those checks and balances are important to present to elected officials.

The fact that the County Manager is responsible for certain portions of the County. The elected officials are responsible for the daily operations of the office. There are checks and balances and we have to all remember and be appreciative of that also because that can help us in the long run when others assist us or guide us or remind us, well, we need to look into this. We need to see if this is the correct way we need to proceed. We all, whether it's part of the management or elected officials, we need to work together to ensure that we do not create liabilities. So thank you for your responses to my questions, County Attorney Shaffer.

CHAIR ROYBAL: Thank you, Madam Clerk and thank you, Attorney Shaffer. I appreciate being able to allow my other elected officials to bring concerns and comments forward and for you to bring clarifying information. So I appreciate that. So once again, thank you for all the information. I know that we've gone quite a bit around on this issue.

8. 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 Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't actually have anything in particular at this time. Thanks, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Garcia. Okay, I'm going to come back to Commissioner Garcia. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Mr. Chair. I wanted to – I think you all know that we received a letter from the Mayor and I feel like that was done at the suggestion – Sara and I sent the Mayor a copy of the resolution that we passed on social civil rights and social justice, racial and social justice. And then I met with him last Monday and we talked about having everyone involved and so as a result of that I feel that this letter was sent to all of us and I think that we should all think about possibly leaders in our community and in our area that we can recommend for this commission that they are creating at the City. So I just wanted to mention that

And then always I was happy to see that the *New Mexican* picked up a story on the letter that both Councilor Villarreal and I signed onto adding a gateway community dividend to the PILT dividend, which I think we could all use as we have a fair amount of federal land in Santa Fe County. I also had the opportunity to take Greg Bloom, who is Senator Udall's state director, and from Senator Heinrich's office, Trish Dominguez and Michelle Ortiz and a number of BLM staff, we went out to Alamo Canyon, Alamo Creek, and once again, I showed them the devastating use by wildcat shooting or rogue shooting on BLM land and we had a very good discussion. BLM kind of admitted they had slowed down on moving forward with the idea of gun ranges and they have picked that back up and are working on a plan with US Game & Fish and looking at some ways that they can direct this use or misuse of BLM land.

I also attended the federal policy meetings that NACo held this week which were very informative, and as I mentioned earlier, especially the one on the broadband task force, and that was very informative.

And so I think we've all stayed pretty busy, even though we're all working from home. So thank you very much for the opportunity to share those few items with everyone.

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

COMMISSIONER GARCIA: Mr. Chair, I just would like to thank our County crews for actually being on top of it, for snow removal. I was actually on the radio this morning for quite a while, on 77 KOB, and talked with Bob Clark for quite a while and I just actually gave accolades to our County crews that were there on top of it. Gary, Director Giron, if you could please tell your crews thank you, thank you, thank

you. At 5:00 in the morning, this loud noise going down my road, like, what is that noise? It was our crews. So I appreciate that during the snow. They did a great job and they continue to do a great job at this time.

I just wanted to say, I just wish the Mayor of Edgewood good luck in what's happening with them and we all have seen what's going on with that. So Mayor Bassett, hopefully everything goes well for you, and I appreciate your public service and your service as it exists, so I just wanted to put that on the record.

And just once again, as into that it's just hard for me to realize it but for staff, you work from home, and it's a little challenging these days and I just would like to thank staff for what you all do for the County.

And just one other thing, the County Clerk can actually probably elaborate on it but please vote, please vote, please vote. In Georgia it take ten hours to vote and I can't even imagine that. Everybody, just get out there and vote. It's what you can do that counts. Please go out there and vote.

And Mr. Chair, I just thank all of us for what we do because sometimes we don't get accolades. Not that we need them but we're servants of the public but thank you, Mr. Chair. Appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I think all of us as Commissioners have been very busy so I appreciate you recognizing staff and all their hard efforts. I'm going to go to Commissioner Hughes, and then I did see Commissioner Hansen would like to add some additional comments it looks like. So Commissioner Hughes.

COMMISSIONER HUGHES: Yes. Thank you, Mr. Chair. Well, just two things. I'm having my second townhall on November 5th, Thursday, at 5:30 for anybody in District 5 who wants to talk to me and let me know what's going on in the district or around the county. We had a really good one last time and I hope people show up this time to tell me their concerns. And I wanted to add on to what Commissioner Hansen said about the Mayor's efforts to create a commission, sort of like a reconciliation and truth commission around art and monuments and I think it's to all of our benefits regardless of what we think of the Mayor to try and make this a successful effort. I think there's a lot of tension right now in the community around the obelisk and other aspects of that and I think this also goes to deeper things within our community divisions that really should be addressed and brought forth and we should think of solutions as to why there is inequity in our community, and try and move forward.

So I encourage all of us to participate as much as we can to make that a successful effort. Thank you, Mr. Chair. That is my comments for tonight.

