

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING
October 30, 2018

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

SFC CLERK RECORDED 11/29/2018

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

October 30, 2018

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Coralie Whitmore, the State Pledge by Missy Blalock, and the Moment of Reflection by John Tennyson of the Finance Department.

I. F. Approval of Agenda

1. Amendments

2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Yes, Madam Chair. The agenda before you today was amended on 10/25 at 11:36 am. The items that were added to the agenda at that time were on page 4 under Matters from the County Attorney, item IX. A. 2, 3, and 4 were added to the agenda. Additionally, I'd like to request that under Consent Agenda, item II. A. 1, that that be taken off of Consent and placed under Action

SFC CLERK RECORDED 11/29/2018

items, item III. A. And also, Madam Chair, if you so choose, you could see if there was anyone here that would have a comment on that. The item is – a revised final order is on your dais for that item and it was based on some comments from the appellant and the applicant.

CHAIR HANSEN: Okay. Are there any other changes to the agenda from the Commission? If not, could I have a motion?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I move to approve the agenda as amended.

COMMISSIONER ROYBAL: Second.

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

I. G. Approval of Minutes

1. Approval of September 25, 2018, Board of County Commission Meeting Minutes

CHAIR HANSEN: Does anyone have any changes besides me?

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: I have changes. You have changes?

COMMISSIONER MORENO: Yes.

CHAIR HANSEN: Okay. Great.

COMMISSIONER MORENO: I submitted them to the Manager. They were mostly typos and things like that.

CHAIR HANSEN: Okay. Maybe I'll go over them also. I don't know. On page 12, where it is of the minutes, the first full paragraph, maybe you've changed this. I'm sure to share those pictures. Did you have that change also? Do you see that? I'm sure –

Then on page 13, I think that second paragraph from the bottom, Madam Chair, members of the Commission, the Regional Coalition of Los Alamos, I'm wondering if any of you have ever heard of it – question mark. I think there should be a question mark, because it doesn't get in the news that often, exclamation mark. I think this person was making a joke.

Then on page 14, in the center of the page, on the paragraph that starts with "So", it says "them" in the middle of line 8 down from the beginning of that paragraph, it should be "then" instead of "them. Then on page 15, on the second full paragraph, so the current triad – Triad should be capitalized; it's the name of a company. Then the next paragraph, the second line from the last – the third paragraph, second line from the bottom, "and my – I think it should be many of those subcontractors.

On page 26, under Chair Hansen, I'm reading the letter to Secretary Perry, so it's Dear Secretary Perry, On behalf of Santa Fe County Commissioners, the fifth line down. We join – it shouldn't be joint, it should be join, and then on the third paragraph of the letter, another join instead of joint. And then right after Sincerely, Anna Hansen, the next paragraph, So there is a letter attached here. It should be here instead of her. And then,

SFC CLERK RECORDED 11/29/2018

my last change, is on page 27, under the fifth paragraph from the bottom, where it says Chair Hansen, I had stepped out so it was actually Commissioner Hamilton who was running the meeting at that moment, where it says is there any further discussion while we dither? I know I didn't say that.

COMMISSIONER HAMILTON: Yes. We were dithering to give you time to return.

CHAIR HANSEN: Yes, you were. Thank you. I appreciate it. Those are all my changes. Can I have a motion to approve with changes?

COMMISSIONER HAMILTON: Madam Chair, I move to approve the minutes as amended.

CHAIR HANSEN: And with Commissioner Moreno's changes.

COMMISSIONER HAMILTON: Yes. That's correct.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Roybal.

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

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I do have a request to move an item up on the agenda. If we could move it up to right after the Consent Agenda. That's going to be item VII. A. 1. That's the proclamation remembering and honoring Dr. Valerie Friedman McNown.

CHAIR HANSEN: Are they here?

COMMISSIONER ROYBAL: They should be here by 3:00, so I'm thinking that right after Consent.

CHAIR HANSEN: Okay. Great.

COMMISSIONER ROYBAL: Thank you.

CHAIR HANSEN: That's definitely possible. Thank you, Commissioner Roybal.

I. H. Recognitions

1. Recognition of Years of Service for Santa Fe County Employees

MS. MILLER: Madam Chair, today we're doing something a little bit different than we have done in previous months when we've recognized employees for years of service. As you know, every month, at the end of the month, I've done a recognition for employees that have hit a five-year milestone, and I say five-year consistent stretch of working at the County. So every five, ten, fifteen, twenty, twenty-five years, and at one of the meetings this summer – I believe it was Commissioner Hamilton, who thought it was pretty amazing how many employees we have that have been with the County for a stretch of 20 years or more.

So we thought to look at who at the County hit that milestone and got some different awards for them in recognition for the time that they have spent of consistent

years of service at Santa Fe County. So today we'd like to recognize those. That's why you have so many employees in the chambers. They didn't just come to hear you guys, I hate to say it. They were invited for all of the dedicated service that they've provided to Santa Fe County.

So what I'd like to do is just go down the list that's in your packet and call out the names, and then as I call your name, if you would, come along the front here and Tony will present you with an award and recognition for your time at Santa Fe County. We really do want to express our gratitude for employees who have dedicated so much of your career to Santa Fe County. From my perspective, I think it's a great place to work. It's like we were saying good bye yesterday to Kristine in our office and said, you know, it's like a big family. It's not just a job but it's a place where you spend a lot of time with people, you get to know them well and they start to feel like a second family. So to the Santa Fe County family that has been here for 20 years or more, thank you very much for your dedication, your hard work and your commitment to the residents of Santa Fe.

With that, we'll start in with the County Manager's Office and Finance, who's actually also at the Fire Department, and that's Donna Morris. Donna Morris has been with Santa Fe County for 20 years. She started August 10, 1998 and she does finance work for the Fire administration, but is actually assigned to the Finance Division. Also in the Fire Department, Fire administration is Dennis Patty. Dennis has been with the County since July 1, 1998 and hit his 20-year milestone. Is Dennis here?

COMMISSIONER HAMILTON: Dennis is hunting from what I understand. Very bad – poor confluence of timing.

MS. MILLER: Okay. Then in Community Services, in EMS and healthcare, Marie Garcia. Is Marie here? She's not here either. Marie's been with us for 20 years as of May 20, 1998. Then in Housing, Diana Ortiz-Acosta. Diana's been with us since June 23, 1998. In Land Use, Vicente – I know Vicente's here. So Vicente Archuleta has been with the County since May 18, 1998 and currently is in Building and Development and does an amazing job reviewing plats. Also in Land Use, Vicki Lucero in Building and Development. Vicki's anniversary date is December 30, 1997 is when she started. That was right around the first time I was at the County. I think we started right around the same time.

And then in Public Works, in Building Services, Sammy Romero. And what I can say about Sammy is every organization needs a Sammy Romero. Sammy's been with us since December 8, 1997 in Building Services. And then another treasured employee at Santa Fe County, Frankie Baca. Frankie's been with the County since January 5, 1998 and he's currently in the Open Space program.

Then in the Sheriff's Office, Anthony Maez. Anthony has been with the County since August 31, 1998. Also in the Sheriff's Office, Fredrick Suazo. And Fredrick's anniversary was April 29, 1998. Then back to Housing, we have Victor Gonzales. Victor will be with the County 21 years on December 9th. He started December 9, 1996, and I think, Victor, has that all been in Housing? All at the Housing Department, so thank you for your work.

In Public Works, back to Public Works, we have Jasper Roybal in Property Control. Jasper didn't make it but he's also been with the County for 21 years as of June 30th. In Road Maintenance, Stacy Garcia. Is Stacy here? Stacy's also been with the

County as of three days ago, October 27, 1997 is when he started, so he's been with the County for 21 years. Another individual in our Road Maintenance Department, Richard Chang. Richard's been with the County since October 7, 1996, so 22 years, and I think all that's been in Road Maintenance too, hasn't it.

In Growth Management, Building and Development, Paul Kavanaugh. Paul has been with the County since February 29, 1996. So 22 years. And he started on a leap year day. You only get an anniversary every four years then.

In our Legal Department, Robin Gurule. Robin is in Legal administration. She's been with the County 22 years, since March 19, 1996. When I started at the County 21 years ago she was in Land Use I do believe. Then Lisa Griego, Public Works. She's been with the County for 22 years since July 22, 1996, and she's in administration in Public Works. Then back to our Finance Department, under the County Manager, Dolores Olivas. Dolores has been with the County since October 7, 1996 and she worked in the Finance Department when I was here and I started at the County 21 years ago.

Here's another one. Been around a long time, a few different departments, in Public Works right now. Mark Rodriguez. Mark Rodriguez started at the County 22 years ago on April 1, 1996. Then also in Public Works administration, Robert Martinez, October 10, 1995. Robert's been with Santa Fe County for 23 years and he is a treasure of information. Anything you want to know about any County road, ask Robert. Or anything, for that matter. In our Fire administration, Anthony Ruscetti. Is Anthony here? Anthony's been with the County since March 20, 1995.