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

COMMISSIONER HANSEN: Thank you, Mr. Chair. I just wanted to mention that also this morning I was on KSWV and I was talking about our bond questions and letting people know to go out and vote. I know that at a Commission meeting I can't say to support them but I explained them and we talked about them – and I had a very good discussion about the bond issues and why they're so important to Santa Fe County. And I agree wholeheartedly with Commissioner Garcia – please go out and vote. I voted early. I have my little sticker here, so if you haven't voted you have the rest

of the week until Saturday to early vote, so get out and vote. Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So I couldn't agree more. I think that it's super important that we go out and vote and I know in Pojoaque we had some pretty long lines so it's really great to see that people are getting out there to vote. It's going to be interesting to see how the numbers do come together after this is said and done. So once again, I just want to encourage everybody to get out there and vote.

I do want to thank our road crews as well as Commissioner Garcia stated. They do a great job. I'm just glad that we remember to thank them every time that we have storms and just for everything, on a weekly basis, keeping up with our roads and things of that nature.

I also just want to retouch again on the broadband issues and internet. Right now I have two nephews and a niece that are actually staying with me Monday through Thursday. They live in Peñasco and the internet is pretty poor in that area as well, and so not only do we need to bridge those gaps in all of our communities throughout northern New Mexico but we also need to make it affordable for families. So I'm glad that we're able to be here for our family and I'm glad that my niece and nephews are staying with us to have access to the internet. So I just want to re-emphasize the importance right now because of our children that need the internet now to attend school. So I just wanted to bring that up and just thank everybody for being here today and if there's not any other comments from Commissioners I'll go ahead and move on to the next item.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: I just got – somebody knocked on my door, came to my door and I just want to introduce him and I don't know what his name is but in the past years we've actually had a great Halloween thing for us, the County Commission, but this year we couldn't celebrate it, but I just want to say hi. Because we have to have a good time. I appreciate all my colleagues. Thank you.

CHAIR ROYBAL: Thank you, sir.

A. 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 had Clerk Salazar here and also Sheriff Mendoza, so I'm going to go to Clerk Salazar.

CLERK SALAZAR: Thank you, Chair Roybal. So we know that election day is November 3, 2020, and currently early voting is occurring, which I really want to emphasize people to highly consider early voting. There are options on how to vote in Santa Fe County. We're very fortunate that we can vote in different ways – absentee voting, early voting and on election day. I also want voters to consider that there may be early voting lines, so think about if it's warm. Right now we have snow, and it's cold, but in the event our weather does change, bring an umbrella for shade. Bring water to stay hydrated and a foldable chair. And if it's cold, dress appropriately so that when you wait

in line you won't be affected by the elements outside.

I want voters to understand that voter registration did end October 6, 2020, but still you can register to vote only in person, same day voter registration and the County Clerk's Office, up until October 31st. So Monday through Friday, regular business hours, 8:00 to 5:00, and then Saturday, October 31st, 10:00 am to 6:00 pm, you can register to vote and then go across the street and vote at the Santa Fe Community Convention Center.

So that portion is important. I've been noticing lately that a lot of younger citizens have been coming in and registering to vote. So that is very exciting to see, because a lot of times our younger citizens are not registered or not participating in the election process. So that's exciting to see.

Absentee voting, the last day to have replied was October 20th. There's been some new guidance from the Secretary of State. If someone should be sick or quarantined due to COVID the Secretary of State issued a guidance for emergency procedures for voting. Individuals sick or quarantined due to COVID-19, this will allow voters who are sick or quarantined due to COVID-19 to avoid going to a polling place. Voters with COVID-19, please contact the Santa Fe County Clerk and that means me, Geraldine Salazar. So I'm going to give you my email address, which is gsalazar@santafecountynm.gov, and I or my staff will send you the guidance and affidavit to sign. Voters with COVID-19 will sign a hard copy of the form, designate an authorized representative, and have a healthcare provider sign the form. Your authorized representative will then need to deliver the original signed form to our office, but I believe that the Secretary of State may have expanded that, so I may stand corrected that you may be able to email this. Either way we will send you the guidance and the affidavit.

After that, your representative can return your ballot after you've filled it out and return it to our office. Please fill out all of the information required in the return envelope. We will verify and your qualified vote will be counted. So that's a new guidance that the Secretary of State issued. So I want to encourage people. We may not have that many. We've already had some that are requesting this because they were not planning to vote absentee and now the deadline has passed, but this guidance allows us to do this. This way they don't have to go their polling site and stand in line if they're ill or quarantined due to COVID-19. So I think that's a plus for our voters also.

Also, remember that we are having early voting at the Santa Fe Community Center during regular business hours, 8:00 to 5:00 pm, and then they will also be open October 31st on Saturday to vote also. And there's also the alternate voting sites that we now have open, and they will be open Tuesday through Friday, 12:00 noon to 8:00 pm, on Saturdays, 10:00 am to 6:00 pm. The alternate sites are Abedon Lopez Community Center, Christian Life Church, Town of Edgewood administrative offices, Max Coll Corridor Community Center, Pojoaque Satellite Office, Santa Fe County Fair building, the Southside Library.

I also want to mention anyone dropping off their ballots to the County facility here where the County Clerk's Office is located. The hours to drop off your ballot are from 8:00 am to 5:00 pm. At this point, please do not drop off your ballots before 8:00 am in the morning or after 5:00 pm. That's very important so that we can ensure that we secure your ballot. And we have a procedure in place with these drop-off boxes. We have

drop-off boxes at all the early voting sites, inside the voting convenience center. There's a drop-off box that the poll workers manage and individuals don't have to wait in line. They can just go straight to that box and there will be a poll worker there that will assist them and guide them through the process.

In addition to that, here at the County Clerk's Office and also across the street at the voting convenience center at the convention center there's also a drop-off box. So people don't have to wait in line. They will be directed. And if they're not directed, go towards that box and then the poll worker will ask you a few questions and then you can drop your ballot in that box.

So just remember that these boxes are not available 24/7. As I mentioned, during regular business hours at the Clerk's Office and across the street at the voting convenience center, and then during regular hours of early voting at the alternate sites. That's very important to remember.

I want to encourage everyone to continue to exercise the right to vote. I guess Santa Fe County has broken a record. Over 50 percent of all voters in Santa Fe County have cast their ballots or turned them in. They've been accepted. Right now we have the absentee board who has been working across the street at the convention center. They have utilized a new process that we have created and programmed for us, right after the primary election and we were able to test it during the election. And I will tell you that this process is working beautifully. In fact the board has been able to leave earlier and also they didn't even come in today because they had caught up on most of their work, which in the past it has been excruciating and lengthy and time-consuming. So I'm very excited to report that this new program of scanning absentee ballots is working beautifully.

So I want to thank the absentee board, all of my staff, all of the poll workers out in the field, and the election workers that help us with data entry. And I want to thank the Board, and especially the Legal Department who has really helped us tremendously in the guidance and ensuring that we are not affecting people's constitutional right to vote and cast their ballot and deliver their ballot. They have been a tremendous help – Greg and Cristella, regarding the election process for us, because we have been hit with so many challenging variables. We have needed Legal more than ever. So thank you, Greg. Thank you, Cristella, and thank you, HR and everyone else who has assisted us in every which way. Rachel O'Connor's staff who manage the kiosk and the constituent services, County employees who have helped us in the process outside of our office. It has taken more than a village. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. I'm going to go to Sheriff Mendoza.

COMMISSIONER HANSEN: Mr. Chair, could I ask Clerk Salazar a question?

CHAIR ROYBAL: Sure. Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Have you started counting absentee ballots?

CLERK SALAZAR: Yes. We started about Wednesday of last week. Yes. It's pretty amazing with this new system.

COMMISSIONER HANSEN: I'm so happy to hear that.

CLERK SALAZAR: Yes. I'm very happy to hear this too. Also, we will be receiving ballots from all the voting convenience centers throughout the county on election day. So we still receive them and we have a protocol on how we receive them. But the last day to return your absentee ballot would be November 3rd on election day, on or before 7:00 pm on election day. And all of those ballots will be transferred to us by the presiding judge. And then the absentee board that we have at the convention center will count the votes. Verify, certify and then count all qualified ballots.

COMMISSIONER HANSEN: Thank you very much.

CLERK SALAZAR: You're welcome.

CHAIR ROYBAL: Thank you, Madam Clerk, Commissioner Hansen. Sheriff Mendoza, are you there? Your connection sounded a little bit bad again. Go ahead, sir.

SHERIFF MENDOZA: Okay. Thank you, Mr. Chair, Commission. I'll make it pretty quick. I just wanted to make a comment along with Madam Clerk that the Sheriff's Office will be working with the Clerk's Office on the upcoming election, which we do our traditionally every year. Due to the excitement over the election we are going to double the amount of deputies that will be working the polling areas. We don't have any information or aren't anticipating any issues but we felt like because of the high voter turnout we felt like it would be a good idea to have some extra deputies out in the polling areas.

What we did also, given the amount of turnout, we reached out to the First Judicial District attorneys' office and have requested some training and updated information when it comes to voter and polling laws. They have provided us a 51-minute training for our deputies and that's been put out to every deputy, not just the deputies that are working specifically the polling places on election day. So we will have the most up to date information and training available so our deputies can ensure that the integrity of the voting process and ensure that everybody is going to be safe when they do go out and exercise their right to vote.