Then back to Growth Management/Land Use, we have a little stretch of them here. Socorro Ojeda. Socorro has been with Santa Fe County for 23 years, since July 24, 1995 and she's in our GIS Department, and another one that's been there just about as long, although, Erle, she beat you by a couple of months, that's Erle Wright. Erle's been with the County since September 11, 1995. And then heading up that department, Growth Management, also known as Land Use way back when, Penny Ellis-Green. She doesn't feel well so she's not going to come and get anybody else sick. But Penny's been with us since June 1, 1995.

Then in Risk Management in the Legal Department, Mark Lujan. Mark has been with the County 23 years as of May 23, 1995. Then in the Assessor's Office, Angie Tapia. Angie takes us into the 24 years of continuous service at Santa Fe County and she's in the Assessor's administration, and she started at the County on October 24, 1994. In the Treasurer's Office, Marianne Martinez, been with the County since October 11, 1994, 24 years.

Back to Public Works, another one with 24 years, Anthony Gallegos. And where every organization has a Sammy, you must have an Anthony to go with him. So Anthony started with the County November 3, 1993, 24 years. In the Clerk's Office, reporting and recording Esther Artino. October 3, 1993. She tops it out with 25 years this past October.

Okay, the last three are in Public Works. In Public Works, we have Mike Romero. Mike started at the County on June 14, 1993 and that's 25 years with Santa Fe County. Also in Public Works with 25 years, since December 3rd, Joseph Martinez. Joseph is in our Solid Waste Division. And then the record holder of them all with 33 years at Santa Fe County, since August 30, 1985, Alan Vigil. And Alan is in our Road Maintenance.

So, Commissioners, I present to you the County employees with 20+ years of consistent service.

CHAIR HANSEN: I would like first of all, to say congratulations. What an accomplishments. But I think we also need to take a picture, because it wouldn't be proper not to recognize you and have you on the website. And I know that the other Commissioners want to say a few words, so I'll begin with Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. The first thing that I want to do with the utmost respect and admiration for each and every one of you is do this.

CHAIR HANSEN: Is that a new wave?

COMMISSIONER ANAYA: So Madam Chair, members of the Commission, esteemed, tenured employees of Santa Fe County, I just wrote some words as in reading each of your names that reflects my appreciation for what you've done to set the example, to lay the groundwork, and to support not only your fellow colleagues but the County and the public at large. Tenure, dedication, service, community, communication, commitment, teamwork, support, laughter, longevity, work, pleasure, knowledge, and I put wise guy in here. I'll let you guys figure out who I'm talking about there. But I just want to say, as a former colleague of many of you, working alongside you, that I've appreciate your work when I worked with you. I've appreciated your work when I wasn't at the County, and I've been humbled as a Commissioner and thank you for what you do day in and day out.

And I want to just say, muchisimas gracias, to Donna Morris, to Dennis Patty, to Marie Garcia, to Diana Ortiz-Acosta, to Vicente Archuleta, to Victoria Lucero, to Sammy Romero, to Frankie Baca, to Anthony Maez, to Fredrick Suazo, to Victor Gonzales, to Jasper Roybal, to Stacy Garcia, to Richard Chang, to Paul Kavanaugh, to Robin Gurule, to Lisa Griego, to Dolores Olivas, to Mark Rodriguez, to Robert Martinez, to Anthony Ruscetti, to Socorro Ojeda, to Erle Wright, to Penny Ellis-Green, to Mark Lujan, to Angie Tapia, to Marianne Martinez, to Anthony Gallegos, to Esther Artino, to Mike Romero, to Joseph Martinez, and to Alan Vigil. Muchisimas gracias.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: I also would like to tell all these employees thank you. It's a heck of an accomplishment and I do remember working with quite a few of you when I worked here on the staff before. I worked with Angie in the Assessor's Office and Marianne, Anthony Gallegos, Esther Artino, Mike Romero, Alan Vigil and Mark Lujan. I remember working with all those individuals and some of you guys I came in after, kind of shows how long it's been. I worked here, I think from 93 to about 97, so it's really been some time and I just really have to take my hat off to your accomplishment and just thank you all for your dedication and commitment and your hard work for the County.

If you add up all the years of experience that you all have it's pretty close to 600 years. So that really says a lot and that's what builds the foundation of the County. You guys are the heart and soul. So I really appreciate every single one of you. Thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I wanted to start by mentioning for those of you who didn't have a visual, that Commissioner Anaya was acknowledging you guys with a movie reference to *Wayne's World*: We're not worthy. I think you should be happy about that. And also I want to really thank County Manager Miller and Deputy Manager Flores and everybody else who took this comment I made and really carried it forward, because it was just so impressive, the people have had the opportunity to work with, on coming to two years, which is a drop in the bucket compared to what's represented here.

The quality of your expertise and your commitment and it just made me so happy to be associated with you and to be working here, that it's really what makes it a good experience and it's what makes us all able to feel like we're really contributing something to everybody's daily lives. And it's part of the reason I wanted to do this and part of what convinced me that it wasn't an egregiously stupid idea, was everybody that's here at the County making the planning and the address of everybody's daily needs a reality. And so it's really from that point of view that I really thank you for your service and thank you for the collegial atmosphere and the opportunity to work with you. Thank you.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I commend you all for sticking it out. I don't have the record that matches anything that you have already achieved. I was a job-jumper during my career and I applaud you because it does take a lot of dedication to hang in there and I know probably most of you thought about leaving the County once or twice. But I'm happy that you're here, still working and coming to work and doing the work that you've been doing for so long. I applaud you.

CHAIR HANSEN: Manager Miller.

MS. MILLER: Madam Chair, I just want to thank these employees. They hit a major milestone of 20, 25 years but we have a lot of employees who have been here and then left and then come back, and keeping that experience and that knowledge at the County or bringing back after you had gained even more is really a valuable resource for Santa Fe and these truly are a whole value as an organization, are the employees and how much of themselves and their commitment and their sense of community that they put into their jobs and I just want to thank them. I started here 21 years ago and it was so nice to come back eight years later and see people like Sammy and Vicki and Vicente and Frankie that I had seen before. It was like coming home, something that Tony brought up yesterday. So I just want to really express my appreciation for how much you do for the County.

And I'd also like to recognize Sonya? Because this was your idea, Commissioner. Sonya is the one who put it into action and got everything organized.

COMMISSIONER HAMILTON: Thank you for bringing that up.

MS. MILLER: And that was it. Thank you.

CHAIR HANSEN: Thank you. I want to thank Commissioner Hamilton for bringing this forward. It was a great idea. I really applaud her idea and thank you, Sonya, for implementing it. That's really fantastic. I want to recognize a few people who I have worked here with for a long, long time. Although I have not been at this position for a long time I have had experience here at the County with the Land Use Department and I had the pleasure of working with Vicki Lucero and Vicente and Paul Kavanaugh

and Penny Ellis-Green, who happens to be my neighbor down the street. We live on the same street.

So I have known these individuals for a good 15, 18 years, and it is such a pleasure to be here and to be able to recognize all of your accomplishments, everybody in this room who works for the County and your dedication. From the people in the Assessor's Office, to the people in the Treasurer's Office, to the Clerk's Office, to the Public Works, to Finance, to the County Manager's Office. I'm sure I've left some off. Everybody has worked so hard here and it is such a gift to have such incredible employees and I am just honored to be a part of you and I'm happy to have the opportunity to work with all of you, especially Tony also, who loves to tease me. As he does many of us.

It's a great team here. We are really lucky to work in such a great place. So I just want to say that personally, from myself, and I know the Clerk wants to say a few words and after she says a few words, then I would like to take a picture.

CLERK SALAZAR: Chair Hansen, Commissioners, I want to thank you for acknowledging all of our staff who are career employees. Running an office I understand how important it is for the career employees to be available and be there and pass on that knowledge, especially people like Esther Artino who has been in the Clerk's Office for 25 years. She takes pride in her work. She educates all of our younger employees, and I encourage employees that we bring on board to consider careers in Santa Fe County. It's a wonderful place to work.

If you have joy in what you do and you treat people with respect and kindness, they will acknowledge who you are as a government worker. A lot of times government workers get the bad rap, but I tell you Santa Fe County is known for customer service, excellent customer service. So thank you all for your commitment to the work that we do in Santa Fe County.

CHAIR HANSEN: So please come forward with your trophies and we'll take a picture. I think the Commissioners can stay up here.

[Photographs were taken.]

I. H. 2. Introduction of New Santa Fe County Employees

MS. MILLER: Madam Chair, just as we like to celebrate employees who have been here for a long time, we also like to celebrate those new employees, people who choose to make a career change and move to the County or start their career at the County. And at the end of every month we also list from the previous month all of the new hires. If you're in the room please stand up but I mainly do this just to recognize them and hope that if you haven't had a chance to meet them you get to in the near future.

So I think that I actually did introduce Rick Word in our Legal Department before, but our new Assistant County Attorney started on September 1st. We also had in the Clerk's Office, Marcos Saiz who started on September 1st. In the Sheriff's Office we have Deputy Cadet Alexander Chairez, and Sheriff's Deputy II, Joshua Deets.