I'm excited about the high percentages, the record percentages that have turned out in Santa Fe County and I'm hoping that we're going to get to about 80 percent or more of registered voters to get out and vote this election. So we're anticipating a peaceful, respectful election day and we hope that there isn't any issues and that we would be prepared in case. So I just wanted to make that statement.

CHAIR ROYBAL: Okay. Thank you, Sheriff Mendoza.

CLERK SALAZAR: Chair Roybal.

CHAIR ROYBAL: Yes, Clerk Salazar.

CLERK SALAZAR: I want to thank Sheriff Mendoza very much and I think he's even more optimistic than me. I was stating if I get 75 percent participation I will be excited. But he's stating he would like to see 80 percent. That's great. And we appreciate the Sheriff who always helps us during election night and I'm excited to hear that he immediately sought legal guidance, and also that they're prepared for the citizens of Santa Fe County who will be voting. And for all the poll workers, my staff, everyone, thank you so much. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk, and thank you again, Sheriff Mendoza. We appreciate your comments and being here today, sir.

SHERIFF MENDOZA: Thank you, sir.

CHAIR ROYBAL: I just want to check one time. I didn't see any other elected officials. Tessa, is that correct?

TESSA JO MASCARENAS (County Manager's Office): That is correct.

CHAIR ROYBAL: Thank you, Ms. Mascarenas.

8. C. **Resolution 2020-80, Adoption of Santa Fe Food Policy Council Policy Recommendations to Support Local Food**

CHAIR ROYBAL: We have myself, Commissioner Henry Roybal, and Commissioner Rudy Garcia sponsoring. I'm going to go to Lucy Foma from the Santa Fe County to introduce this resolution.

LUCY FOMA (Growth Management): Hi. Thanks for listening, Mr. Chair and Commissioners. We're bringing before you a resolution that was drafted in support of the Santa Fe Food Policy Council report to the City and County on recommendations to support local food, and I believe that Commissioner Roybal, were you introducing also?

CHAIR ROYBAL: Yes. After you, I'm going to introduce the resolution and then we'll go to any other comments. I believe that David Sundberg and Pam Roy are on the line as well.

MS. FOMA: Yes, they are. I just wanted to give a short introduction saying that as you heard from Patricia Boies earlier this evening, the Santa Fe Food Policy Council has been working closely with our community trying to figure out ways to provide food during this emergency but it has a long-standing history of trying to find ways that we can support healthier food access and food nutrition and collaboration between the different agencies that work in this region.

I'm a new member as you heard also but I've been honored to work with David and Pam who are seasoned and knowledgeable professionals in this field. And also I've been honored to work with you Commissioners on drafting this resolution. So thank you for considering it this evening.

CHAIR ROYBAL: Thank you, Ms. Foma. I also want to go to Mr. Sundberg, if you'd like to make comments, sir.

DAVID SUNDBERG: Yes. Thank you. Good evening. My name is David Sundberg. I'm the chair of the Santa Fe Food Policy Council. I just want to take a brief moment to thank you, Commissioners for taking the time to consider adopting this resolution in support of the Food Policy Council's food and nutrition report and recommendations. Back in 2014 Santa Fe County adopted the food plan which was written and prepared by the Food Policy Council as a guiding document to support farmers, ranchers, eating programs, community health, local food procurement and many other policies surrounding food.

This, the food and nutrition report and recommendations is a continuation and an update of the food plan. It identified agencies, programs, policies, on local, state and federal levels where we can really can and should engender change. The policy and service changes were used in elders, disenfranchised populations, local food producers, our community at large. This is really a critical time in our community to create and seize

opportunities that bolster a regional equitable and sustainable food system.

We, as the Food Policy Council, welcome any questions. We're happy to engage with Commissioners, with departments within the County, agencies, non-profits, community members at large to discuss the proposals and their implementation. Thank you again for considering the adoption of this report and its recommendations. Your approval and support is really greatly appreciated and very much valued. So thank you again.

CHAIR ROYBAL: Thank you very much, Mr. Sundberg for being here today and speaking. I appreciate that. I also want to give Ms. Roy the opportunity to speak as well. While we're waiting for Ms. Roy to connect I'm going to go ahead and go to Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I just wanted to actually – I'm happy to be a co-sponsor of this resolution. I remember five, seven years ago that Pam actually has done an excellent job working the session as into actually getting the budget, almost \$250,000, \$300,000 a year, which is for fresh produce actually from local farmers, and so on and so forth, that actually goes to public schools. Pam, you're probably listening, you've done an excellent job. I appreciate that because sometimes, as the resolution states, sitting on the school board, sometimes you don't realize, there's people in my district, in my community – the other day I followed a school bus. When they go down to the Southside area, by the library, there's probably about 30, 40 kids that actually go and line up for the school bus. Not to get on the bus to go to school, but to get food. And thanks to this, Pam Roy and your organization, it's kind of interesting to realize that – actually I want to see that. Like I said 30, 35 kids that wait for that bus to come at 11:4. Some of those areas in my district actually, the Airport Road area. It's just really good. It's awesome. I appreciate it.

Pam and your staff, thank you for what you do. Once again, you actually got in the budget \$300,000, \$250,000, every year to provide for fresh produce from farmers to go to communities, schools, etc. That's awesome.

Mr. Sundberg, I talked to you roughly about three, four weeks ago in regards to the La Bajada Ranch, and I know we actually had the La Bajada Ranch on lease. So one of the things that we did talk about and I need to talk to staff about is where are we at with the La Bajada Ranch. I understand the COVID virus and what's happening. And the way our lease worked with La Bajada Ranch is a section of that was to work out with the Community College how we can do farming, for example, or produce and vegetables. So I'm going to ask staff, not right now, but Manager Miller, where are we at with that, because that was one of the clauses in the lease, I believe. I could be corrected, but that portion of the lease, in the next year or two we're actually going to figure out what we need to do with the Community College or whoever else out there that wants to work with La Bajada Ranch and that was four years ago.

But I appreciate myself being a co-sponsor of this resolution because, like I said, following the school bus the other day, and watching children come out waiting for that bus, 11:30, 11:45, to get fresh food, and as well as to get fed. I'm happy to be a co-sponsor on this. Thank you, Commissioner. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Those are great words. I want to check, is Pam Roy on the line now?

MS. MASCARENAS: It doesn't appear that anybody's joined our meeting yet, Mr. Chair.

MR. SUNDBERG: I beg your pardon, sir. She did let me know she's on the phone right but I'll text her back and let her know as soon as she joins you're willing to give her a moment. Thank you for your patience.

PAM ROY: Mr. Commissioner, can you hear me now?

CHAIR ROYBAL: Yes, we can hear you, Pam. Is this Ms. Roy?

MS. ROY: Thank you very much. My apologies. It's that bandwidth thing that we were talking about earlier, right? So just a couple of things. It will be short since we've already taken some time. Thank you very much for the opportunity to be here with you all and I want to thank Commissioner Roybal and Commissioner Garcia for co-sponsoring our resolution and this request. It's focused on the nutrition programs as Mr. Sundberg mentioned.

Just a couple of things I'd like to add, and I really appreciate Commissioner Hughes bringing this up earlier when we were discussing legislative priorities and Commissioner Garcia just brought this up. So this resolution does very specifically help guide us, not only at the local level, like schools, like Commissioner Garcia mentioned, getting local produce in the schools, but it also expands what we learned through COVID, COVID issues, around senior programs. We're excited about getting a chance to work with Toby Kessler who's now on the Santa Fe Food Policy Council, and certainly with Patricia Boies and Lucy Foma.

It gives us several things. As we are working towards this upcoming legislative session not only will we be holding strong on New Mexico grown fresh fruits and vegetables for school meals, there will be two new bills introduced. One that will expand a branding program of New Mexico grown fresh fruits and vegetables for senior meals programs, and an introductory bill for New Mexico Grown produce for early childhood education nutrition programs.

Two additional things that are going to bring funding into New Mexico as well, besides these programs. One is going to be expanding up the Double-Up Food Bucks program, that's SNAP, the Supplemental Nutritional Assistance Program at farmers markets. We will also have a request for state funding that will match more than \$7 million over the next four years of federal funding. If we can get a little bit of additional state investment for that.

And the second one, which goes to the third item on the therefores, which is about prioritizing investments for infrastructure and things like food hubs that will expand our food and farming initiatives herein this region and in the state. There will be a new program called the Healthy Food Financing initiative and it will be basically a vessel of funding held by the Economic Development Department that actually where they can draw down federal treasury resources up to \$2 million a year, and which will bring more funding to the state.

So just a few examples of what a resolution to the City and County can do to leverage a lot more resources and we're going to keep our communities healthy and our farmers growing for us and creating a healthy farming economy. So thanks so much for the time. We really appreciate the opportunity. My apologies for not being able to hear you all now. Thank you.

CHAIR ROYBAL: Thank you. Okay, so I do want to just state for the record that given our current situation that faces our communities with COVID-19, this ongoing pandemic that has recently intensified as we all know. It's also intensified senior and child hunger. I have supported and will continue to support ongoing food distribution efforts and programs that Santa Fe County and our partners provide in these increasingly tough times. The Food Policy Council has taken this work in a crucial direction by working with our local farmers. I think this is a great opportunity. With these food and nutrition programs we will reinvigorate our communities to keep agriculture in production.