In Land Use, Mark Jurgens, who is a new GPS technician. In Corrections, we have Mario Baca, a maintenance technician, and Patricia Maher who is a detention

officer. And then in our Fire Department, a fire protection specialist I, Adrian Perea. And then at our dispatch center, Craig Hamilton who is a new trainee. And then in Public Works Projects, project manager I, Adrian Salazar. So I'd just like to welcome those new employees. They started at the beginning of September but I'm sure you'll have an opportunity in the near future to work with them.

CHAIR HANSEN: So welcome to all the new employees. It is great to welcome you here, especially after you can see how much we appreciate our 20-year employees and we usually recognize all of our five and ten and fifteen-year employees. So welcome to Santa Fe County. We look forward to your service and time here with us.

I. H. 3. Recognition of Santa Fe County Employee of the Quarter, 3rd Quarter of 2018 Awards

MS. MILLER: Madam Chair, Santa Fe County also has an employee recognition program for those employees who in the previous three-month period made a significant contribution to Santa Fe County. It could include just something like excellent service to our constituents, developing or implementing new programs that would benefit the organization. Could be providing exemplary performance in their daily job duties, demonstrating a willingness to work above and beyond the call of duty, or some other contribution that a nominator feels is important to recognize.

The process starts where we have our designated recognition teams and those recognition groups make a nomination. So we have department and elected office employees of the quarter for their group, and then those six either department or elected offices, if they've nominated somebody they go on to the Countywide Employee of the Quarter nomination.

This past quarter we had five employees that made it to the Countywide nominations and in your packet those five individuals are, first of all, in the Community Services Department and area, Maria Lohmann, and she's in Growth Management in the Planning Division. She's a senior planner and she's been with the County since September 25, 2013. Maria has been with the County for those five years and took on a leadership role early in her career. She's always willing to help others complete projects and organize work while assisting the community, staff and other stakeholders. Some of Maria's accomplishments this past quarter include the development of best management practices and monitoring protocols and stewardship outreach practices for open space, trails and parks in Santa Fe County. Is Maria here? There she is.

The second nominee is in our Public Works Department, Colleen Baker. Is Colleen here? Colleen is a Project Manager III, works on open space and trails projects in our Public Works Department. Colleen has been with the County since October 6, 2003 and she is a very committed team member with Santa Fe County in the open space and trails program. She's focused her 15 years here in that area and her time at the County embodies the very heart of the program. Colleen is always looking towards the future and works to include the community vision ideas into her work. Thank you, Colleen.

From the Support Services group, we have Adamina Pino. Adamina works in our Finance Division of the Manager's Office. She's an accounts payable supervisor, and she's been with the County since January 9, 2006. During Adamina's tenure with the

County she has played an integral part in the development of a successful accounts payable section within the Finance Division. Adamina has improved policies and procedures in the accounting manual for accounts payable, implemented the County travel policy and compliance with state and federal rules, and shown a successful pattern of management and supervision. Thank you, Adamina.

From the Public Safety group, Matthew Duran. There he is. Matthew is a case manager in our Youth Development Program. He's been with the County since March 12, 2012. In addition to his regular job responsibilities, Matthew readily offers to help with tasks in areas not assigned to him, such as conducting interviews for security staff positions, performing quality reports, and conducting staff training. He is a role model to other staff and his work is greatly appreciated. Thank you, Matthew.

Then out of our elected offices group, Randi Estrada. Randi is an appraiser in our Assessor's Office. She's been with the County since May 27, 2017. In her short tenure with the County Randi has developed a solid reputation by displaying a great work ethic and important values of fairness, equality, honesty and quality work and service. She has demonstrated the ability to be a strong team player while at the same time showing her competence to take initiative and work independently. Thank you, Randi.

With that, Commissioners, each one of the employees who is nominated as an Employee of the Quarter within their group receives a certificate of appreciation and also receives a letter than they have been nominated for that and have received two hours of administrative leave from the County Manager's Office. Then for the employee who receives the Countywide nomination and award receives a certificate as well as eight hours of administrative leave and a recognition award for their desk. And the award is this one and the winner of this award for the 2018 third quarter for the Countywide Employee of the Quarter goes to Colleen Baker.

CHAIR HANSEN: Congratulations, Colleen. Speech?

COLLEEN BAKER (Open Space and Trails): I'm out of words. Thank you. Thank you, Commissioners. Thank you, County Management. And thank you to all my colleagues. It's an honor really working here with all of you and quite a surprise to get something like this because I know how hard everyone here works. And I work alongside everybody every day and I certainly can't do anything I do by myself. So thank you, everyone, because I know what it takes – certainly a team. Every time we try to get something through a process it's a team and we all keep each other going too.

Thank you also to the community of Santa Fe for allowing me for the last 15 years to work in a program that I really love and feel is very meaningful to me to be a part of. And also for supporting Santa Fe County's visions for sustainable future for all of our community and Open Space and Trails being part of that. So I really feel like it's been just an excellent opportunity to work for Santa Fe County all these years and as part of the larger Santa Fe County of all Santa Fe County. So this is quite an honor. Thank you very much and here's to several more.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Maria, Adamina, Matthew and Randi, thank you so much for your efforts, day in and day out. Maria, you don't know this, but I had a constituent of Commissioner Moreno call me just a few days ago and said that professional woman at the County needs two or three haloes for the

work she does in the community, and keep her. And so I just wanted to pass that on. Commissioner Moreno and yourself, thank you. But thank each and every one of you for those efforts.

Matthew, today you're just outnumbered as well, sir. A lot of professional competition but each of you have done extensive and good things for the County. And Colleen, lastly but most assuredly not least, You've done an exceptional job. There's been some tough times but you've always worked in a professional manner. You've always done great things for the community, for the Commission, for your fellow colleagues and it shows for those efforts. So congrats and all of you keep up the good work. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya. Commissioner Hamilton.

COMMISSIONER HAMILTON: First of all, Commissioner Anaya is right. What a group of the five of you to be represented here, the level of work you all do and to be picked from among them is a tremendous thing but thank you to each one of you. Interestingly – there's so much to say so I'm going to pick something not trivial at all but small. Months ago, maybe last year. Maybe the first ones of these kinds of things that I ever participated in up here, Commissioner Anaya said something, when somebody in their speech said it's really a team effort, and he commented like that's the hallmark of somebody who really is a wonderful leader, like leading with everybody, not apart from them. And lo and behold, that's exactly what you said, and it was a good comment then and it's a good comment now. It's just emblematic of the way we work here and why it's so wonderful to work with all of you and to be part of the group.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to ditto a lot of the same comments that were made by my fellow Commissioners and also just add that it really is the biggest compliment to be recognized by your peers. A lot of times that's where – your peers are the ones that actually see the work and what you guys do so for them to nominate you really says a lot. And for Colleen, we've worked on different projects and I've come to you to kind of update me on different projects in my district and you've always been professional, courteous and positive and I really appreciate that. And also with Maria, we've gone out to different projects that you're working on in my area too as far as open space and it's always been a pleasure to be out there. I'm always proud of the staff. All of you guys to do a great job. I just want to say congratulations and keep up the great work. We really appreciate it. Thank you.

CHAIR HANSEN: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I can't embellish this but it's a great today that you get recognized for the work that you do for all of us and day after day, work with your team. I think that this is a very good way to recognize people and I'm glad this program is going strong. Thank you.

CHAIR HANSEN: Thank you. Congratulations to all of you. It is definitely a worthwhile program that we have here that the County Manager has instituted because valuing employees is really great. I've had the pleasure of working with Maria and I've had the great pleasure of working with Colleen for at least 15 years since she first started, when I was at Oshara and we were working on the Arroyo

Chamiso Trail and I remember you coming out to Oshara and stomping around with me in the dirt before there was anything else there and it was really great that I got to have that experience and I'm grateful that I've had experiences working with a lot of people at the County for over a longer period of time, because now being a Commissioner I really appreciate the hard work that you put in.

It's really rewarding, especially in my own district, the El Camino Real Trail, which is so important to me and to my constituents and to all of the county, to have a national historical trail that is in our districts and I want to thank Commissioner Anaya also for making sure that that happened before my time. It's really important and both of you have worked on that and I'm grateful. I'm grateful to all of the other employees also that have been recognized because without your hard work here we wouldn't have the kind of support and values that everyone appreciates and why people want to stay at the County. So I just want to thank you all for being here, for working hard on behalf and every constituent in the county's behalf because they are the ones that are reaping your rewards is our constituents. And so thank you so much and congratulations all of you, and I look forward to the next quarter when we see who our great employees are. So thank you for your hard work. We want to take a picture, so I will have Tessa Jo take a picture. Tony will hand out all the goodies and we'll come down. Manager Miller, did you want to say anything or are you good?

MS. MILLER: No, but I do have something to add to the last one, when we finish the picture.

[Photographs were taken.]