A lot of times we've seen where we don't have as many farmers that we used to. It will provide a stable economic market for farmers and establish a path for local farmers to reach the tables of our children and our seniors and all our local constituents. So I do appreciate that. Many food producers in my district will have an additional avenue to sell their traditional foods and will give them another way to provide the local food supply and also at the same time provide for their own families. I feel that we need to continue to support our local acequias and local food producers and protect agricultural land sustainability. Sustainability was how the State of New Mexico functioned always in the past and everybody – farmers, ranchers – it was all about sustainability in our communities, so I really appreciate this because we're going to be able to provide for our future generations. So I just wanted to say that.

I don't know if there's any other comments from Commissioners. I'll go back to my co-sponsor, Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, very well said. I would just like to talk about, as Pam Roy said, putting nutritional produce in schools. Our president, Kate Noble who actually works for Early Childhood Care, she's totally for this. And so we all are totally for this. She's worked very hard for this as we all have, my own colleagues have as well as you have, Pam, through the legislative process. Great job.

One of the things that I want to bring up is as the Chairman said is our Sustainability Department. We actually talk all the time about solar this and that but however, in La Cienega, the local farmers, it's kind of – we have a drought problem. Our Planning Department as well as our Sustainability Department, we need to start working on what are we going to do with the drought, because it's kind of sad when you take a left down my road, and the Gonzales property – it's dry. And because our springs aren't producing anymore.

So I think I would like to bring something up with our Planning Department as well as our other departments, how can we work on this drought situation, because it's not getting any better. It's not going to get any better. So I just want to say great job, Pam Roy and keep up the good work. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Garcia, I don't know if you have a copy of the resolution in front of you but I wanted to read it into the record.

COMMISSIONER GARCIA: Yes, I do.

CHAIR ROYBAL: Do you want to read some of it and I'll read some of it?

COMMISSIONER GARCIA: Whenever you stop I'll continue.

CHAIR ROYBAL: This is a resolution to implement the Santa Fe Food Policy Council report on strengthening and expanding food and nutrition programs in Santa Fe.

Whereas, Resolution 2008-5 was a joint resolution that established a Food Policy Council for the City of Santa Fe and Santa Fe County and created the Santa Fe City and County Food Policy Council; and

Whereas, the purpose of the Council is to integrate all departments of the City and County as well as non-profit organizations and food and farming businesses in a common effort to promote food security, improve access to retail outlets that offer healthy and affordable food, encourage healthy eating by all residents to reduce obesity and diet-related diseases, and protect the natural resources necessary to produce food; and

Whereas, the Council recommends food policies that pertain to the direct service of food lobby and advocacy before state and federal legislatures and agencies, referral to social services, economic development and nutrition and health education; and

Whereas, the County adopted the 2014 Food Plan, *Planning Santa Fe's Food Future Querencia, a Story of Food, Farming and Friends*, which provides recommendations in three categories, getting food growing food, and learning about food; and

Whereas, in 2019, the County launched the AgriGate of Santa Fe County program and digital platform and internet site www.agrigatesfc.org to connect local food producers with local food buyers and resources. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair.

Whereas, New Mexico has a vibrant food and farming culture that is significant to our rural economy and provides employment opportunities on farms and in their direct wholesale and retail markets as well as food processing, distribution and value-added business, as well as adding to the health and well being of New Mexicans; and

Whereas, the dollar value of New Mexico agriculture and produce is a \$2.18 billion, with \$96.3 million in fruits and vegetables providing approximately 10,000 jobs and \$900 million in annual wages; and

Whereas, studies have shown that for every dollar that goes into the local agriculture producers, \$1.80 is circulated into the local economy; and

Whereas, 12.4 percent of Santa Fe County residents, approximately 18,000 people, experience food insecurity; and

Whereas, in New Mexico, approximately 90,000 seniors fell below 185 percent of the federal poverty income guidelines, and approximately 56,000 seniors fall below 130 percent of the federal poverty income guidelines; and

Whereas, more than 16,000 students in Santa Fe County and the City of Santa Fe participate in the school meal program; [which is very true; I know that]

Whereas, many children consume at least one half of their daily calories at school, and for many, food served at the school is the only meal served daily; [which is very true]

Whereas, increasing consumption of healthy food is a priority in the Santa Fe County Health Action Plan, including increasing the percentage of adolescents and adults within the county consuming five or more fresh fruits and vegetables a day;

Whereas, promoting healthy food habits and increasing consumption of healthy food is a goal of the Santa Fe County Senior Services strategic plan, including

introducing fresh produce into meals provided at County senior centers.

CHAIR ROYBAL: Whereas, the County strategic plan recommends continued collaboration with local farmers to promote fresh, locally grown produce and products.

Now, therefore, be it resolved by the Board of County Commissioners of Santa Fe County that the County will implement the Santa Fe Food Policy Council's September 28, 2020 report *Strengthening and Expanding Food and Nutrition Programs in Santa Fe* including allowing staff to explore the possibility of developing and adopting procurement policies that prioritize locally produced food, design a local food promotion education and outreach initiative, and pre-prioritizing investments and collaborations to develop new farming distribution and food aggregation and processing infrastructure.

And this will be approved and passed this day, and it will be signed by all the County Commissioners, our County Manager and also our County Attorney, and our County Clerk.

Okay, so I'm going to go to Commissioner Garcia to make a motion.

COMMISSIONER GARCIA: Mr. Chair, thank you for bringing this forward. All our colleagues – I know we'll get a positive vote for all the rest of the three, but motion for approval, Mr. Chair. Thank you.

CHAIR ROYBAL: So we have a motion and I'll second. I'm going to go to a roll call vote. Is there anything else under discussion? I'm going to go to Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: I just support this wholeheartedly and I vote yes.

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

COMMISSIONER HAMILTON: Absolutely. I support this very strongly and this is so important that I spent some time at the Food Policy Council virtual meetings to get to know more what they were doing and they're doing such an outstanding job. It's such a long road. It's a marathon, and it is so important for our community's well being and sustainability. And I vote yes.

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

COMMISSIONER HUGHES: Yes, thank you. I also vote yes and I think this is a great resolution. Thanks to your all for bringing it forward and I wanted to also recognize Pam Roy for all her work at the farmers market over the years. It's good to see you here tonight, Pam. Thank you.

CHAIR ROYBAL: Okay, so Commissioner Garcia, did you have any final comments? Okay. I just want to say that I'm honored to be able to present this today and I just appreciate all the hard work that Ms. Roy has done and also Mr. Sundberg, and of course staff, Lucy Foma, for bringing this forward. Like I said I'm honored to be here today and of course a yes from Commissioner Roybal.

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

CHAIR ROYBAL: And Madam Clerk, can we provide copies to both Mr.

Sundberg and also Ms. Roy.

CLERK SALAZAR: Yes.

CHAIR ROYBAL: Thank you.

CLERK SALAZAR: Chair Roybal, can they please send me an email requesting for those copies please. My email address is gsalazar@santafecountynm.gov.

10. INFORMATION ITEMS/MONTHLY REPORTS

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

[There were no questions or comments regarding the monthly reports.]

9. MATTERS FROM THE COUNTY ATTORNEY

- A. Statement for Inclusion in Meeting Minutes Concerning October 13, 2020, Executive Session**

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

MR. SHAFFER: Mr. Chair, Commissioner, we do have an initial item on the agenda under Matters from the County Attorney this evening and that's a statement for inclusion in meeting minutes concerning the October 13, 2020 executive session. That's item 9. A. As you may recall, at the October 13, 2020 meeting, the Board of County Commissioners went into executive session at the end of the meeting and did not reconvene in open meeting, so therefore under the Open Meetings Act, we need to include in the meeting minutes of this meeting a statement that items discussed in the closed meeting were limited only to those specified in the motion for closure.

Mr. Chair, I'd respectfully ask that the Board make and adopt a motion to have the minutes of this meeting reflect that the matters discussed during the October 13, 2020 executive session were limited to only those specified in the motion for closure. I'd be pleased to answer any questions. Thank you.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Also, is there anything in executive session that we would need to come back out? Or would we adjourn from executive session once again from this meeting?

MR. SHAFFER: Excuse me, Mr. Chair. Assuming that there are no questions on the monthly reports, so that staff could be released, no, there would be no reason to come out of executive or closed session this evening, and so that procedure could be followed again. In addition, you all have been at this for quite some time, so there is always the possibility, if you would like to recess this evening's meeting and reconvene to a date and time later this week to take up executive session, that would be another option as well, Mr. Chair.

CHAIR ROYBAL: Okay. I think I'm going to go to the Commission

members. I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I would entertain a motion to go into recess and come back tomorrow sometime, just as it's getting late and it is also Commissioner Hamilton's wedding anniversary. So I think we should let her have a little bit of time since it's already 7:00. So I would make that motion if you want to entertain it, Mr. Chair, that we go into recess and possibly we come back tomorrow afternoon. What's convenient for you? And have executive session then.

COMMISSIONER GARCIA: Mr. Chair, I'd second that motion.

CHAIR ROYBAL: We have a motion and a second, but I believe that we need to add to that motion what Attorney Shaffer asked for as far as adjourning from our last meeting. Is that correct?

COMMISSIONER HANSEN: I will include that in my motion.

MR. SHAFFER: Actually, if I could, Mr. Chair, we would have two separate items, under 9.A, if we could have a motion to have the minutes of this meeting reflect that the matters discussed at the October 13, 2020 executive session were limited only to those specified in the motion for closure. If we could have that motion and take action on that

COMMISSIONER HANSEN: So moved.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen.

COMMISSIONER GARCIA: Second.