MS. MILLER: Madam Chair, real quick, before we go to the next item, if I could. I was remiss when we did our consecutive years of service, because once somebody becomes an elected official we don't count their years the same way as employees, but Gus Martinez, our County Assessor, has been 21 consecutive years as of October 3rd with the County in our Assessor's Office. So I just wanted to recognize that.

CHAIR HANSEN: Congratulations, Gus. Assessor Martinez.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: For what it's worth, I think he should get one of those trophies too, right?

I. H. 4. Recognition of Paul Olafson, Planning Projects Manager on Receiving the Professional Planner Award from New Mexico American Planning Association

ROBERT GRIEGO (Planning Manager): The New Mexico Planning Association recognized Paul Olafson with the Professional Planner Award at the 2018 APA New Mexico annual conference in Las Cruces, New Mexico on October 11th of this year. The purpose of the award program is to recognize outstanding planners and planning projects throughout New Mexico. The professional planner award is given to a planner who has made noteworthy contributions to the field of planning over a sustained period.

Paul Olafson has made significant contributions to the field of planning for over two decades since his days working in the Peace Corps, while he worked in Thailand. He also worked with other non-governmental organizations overseas. Paul earned his masters in community and regional planning and a master's degree in public administration from UNM. He's worked for the County since 2000, so not quite eligible for the award but close. He's worked in multiple capacities here at the County in multiple departments including the Projects and Facilities Management Department, which is now defunct, the Public Works Department, he's worked with the Growth Management Department and the Land Use Department in the County.

He's taken on a wide array of difficult projects over the years, including work on the district courthouse when he was working with Santa Fe County Projects. Extensive remediation was necessary and safety protocols necessitated an extra level of project management which Paul oversaw.

The building site created challenges including the gas efforts. Paul successfully concluded the project which resulted in the beautiful courthouse that exists today. Paul serves a variety of roles now as the Planning Projects Manager and is currently working on the County's 20-year capital improvements plan. He's also working on the County administrative building project team, in addition to his work within the office.

Paul is a true leader. He's always courteous and kind to both employees and the public. He watches out for his team. He is always the face of the County as part of his role and in his years of experience he always provides a good role for the County serving as both a facilitator, he communicates well with the public and the public knows that they can count on him to follow through on any items that may come in.

I've known Paul for over 20 years. I was in the master of community planning program with him and I have known him as a very strong leader who is both ethical and follows through on what he does, and I'm pleased to present this at the Commission today.

PAUL OLAFSON (Projects Manager): Hi. Well, thank you very much, Robert. That was very nice, and to echo Commissioner Anaya, after all the other people we've seen and heard from today I feel that I am not worthy to everyone here. It's a really great place to be and we talked today about family and I've been here 18 years now and so I've had a chance to work with a lot of different managers, a lot of different attorneys, employees, Commissioners, and just a huge number of great people. Of all the people that were up here for 20 years, I've worked with almost every one of them and it's a real honor to be in that company and in that crew.

And as the Commissioners mentioned, it's not a me, it's a we, and you can't do any of this stuff without the we. And during these 18 years I've had a chance to grow and do things and do really hard things and stand up here and sweat in fear and go out to the public and sweat in fear. But also to get some things done, and that's the real pleasure and beauty of it. We work hard and we're doing it for the benefit of our community, of our friends and our family and our general community, and that's the joy of this work.

It's been a real pleasure to work with Robert. Our current planning team is just fabulous. Just today, we had Maria and Colleen up here for open space work and recognition of the fabulous work they do. We have just a wonderful group. And we have had support from the elected officials and from management and that's what makes it

happen. So it's been a fun journey. I've had a chance to start a family, learn a lot and I hope to continue on, probably not to 35 years but maybe a few more. And I just want to thank you all for the chance.

CHAIR HANSEN: Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to tell Paul that it's been a pleasure to work with you. I hope we have at least another ten years, but I don't know. We'll see. There's been times when we've met out with the community in the different community centers and you've always presented yourself really professionally, and that's something that's really important to a Commissioner, and so I think that you've done a great job and I just want to say congratulations. Thank you.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. I don't know but I think the first time I met you might have been a presentation of an early version of the new building down the street. My how the time flies, right? You seem to me to be a person who can tackle anything. I have friends who were in the Peace Corps who know that experience changes people; it makes them stronger. I worked with a man just like that for quite a while and I'm not surprised. You have really come to this place because you've earned it and I'm really happy that you get this recognition of your peers in the whole state. That's great. Congratulations.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So now I'm County Commissioner but when I first met Paul he was helping me just as a constituent and as the president of a water association. That's how we interacted first, and for years, the level of assistance that you were able to provide was so appreciated, and it was such a benefit. It taught me so much about even what I needed to know about project development and applying for funding, and about the process. It was an incredible help. So you know now that I've come here as a Commissioner, being able to work together and knowing the level of service that you provide and the level of expertise is really amazing. And it's really wonderful that we as a County get to work together and then recognize that level among ourselves.

But I want to point out that this is also recognition by an external set of peers. It's a much broader – it's a different standard. It doesn't diminish the value of our internal recognition but this is at a professional level of people all over the state who do this kind of job. It's an outstanding achievement and congratulations on doing that.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'll preface this brief comment by saying that it's meant with the utmost respect and admiration and it's a quote out of my late father's book of his sayings that he said over and over again, so Paul is so good – let me say it again – [How good is he? Responds the audience] Paul is so professional, open, ethical, good with the public, that he could – he's the kind of guy that can tell you to go to hell and by the time he's done, you can't wait to get there.

I will tell you, Paul, my dad didn't say that often but he only said it to people that he knew were sharp as a tack, but also had the demeanor and the calmness and the respectfulness to hear people out and to understand their feedback and try and work

through solutions, ultimately. So I say that respectfully. Good job. Keep up the good work.

CHAIR HANSEN: Thank you, all the Commissioners. Thank you, Paul. It's been a pleasure to work with you so far as my term as a Commissioner. Like Robert, I worked with Robert before but I had never worked with you before I came here as a Commissioner and it's been a pleasure every time I need help or an answer to something, you have always been there to help me and I'm grateful because without the kind of staff that we have at the County, we couldn't give the service to our community and our constituents without the staff support, because you are really who we are. We just happen to be the representatives of this great County and it's really the staff here that makes it so. So I want to thank you very much and I think it's fantastic, the recognition that you're getting from your peers. It's well deserved, probably long overdue and it's important. It's always important to be recognized by our peers. So congratulations again. Thank you.

[Photographs were taken.]

II. CONSENT AGENDA

A. Final Orders

1. BCC Case # SLAP 18-5120 Glorieta 2.0, Variances Appeal. Mike Adney and Jeff Hanus, Appellants **ISOLATED FOR DISCUSSION** [See Page 24]

B. Miscellaneous

1. **Request Approval of County Health Care Assistance Claims in the Amount of \$23,614.88 (Community Services Department/ Patricia Boies)**
2. **County Line Extension and Water Delivery Agreement Between Santa Fe County and John Ballew for Avanti Business Park (Utilities Division/ John Dupuis)**
3. **Request Approval of Lease Agreement No. 2019-0036-PW/FD/SO Between Santa Fe County and XCell Towers II, LLC for the Lease of Cabinet and Antenna Tower Space on Tesuque Peak for Use by Public Safety for Certain Electronic Communications Equipment (Public Works Department/Terry Lease)**
4. **Request Approval of Agreement No. 2018-0141-T-PW/IC for Various Automotive Parts, Equipment, Tires, and Miscellaneous Supplies for the Public Works Department and the Fire Department and Grant Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor)**
5. **Request Approval of Multiple Source, Multiple Year, and Indefinite Quantity Contracts Nos. 2018-0288-A-PW/MAM, and 2018-B-PW/MAM to Provide Installation of Roadway Guardrails, Barrier Cable & Component Services for Existing County Road Improvements and Maintenance Projects;**

SFC CLERK RECORDED 11/29/2018

**Granting Signature Authority to the County Manager to Sign
the Purchase Orders (Purchasing Division/Bill Taylor)**

C. Resolutions

- 1. Resolution No. 2018-112, a Resolution Requesting a Budget Increase to the Fire Impact Fee Fund (216) for Facility Improvements to Various Fire District Stations / \$262,456 (Finance Division/Stephanie Schardin Clarke)**
- 2. Resolution No. 2018-113, a Resolution Requesting a Budget Increase to the Lodger's Tax Advertising Fund (215) for Additional Revenues and Expenditures Totaling \$250,000 (Finance Division/Stephanie Schardin Clarke)**
- 3. Resolution No. 2018-114, a Resolution Requesting to Budget Revenue and Expenditures for BLM Award No. 14L2218P0015 in the Amount of \$15,000 (Finance Division/Stephanie Schardin Clarke)**

CHAIR HANSEN: We already have II. A. 1 pulled and put under Action Items. So what is the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: With the exception of A. 1 which is pulled, I'd move to approve the Consent Agenda.

CHAIR HANSEN: Do I have a second? Commissioner Anaya seconds.