COMMISSIONER HANSEN: We have a motion from Commissioner Hansen and a second from Commissioner Garcia. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: That passes unanimously. And so we'll go on to our next motion. Commissioner Hansen.

COMMISSIONER HANSEN: I move that we go into recess until tomorrow afternoon at 4:00. Does that work for everyone?

COMMISSIONER HAMILTON: Sure.

CHAIR ROYBAL: That's fine with me.

COMMISSIONER HUGHES: I have a standing meeting with the Department of Health at 4:00. Could we do 3:00 or 5:00?

CHAIR ROYBAL: I'm not able to until 5:00, so if we would have a recess until 5:00 tomorrow.

COMMISSIONER HANSEN: I'm good with that.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen, and is that thumbs-up a second from Commissioner Garcia?

COMMISSIONER GARCIA: Yes, Mr. Chair.

MR. SHAFFER: And just for the record, Mr. Chair, that would be recessing until tomorrow, Wednesday, October 28th at 5:00 pm, and that will be virtual. We will convene for the purpose of going into executive session, and only those items that are on the executive session agenda will be discussed at the reconvened meeting.

CHAIR ROYBAL: Correct.

COMMISSIONER HAMILTON: I don't know who let the cat out of the

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bag but I want to thank my fellow Commissioners. I really appreciate it. Twenty-nine years is kind of a big deal, you know.

COMMISSIONER HANSEN: Congratulations. I didn't know you guys were newlyweds.

COMMISSIONER HAMILTON: We still are. We'll never get over that.

CHAIR ROYBAL: Great. All right. So we have a motion from Commissioner Hansen and a second from Commissioner Garcia. This is to recess until tomorrow, which is October 28th, Wednesday, at 5:00 pm, and it will be to discuss items that are listed on our agenda today only. Okay, so a motion and a second. I'm going to go to a roll call vote.

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

At 5:10 on Wednesday, October 28, 2020, Vice Chair Hansen requested a motion to reconvene this regular meeting of the Santa Fe Board of County.

COMMISSIONER HANSEN: I will start this meeting. Can I have a motion to resume our BCC meeting?

COMMISSIONER GARCIA: So moved, Madam Vice Chair.

COMMISSIONER HUGHES: Second.

COMMISSIONER HANSEN: Okay, a roll call vote.

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

9. B. **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. **Executive Management Personnel Matters**
 3. **Litigation Against Prescription Opioid Manufacturers and Distributors**
 4. **Right-of-Ways for County-Maintained Roads Within the Exterior**

Boundaries of Pueblos

COMMISSIONER HANSEN: Then I would like to go to the County Attorney and have him mention number nine. County Attorney.

MR. SHAFFER: Thank you, Madam Chair. We are up to item 9. B, Executive Session, and I'd like to request a motion to go into executive session to discuss limited personnel matters as allowed by Section 10-15-1(H)(2) NMSA 1978, 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 contracts concerning the acquisition and/or disposition of water rights and real property interests for water infrastructure, executive management of personnel matters, litigation against prescription opioid manufacturers and distributors, and right-of-ways for county-maintained roads within the exterior boundaries of pueblos.

And if it's acceptable to the Board, since there's no more business before the Board this evening, the motion should include the statement that we will be adjourning from closed or executive session. So in other words, we will not reconvene in open session today.

COMMISSIONER HANSEN: Thank you, County Attorney.
Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd like to move that we go into executive session to discuss the matters as just described by the County Attorney, and to note that we will close out of executive session and have no further business, so we will not be reconvening into a public BCC meeting.

COMMISSIONER HANSEN: Thank you. Can I please have a second?

COMMISSIONER HUGHES: Second.

COMMISSIONER HANSEN: Thank you, Commissioner Hughes. Roll call vote.

The motion to adjourn and go into executive session pursuant to NMSA Section 10-15-1(H) (2, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

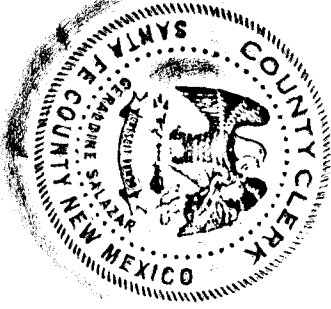
Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Not Present

CONCLUDING BUSINESS

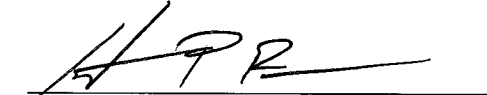
- A. Announcements**
- B. Adjournment**

Vice Chair Hansen declared this meeting adjourned at 5:13 p.m.

SFC CLERK RECORDED 12/10/2020




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
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I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2020 at 09:07:26 AM
And Was Duly Recorded as Instrument # **1937017**
Of The Records Of Santa Fe County



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

SFC CLERK RECORDED 12/10/2020