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

[The County Clerk provided the resolution and ordinance numbers throughout the meeting.]

VII. MATTERS FROM COUNTY COMMISSIONERS

A. Presentations and Proclamations

Approval of a Proclamation Remembering and Honoring Dr. Valerie Friedman McNown "Dr. Val," Dr. Wilfred Friedman, Mrs. Ann Friedman

COMMISSIONER ROYBAL: Thank you, Madam Chair. Today we have a proclamation remembering and honoring Dr. Valerie Friedman McNown, Dr. Val, Dr. Wilfred Friedman, Ms. Ann Friedman, for the heartfelt activism, sincere devotion and love for their community. I'm going to go ahead and read the resolution into the record. It's pretty long so bear with me.

Whereas, Dr. Valerie Friedman McNown, MD, also known as "Dr. Val" was born in Messina, New York in 1916. She was raised in the US and Canada and graduated from Michigan State University in 1938. In 1945 Dr. Val graduated with an MD from McGill University in Montreal, Canada. After completing her pediatric residency at Children's Memorial Hospital in Montreal, Canada and Children's Hospital

in Columbus, Ohio, she worked as a contract physician with the US Government in Los Alamos, NM, from 1948 to 1950; and

Whereas, in 1948, Dr. Val was the first member of the Friedman family to move to New Mexico Pojoaque Valley as a pediatrician on loan to Los Alamos Medical Center from the Children's Hospital in Ohio; and

Whereas, Dr. Val fell in love with the Pojoaque Valley and decided to make it her home forever. In 1955 she married Allen McNown, well-known architect and they two children, Mark and Sari; and

Whereas, Dr. Val opened her own practice in a renovated, tumbledown house on the main road in Nambe. Allen McNown moved his architecture business to the same building. Allen designed many buildings in the County, including the Pojoaque Elementary School; and

Whereas, when Dr. Val began private practice, fees for visits were only \$ 2.00 to \$3.00 and often patients paid their fee in vegetables or fruit. Doctors being scarce, Dr. Val also found herself making house calls on cattle. Also during this time, she traveled and worked at state-run health clinics in Pojoaque, Chimayo, Truchas, Tierra Amarilla., Taos and St. Vincent's Hospital in Santa. Fe. She was later recruited by Dr. Sam Ziegler, who built Española's first hospital. Dr. Val joined Dr. Ziegler in establishing a pediatric care unit in the Española Hospital; and

Whereas, Dr. Val delivered and cared for nearly 5,000 babies during her practice. She drastically reduced the infant mortality rate in Rio Arriba County. Her hard work, dedication, and love of the people of this region kept her going at a furious clip for nearly 40 years until she retired in 1987 due to her first bout with cancer; and

Whereas, in Dr. Val's words: "I am old-fashioned enough to still think a tongue depressor, an otoscope, and a stethoscope can get you started, that coupled with knowledge, your innate good sense, your ability to ask questions and listen, and your caring attitude will get you the love and respect of all who come in contact with you. What else is there?" and

Whereas, Dr. Val was honored in October 1998 as a Santa Fe Living Treasure and as described as "A saint for the babies of Northern New Mexico"; and

Whereas, following their retirement, Dr. Val and Allen McNown opened an antique shop in their Nambe home which kept them busy for many years; and

Whereas, Dr. Val died on June 16, 2004. In her obituary, which she wrote herself to friends and family, she said: "I have had the most wonderful, happy, rewarding and fulfilled 87 years. Thank you for sharing them with me."

The next one is Dr. Wilfred Friedman.

Whereas, Dr. Wilfred Friedman was born to Eugene and Juliet Friedman in 1919 in Messina, New York. After earning a degree in engineering, he returned to university to study medicine. Dr. Friedman earned his medical degree at McGill University in Montreal, Canada. He met Ann Morris on a blind date and it was love at first sight. They married in 1953, just as he was graduating from medical school; and

Whereas, Dr. and Mrs. Friedman moved to Pojoaque, NM, in 1956 with their three daughters. Two more daughters followed, completing the family; and

Whereas, Dr. Wilfred Friedman worked in Española, Los Alamos and Santa Fe as a urologist and eventually set up private practice in Santa Fe; and

Whereas, Dr. Friedman was a very dedicated and compassionate physician and made house calls in and around northern New Mexico and offered free services to those in need or traded for work; and

Whereas, Dr. Friedman learned nearly every trade there was (self-taught) and built their famous family home in Nambe "El Caracol". This house was a work of art and hard work. It had a unique architecture which was designed by architect Allen McNow. The family was involved in all aspects of its construction, including the making of the adobe bricks; and

Whereas, Dr. Friedman was extremely dedicated to his community and was always willing to lend a helping hand to anyone in need; and

Whereas, Dr. Friedman taught his five daughters, "you can do anything you set your mind out to do." Getting an education was most important to Dr. Friedman. He and his wife supported their children not only in school, but learning to swim, ski, hike, care for animals and travel; and

Whereas, Dr. and Mrs. Friedman hosted a Cabrito Community Party every summer, inviting many of those new to the valley to meet those who have lived in the valley for years. They both felt it very important to celebrate and create community; and

Whereas, Dr. Friedman retired in 1985 and he and his wife Ann moved to Santa Fe in 1990. Dr. Friedman worked for a few years at the Gerald Peter's Gallery in Santa Fe which was a complete joy for him learning and doing something different; and

Whereas, Dr. Wilfred Friedman passed away July 5, 1995 in Santa Fe.
And we have Mrs. Ann Friedman.

Whereas, Ann Helen Morris Friedman was born in Chantilly, France on May 4, 1926. She grew up in England with her parents and two sisters; and

Whereas, Ann H. Morris Friedman graduated with a degree in physiotherapy before she immigrated to Canada. It was there that she met and married Wilfred Friedman; and

Whereas, Ann Friedman and her husband Dr. Wilfred Friedman moved to Pojoaque in 1956 where they raised their five daughters, Caroline, Diane, Wendy, Julie and Michele; and

Whereas, Ann's motto in life was: "just do it"; and

Whereas, Ann and her husband Dr. Wilfred Friedman built the famous El Caracol family home which included adobe making and anything else that presented a challenge to her; and

Whereas, she planted and tended to a huge garden, managing the irrigation ditch and cooking delicious meals from her garden vegetables; and

Whereas, she and Mr. Friedman built a swimming pool in their backyard. They generously opened their home and pool to the community, gave lessons for many years and thereby fostered a community spirit. The swimming pool became a Pojoaque Valley resource and Mrs. Friedman taught lessons to both children and adults; and

Whereas, Mrs. Friedman rode park horses in the mountains in and around the Pojoaque Valley which she enjoyed very much. She taught her daughters to ride horses too; and

Whereas, Mrs. Friedman organized the first Girl Scout Troop in the Pojoaque Valley and served as its troop leader encouraging other mothers in the community to learn and participate as well. The Friedman home was often filled with Girl Scout cookies floor to ceiling; and

Whereas, Mrs. Friedman organized the first Ski Program in the Pojoaque Valley helping with transportation, equipment and ski lessons; and

Whereas, Mrs. Friedman was an elected School Board Member of the Pojoaque Valley Schools even after her children were out of school; and
Whereas, Mrs. Friedman was very adventurous and felt it important to take her family on trips to many parts of the world; and having learned from their mother, her five daughters, also adventurous world travelers; and

Whereas, Mrs. Friedman retired in Santa Fe and was a member of the Santa Fe Rose Society, which was one of her passions. She also loved to play golf and enjoyed her weekly yoga classes; and

Whereas, Mrs. Friedman died peacefully on July 22, 2018, after what she described as a “splendid afternoon with family”; and

Whereas, on the day Mrs. Friedman died, when asked by her great granddaughter, Tule, “what is the secret of a long life?” Mrs. Friedman replied: “behave yourself, travel – because the world is such a big place, and remember that life changes”; and

Whereas, Santa Fe County is saddened by the passing of Dr. Valerie Friedman McNown, Dr. Wilfred Friedman and Mrs. Ann Friedman and hereby expresses its heartfelt condolences to their family, friends and colleagues.

Now therefore, be it proclaimed, by the Board of County Commissioners of Santa Fe County to recognize Dr. Valerie Friedman McNown, Dr. Wilfred Friedman, and Mrs. Ann Friedman for their dedication and generosity to their community, for creating community spirit and for their devotion and love of their community.

Be it further proclaimed that the first Saturday of every May be considered Friedman/ McNown Family Day by picking up where they left off and continuing their tradition of a yearly party to celebrate and continue creating community with old and new. Passed, adopted, and approved on this 30th day of October 2018. And it will be signed by all the County Commissioners, Commissioner Anna Hansen, Commissioner Henry Roybal, Commissioner Ed Moreno. It will be signed by our County Attorney, also our Vice Chair, Anna Hamilton, Commissioner Robert Anaya. County Manager Katherine Miller. And it will be attested by our distinguished County Clerk, Geraldine Salazar.

So thank you for your patience. I’d like to move that we approve this resolution.

COMMISSIONER ANAYA: Second, Madam Chair.

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

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I'd like to just add to this resolution and just thank the family for the contribution and dedication and love that they showed to the valley and it will never be forgotten. One thing that I will also say is that from all the services and compassion that they showed to the community, it's my honor to be here today to recognize this family and also Dr. McNown was actually my doctor when I was growing up as well, so it means a lot to me. Thank you.

We do have the family here and I think we should allot some time for them to say some words, Madam Chair.

CHAIR HANSEN: Yes. Would you like to come up and introduce yourselves?

DIANE FRIEDMAN: I'm Diane Friedman, one of the daughters and I just feel really honored that our family is being recognized. And I want to thank Gail who called me just a couple of weeks after my mom died and sort of said, we want to do this. Your mom gave us so much. This is just really special. Thank you.

CHAIR HANSEN: Thank you very much.

COMMISSIONER ROYBAL: Is there anybody else that would like to say anything? Please come forward.

PAM BERONI: Good afternoon. My name is Pam Beroni, and I became a sixth or seventh daughter with this family, and little did we know how long ago our small community would be affected by the Friedmans. They came to town with this snail house and five girls. Oh, my gosh. Mr. Friedman, inundated with girls all around, sometimes referred us as George. George I, George II. A fine man. Dr. Wilfred was a fine doctor, a dad and a grandpa. We miss him. Ann, as the stay at home mom because a pillar of the community. Community liaison, board member, community advisor and Girl Scout leader extraordinaire. Liaison with the school system, and finding funding for several programs as is stated in the proclamation. Ski program, swim program, ice skating, Spanish club. Just completely involved with the school and her children and us, her stepchildren.

As a Girl Scout extraordinaire she taught us survivor skills, taking us through the ins and outs of Girl Scouts. Hungarian goulash down by the river. Cooking campfires. Then going to swim lessons. Swimming. I mean, she took us to Dendahl's downtown and we bought some of the best material to make our dresses for school. So your parents' home became our home away from home and my mom said it was a safe place. I always felt safe with my girls being at their house and in their pool. And then came the Cabrito and Cerveza parties. Yay! We could all be together. Boys and girls from the high school, middle school and high school. And that's were some of us are from. High school teacher. All of us are classmates of our dear departed older sister, Caroline.

The cerveza parties showed sharing, caring, giving more, granting us the opportunity to experience so many opportunities and teachings. Mainly to learn to love and to share. What leadership. So proud as a girl scout under Mrs. Friedman's command. Even now I'm proud to say, I am prepared. Both parents certainly prepared us for the best things. Your parents and grandparents opened up their home and their hearts to our community. Being so blessed to have had the opportunity to be a part of your family and

their contributions to the Pojoaque Valley community, and they were. Sincerely and respectfully.

CHAIR HANSEN: I thank you very, very much.

GAIL MARTINEZ: Good afternoon, Commissioners. I just want to thank you so much for approving the proclamation for these wonderful people. I'm a crybaby so I'm not going to say a whole lot more but my family and I were honored to have these people in our lives and I'm so glad that Diane and her husband are here and I would like to again thank you all for this. We really appreciate it.

CHAIR HANSEN: Thank you.

CLERK SALAZAR: Chair Hansen.

CHAIR HANSEN: Yes.

CLERK SALAZAR: I'd like to acknowledge Dr. Diane Friedman, who is a medical doctor, and I had no idea what an incredible hero and role model you had, a mother who was your role model. And you're an excellent doctor too. And I also want you to know in the over ten years that I've been here I've never seen such a long proclamation. I think this is the record. So something special. Thank you.

CHAIR HANSEN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Commissioner Roybal and I would just add to the comment that Madam Clerk said, long and thoughtful and appropriate. And all too often this Commission and prior Commissions have acknowledged our living treasures and our past treasures, and it's those people like your family that created those smooth pathways that we all tread on today and Commissioner Roybal, I guess just after hearing the comments, I would just add a friendly amendment on the record to add, cerveza after cabrito. But thank you for sharing the story and the treasures of their family and what they've done in your valley and for the whole community.

Just a side note. Orlando brought me the proclamation, resolution, and we were talking about it. I start talking about Dr. Mac in Santa Fe from some years back, and someone had brought up the Dendahl store. There's so many treasures that we should acknowledge and recognize when we can. So thank you for bringing us all back to some good memories. Thank you, Commissioner. Appreciate that.

CHAIR HANSEN: Thank you. Anyone else? Thank you, Commissioner Roybal.

COMMISSIONER ROYBAL: Madam Chair, if we could afterwards take a photo.

CHAIR HANSEN: Absolutely. I just want to say, yes, it's great to honor the Friedman family and Dr. Val and all their contributions to the Pojoaque Valley and I look forward to coming to one of these parties. So thank you very much and we'll come down and take a photo also with everybody. And thank you very much for coming.

[Photographs were taken.]

III. ACTION ITEMS

B. Resolutions

1. Resolution No. 2018-115, a Resolution Requesting a Budget

Increase to the Fire Protection Fund (209) to Budget the Available FY18 Cash Balance for Various Fire Districts / \$4,495,530

STEPHANIE SCHARDIN CLARKE (Finance Director): Thank you, Madam Chair, members of the Commission. Today I'm presenting to you a budget increase resolution to the fire protection fund, 209, and this is something you do just about every year. The Fire Department requests the approval from the State Fire Marshal's Office at the Public Regulation Commission to budget carryover funds, and this year the request was approved in the amount of \$4,495,530 and on the second page of my memo there's a table that lists all the specific fire districts that would receive this carryover money and what the funding would be used for, which various apparatus. With that I'll stand for any questions.

CHAIR HANSEN: Are there any questions from the Board? What's the pleasure of the Board?

COMMISSIONER ANAYA: I'd move for approval, Madam Chair.

COMMISSIONER MORENO: Second.

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

III. C. Ordinances

- 1. Request Authorization to Publish Title and General Summary of Ordinance No 2018-___, An Ordinance Establishing a Fire Code for Santa Fe County by Adopting and Modifying the 2015 Edition of the International Fire Code; Adopting and Modifying the 2015 Edition of the International Wildland-Urban Interface Code; Regulating Fireworks and Excessive Fire Alarms; Requiring Fire Inspections; Providing for Fire Protection System Plan Reviews; Regulating Gates Obstructing Access to Properties; Providing for the Issuance of Permits and Collection of Fees; Repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 as Amended by 1998-11, and 2001-11; and Repealing Santa Fe County Resolution Nos. 2001-114 as Amended by 2003-47, and 2000-55**

JAOME BLAY (Fire Marshal): Thank you, Madam Chair, members of the Commission. I'd like to start with a brief summary concerning this request. The Santa Fe County Fire Department has been researching the possible adoption of a new fire code for over a year now. In collaboration with the Santa Fe County Legal Department and the Chief of the Santa Fe County Fire Department the Fire Marshal's Office has prepared a draft ordinance to replace the existing code.

Back in February I came before you to present you a brief presentation on the need for a new fire code. You requested to provide a more detailed presentation including feedback from other counties in the state of New Mexico. Back in August you requested

to present the request to publish title and general summary. In brief, the main reasons why Santa Fe County needs a new fire code are that we are the last New Mexico county using the 1997 Uniform Fire Code; consistent regulation promotes compatibility and uniformity between the building, the fire, the SLDC and wildland interface codes; accurate designation of wildland urban interface areas; and fire districts' ISO rating improvement.

I'm here before you to request approval to publish title and general summary of an ordinance establishing a new fire code for Santa Fe County and I'll stand for questions.

CHAIR HANSEN: Questions from the Board?

COMMISSIONER HAMILTON: I'd like to move for approval.

COMMISSIONER ROYBAL: I'll second.

MS. MILLER: Madam Chair, it's a public hearing because it's an ordinance.

CHAIR HANSEN: So before we approve that is there anybody from the public who would like to speak on this ordinance? Is there anyone from the public who would like to speak on this ordinance? Seeing none, I will close public hearing and I will go back to the motion. I have a motion from Commissioner Hamilton. I have a second from Commissioner Roybal. Under discussion, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, the only question that I have under discussion is do any of these changes – so we're always getting feedback as Commissioners on how things are complex and complicated at time for a permitting process, getting things through Land Use, getting things approved to advance forward. We want to make sure it's done right but does anything in this new change – is it going to create a more cumbersome process when you're going through a permitting process? If you could just comment on that because that's something I get feedback on on a regular basis as a Commissioner.

MR. BLAY: Madam Chair, Commissioner Anaya, I think that we're being streamlined, streamlining the process with one use and one code for the application process, and also why this code would affect that in any way, shape or form.

COMMISSIONER ANAYA: Okay. So we're keeping up with the times, making sure that we're adequately addressing the needs that we have around fire protection and the code but it's not going to make the process at the County for permitting or attaining approvals more onerous.

MR. BLAY: Madam Chair, Commissioner Anaya, not at all. If anything I think it's going to expedite the process, because we're going to be more aligned with the SLDC code. This new code will be on par with the SLDC code.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you very much.

CHAIR HANSEN: Any other questions from the Commission?

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

- III. A. **Items from Consent Agenda Requiring Extended Discussion/
Consideration**
- II. A. **Final Orders**
1. **BCC Case # SLAP 18-5120 Glorieta 2.0, Variances Appeal.**
**Mike Adney and Jeff Hanus, Appellants, Appealed the
Planning Commission’s Final Order Regarding Variances of
the Following Sections of Ordinance No. 2016-9 the
Sustainable Land Development Code (SLDC): Table 7-13:
Rural Road Classification and Design Standards (SDA-2 and
SDA-3) Regarding Width and Grade of Roads; Section
7.17.9.2.3 (No Structure May be Constructed on a Natural
Slope of 30% or Greater); Section 7.17.10.4.1 (Roads and
Driveways Shall not be Designed or Constructed on Slopes
Over 25%); Section 7.17.10.3.1 (Disturbed Area On Any Lot
Shall Not Exceed 12,000 Square Feet); Section 7.17.9.2.7 (No
Significant Tree May be Removed from Slopes Greater Than
30%); Table 8-17, Dimensional Standards-Public/Institutional
(PI) Regarding the Flyline Zip Line Structure Exceeding the
Maximum Allowable Height of 48 Feet; and Section 7.17.9.3.1
(Height for Structures on Slopes of 15% or Greater). The
2,227.44+ Acre Site is Zoned as Public Institutional (650+
Acres)/Rural (1,500+ Acres)/Rural Fringe (78+ Acres) and is
Located at 11 State Road 50, within T16N, R11E, Section 22,
SDA-2 (Commission District 4) Jose E. Larrañaga, Case
Manager (Appeal Denied 5-0) [*Exhibit 1: Revised Order*]**

CHAIR HANSEN: We have a revised copy on our desk so I would like to open it up for discussion from Commissioners.

MS. MILLER: Madam Chair, I just wanted to let you know, so we had sent out the final order with the original packet. We received some comments from the applicant as well as the appellant so the version you have in front of you is a redline version that corrected some items in the final order that was in your packet. I don't know if you would like Bruce to go through those or not but the amended one is on the dais is one that better reflects the record from the evening of the hearing.

CHAIR HANSEN: Thank you, Bruce, for doing it in redline so we know what the changes were that you made. Is there any questions from the Commissioners about the changes in the redline or would you like to explain a few things, Mr. Frederick?

BRUCE FREDERICK (County Attorney): The changes are all beginning on 51 and going through 54. It looks like a lot of redline but a lot of it is due to just moving things around and consolidating things. The comments – some of the comments were stylistic. It also caused me to make other corrective changes to try to improve the order and make it clearer. Some things I had put in the draft that I wrote, a requirement that they put speed limit signs and other warning signs on the roads. I looked through the record; I don't think that was discussed. I don't think – I couldn't find any discussion on

it. I couldn't find any documentation for that requirement and in truth I don't think it's the gist of what we're interested in.

If you look at the requirements, there are engineering – they have to get a certified public engineer, a licensed New Mexico public engineer to certify that the roads are – the slopes are stable, there's no erosion. If there's retention walls required that will be put up. Same with all the structures, the zip line structures and so forth, they have to get certifications for that. They have to do revegetation. They have to do basically all the things that Commissioner Anaya talked about at the end of that hearing around 11:30 at night. I tried to flesh those out as best I could consistent with the record. And that's the idea.

Like I said, I don't think this changes very much at all in the order from what was in your packet.

COMMISSIONER ANAYA: Can we put a thumbs-up emoji in the minutes?

CHAIR HANSEN: I want to give Commissioner Hamilton a moment.

COMMISSIONER HAMILTON: Thank you for the summary, Mr. Frederick. I think the biggest concern was to assure, because it was difficult, potentially confusing to get everything in here from verbal instructions. I was most concerned to assure that as written, this captured the intent, which was to make sure that all the protections, the appropriate engineering and sign-offs, the safety factors would be achieved even though this is a post-facto process and so we would largely achieve what the intent of the permitting process was intended to achieve. Too many intendeds in there.

On brief review, since we just got the redline, but much of this was in here before, I think that we do achieve that, with the engineering and the sign-offs and the requirement for mitigation plans and whatnot. So I appreciate the work you did on it and I think we have captured mostly what we need to.

CHAIR HANSEN: Would you like to make a motion?

COMMISSIONER HAMILTON: Sure. I would like to approve this as amended.

COMMISSIONER ANAYA: Second.

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

X. PUBLIC HEARINGS

A. Land Use Cases

- 1. BCC CASE # MIS 18-5210 Santa Fe Brewing Winegrower Liquor License. Santa Fe Brewing, Applicant, Request Approval of a Winegrowers License, with on Premises Consumption, with Patio Service, and Package Sales. The Property is Located at 35 Fire Place, and is Zoned as Employment Center (EC) within the PD-1 Community College District (CCD-EC), within Section 35, Township 15 North, Range 8 East (Commission District 5)**

JOSE E. LARRAÑAGA (Case Manager): Thank you, Madam Chair. The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, Chapter 8, Section 8.10.3, Planned District Santa Fe Community College District. The site is zoned as Employment Center within the PD-1 Community College District. Table 8.44: CCD Use Table illustrates the uses allowed within the above mentioned zoning district subject to all other applicable standards of the SLDC.

The CCD Use Table allows for warehouse or storage facility, wholesale trade durable and non-durable goods, refrigerated warehouse or cold storage, beer, wine, and liquor, and tap or tasting room as a permitted use.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners to conduct a public hearing on the request to grant a winegrowers liquor license with on premises consumption, patio service, and package sales at this location. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the license if the location is within three hundred feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Growth Management staff has reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: CCD Use Table 8.44 allows the requested use; Chapter 1, Section 1.11.3 validates existing uses which were previously approved by the County prior to enactment of the SLDC; the applicant has met the State of New Mexico requirements for noticing.

Staff recommendation is approval of a Winegrowers License, with on premises consumption, patio service, and package sales to be located at 35 Fire Place. Madam Chair, I stand for any questions.

CHAIR HANSEN: Is there any questions from the Board? Commissioner Moreno.

COMMISSIONER MORENO: Santa Fe Brewing has been in business for quite a while and I am happy to support this liquor license.

COMMISSIONER ANAYA: I'll second that if that's a motion, Commissioner Moreno.

COMMISSIONER MORENO: I make that as a motion.

CHAIR HANSEN: Before you make a motion I need to open it up for a public hearing. So is there anybody from the public who would like to speak? Welcome. Would you like to speak? You're the applicant?

MR. LARRAÑAGA: Madam Chair, the applicant is here.

CHAIR HANSEN: Okay. You can speak if you would like but you're not part of the public hearing. Is there anybody from the public who would like to speak? Seeing none, I am closing the public hearing. Applicant, welcome. Would you like to say a few words? You don't have to. Thank you for being here. Commissioner Moreno.

COMMISSIONER MORENO: I would move approval of this liquor license.

COMMISSIONER ANAYA: I'll second, Madam Chair, and under discussion I have a few comments.

CHAIR HANSEN: Under discussion.

COMMISSIONER ANAYA: Thank you, Madam Chair. I just appreciate the work of Santa Fe Brewing. They have their roots from Galisteo and have been a locally homegrown business for many years. You guys are doing good work in exposing Santa Fe County and Santa Fe, New Mexico to the world, frankly, and congratulations on those efforts and your continued expansion and job creation that you do for the place that you have and just for the exposure and the work for the community. And so thanks.

CHAIR HANSEN: Thank you, Commissioner Anaya. Any other comments under discussion?

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

IV. SANTA FE COUNTY BOARD OF FINANCE

Upon motion by Commissioner Hamilton and second by Commissioner Moreno, and 4-0 voice vote with Commissioner Roybal not present, the Board of County Commissioners of Santa Fe County temporarily adjourned.

Upon motion by Commissioner Anaya and second by Commissioner Moreno, with Commissioner Roybal not present, the Commission Reconvened as the Santa Fe County Board of Finance at 4:15.

Roll was called by Clerk Salazar with all members present.

C. Presentation of the County's Investment Report for the Five Months Ending September 30, 2018

CHAIR HANSEN: Welcome, Treasurer Varela.

PAT VARELA (County Treasurer): Good afternoon, Madam Chair, Commissioners. I'm doing my second quarterly report. It's been an interesting quarter. Actually, it's been an interesting month. I want to start off with my challenges, which is volatile market conditions, especially in the month of October. It's been pretty fierce going, actually, until today. There's a flattening of the yield curve over the past five years and beyond, and the fed rate hikes, which just happened last month.

So starting with our portfolio what it looks like as of September 30th of this year. Operations, we have \$117,325,548.76. Core is \$27,258,692.66. Our GOB 2011 account has \$5,303,128.81. Our GOB 2013 has \$6,133,268.12. Our Schwab account has \$50,681,229.51, for a total of \$206,701,867.86.

Our other balances, we have our LANB Studio account, which that's the lockbox for the Studio account that we have and it's earning I think 2.5 percent right, still, the coupon on that. And that balance is \$5,551,952.28. As most of you know, every October I ask LANB to give us the drawdown. That's been accumulating over the past year so that will be depreciating in the next month or so.

Various CDs account, we have \$1,252,299.25. Our First National, we have \$20,656,5437.00. UBS we have 2013 bond, money market in there, that's \$6,152,216.50. Our UBS government money market, \$10,599,768.11. UBS 2016 improvement bond,

\$8,361,150.36. UBS 2016 GRT bond, \$6,417,150.94. UBS 2017, 3.35 percent CD, we still have a balance of \$250,000 on that one but it's earning 3.35 percent on the return. UBS 2017 CD interest, which is like a shadow, that gives the interest that paid thus far, so that's only been two months of yield. Portigon, which is being dissolved here pretty soon, we have \$2,675,505. That leaves a grand total of all balances of \$268,621,634.59.

Our earnings thus far at LANB, that's the lockbox CD is 2.5 percent. First National Bank by contract, we're still getting paid 20 basis points, our FICA sweep accounts, that's insured cash accounts which are put into \$250,000 increments. They're still paying us 1.7 percent interest. At UBS we're getting 1.88 percent on our money market accounts. And at Schwab, between the various accounts we're getting between 1.56 and 3.2 percent interest.

Our earnings in the core account, we're averaging about 3.23 percent and the combined operations account we're getting about 3.34 percent.

I added this slide; this slide is new. I recently was in Chicago and I had the honor of Commissioner Hamilton joining me and I paid attention to what she was asking and this is actually income earned. So I actually contacted all our institutions and got estimated income of what we had up till September 30th. Some of them are fairly new. So Sunflower, which is the newest bank, we've gotten about \$2.5 million in income from January – this is a snapshot from January 1st to September 30th. UBS we've earned – these are mainly money markets – we've earned \$156,997. Schwab – we opened this in April. We've gained right now \$395,165.99. So we've earned about, to date, \$3,053,078.74, which is estimated more or less as about 1.47 and that's about a snapshot of what the fed was paying last year. Because everybody's been paying attention we've gained about 75 basis points since the fed – between about a year ago today and what was the fed raised the fed rate in September. So I actually made this for your behalf so at least so everybody knows more or less what we're getting. And this is a guesstimate because some of the securities, as you know, get paid even monthly, quarterly, biannually or annually. So this is a guesstimate, this is about how much we're earning right now at this rising environment, which is similar to my next slide here.

When I came into office that's what the fed rate looked like at the bottom of your lower left. It was pretty much flat. We were lucky to get .20 if we were lucky. I came into office and at that time we were getting about .21 at that time. During the Brexit, it rose a lot within that year and it was to a little bit over a half a percent, and that was mainly because the – they exited Euro and that shouldn't have caused the fed rate to increase the fed funds, as well as it gave us the opportunity to release some of those ladder term bonds that I had inherited. So I was able to sell them at that point.

Over the past two years it's been a roller coaster and right now, as many of you heard, in September, the feds actually raised the rates to 2.25 percent. Now, over the last month, and this could be because of the – there's been different speculations according to Bloomberg and different economists, there is a 2.25. When we were in Chicago we heard some of the governors kind of leaked it. The fed governors that actually raise those rates, they kind of leaked it to the press that they were looking at a target of 3.1. That means that next year there's going to be a possibility of two more rate hikes. This rate hike last month caused the sudden downfall of the Dow Jones in the last couple of weeks because it sold off about 2,600 points.

There's been different speculations of it being muni bonds now raising, that's also municipal bonds. A lot of municipalities are racing towards to get some funds funded before more interest rate hikes so that they're paying lower yield on their bond payments. That was a possible factor. Another factor is that everybody heard that the technical stocks went down where a lot of people now have apps that they look at the market on a daily basis, and instead of buying to hold, they see the market going down and they sell off. So there is a big sell-off period of bonds and securities for two weeks that caused the sudden downfall. So the 2,600 point downturn. Today all the markets are up as of 2:00, which is 4:00, the time they close. All the indexes are up – the S&P, the Dow market, the Euro 600, the African market and Pacific market, which is actually the Japan market. What's surprising is it didn't really reflect much of the downturn during that economic time.

What that means for us is that because we're not Wall Street; we're Main Street, so just because as a safety point I did buy some Treasuries. I usually don't buy in October because October historically has been a bad month, but I did buy some Treasuries now towards the end just in case the feds when they meet next month that they decide to lower their interest rates. But there is still a 90 percent probability that they're still going to increase it. I think they're getting a lot of this data but if you notice, even all these economic conditions, the tariff talks and everything, the market only goes down for a few days or a few weeks and then rebounds back up. We've been in an upturn about – since 2016 we've been out about 9,000 points, so that's a gradual incline. So do all these tariff talks do anything? I guess not, but it's just speculation now that they're rebalancing all these funds to see if it's going to maintain at a lower level or is it going to go back up? Historically, they go down for about from anywhere from two weeks to six months and they rebound.

So that's – a lot of these tech ones – I know Amazon is still down. Netflix, I think everybody heard went down severely a lot and that was because they asked for a big loan. So all these are factors that I use to buy our securities and seeing this I thought I better get some short-term Treasuries just in case they decide to lower the rates or maintain them instead of raising them. But like I said, there was talk and speculation that their target is at 3.1 percent, and then they're going to back off and get all the data that they need to get before they make any more either increases or decreases. So that's not until next year.

D. Request Approval of the County Treasurer's Investment Strategy for the Next Six Months

TREASURER VARELA: So that leads us to my action item. So this is my next six months investment strategy. Invest in short-term Treasury bills and notes; invest in mixed step and bullet government agencies; invest in short-term CDs at the beginning of the yield curve; invest in government money markets; invest in cash accounts; and invest in anything that the County Treasurer can invest in according to statute 6-10-10. And of course maintaining my liquidity cushion.

And all this I yield for questions of if not I need a motion for approval for these action items.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Treasurer, thank you for the information and the report. As always. I just want to say on the record that there's an Investment Committee that includes yourself, obviously, as well as the Chair, the Vice Chair, the Manager, the Finance Director, as well as our Legal team and they're all an operable, functional part of some of the recommendations coming out on the investment strategy. If you could just ratify that on the record and make any other comments you want relative to that group of people that works hand in glove with you and your team in your efforts. You guys all work together.

TREASURER VARELA: Correct. We have myself, my deputy is on the committee, two Commissioners, the Chair and Vice Chair usually and then an alternate. We have the County Legal, County Manager, and always a member from the public which we have Eric Loucks from LANB which is a part of Schwab division. So we all talk about what we're going to do, especially in the investment policy, if we're planning to change it. We didn't leaving it standing even if we're not going to revise it. We do look at it and just say we looked at it but we're not going to do any further revisions.

Last year if you remember we did some revisions. We added some securities in there, but we always go by – I pretty much make it public to what I'm doing and what I buy.

COMMISSIONER ANAYA: And that includes the Finance Director as well, right?

TREASURER VARELA: Yes. Excuse me. The Finance Director, and I'm probably forgetting somebody else.

COMMISSIONER ANAYA: I would just ask if the Manager has any comments or feedback relative to the report or anything else you'd like to add.

MS. MILLER: Madam Chair, Commissioner Anaya, yes. That is pretty much what the Treasurer has been doing as far as his strategy, but I wanted to add one note, that all of that is also in line with the policy that's adopted and all the investments that the Treasurer does are in line with the County investment policy. So while that slide shows the statutes and the other items, all of those items are in accordance with our policy.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I was going to suggest that we get some comments like that on the record, and in addition it might be useful – I don't think this is a big change from the previous six-month approach, and you did mention the one thing that you did in response, a safety point in response to recent conditions. Is there anything else to call out that's some sort of subtle change in these bullets where you've done any tweaks to this six-month approach in response to current conditions. That would I think be helpful information. If there are any changes.

TREASURER VARELA: The only one is to bullet number two. I'm not getting any step callables, mostly bullets and steps. That's the only difference that I've made this time because I'm not – a lot of times if I buy a callable, after the protection, because a lot of time it comes with call protection. Some of them are three months, six

months, where they get called right away because now we're in a rising rate environment. So that's the only moderate change that I made in this. I know we approved ETF in our IP. I haven't gotten those because now in this rising rate environment it doesn't make sense to go into those since I can get better ones on my own.

The other thing that I wanted to note also is that – I don't know if you're aware, I get a lot of the information on ratings before a lot of anybody else did. We got – S&P rated Santa Fe County as triple A. So now we're in line with all three rating agencies, we have the triple A rating. What does that mean for us? Well, it means we pay cheaper rates on our bond payments. So that's a plus for us because now we have all three of them.

COMMISSIONER HAMILTON: That's fabulous. Frankly, that was very helpful and I want to thank you for making the additional estimate, and it was well presented that those were guesstimates on income, but it was just very helpful and I think the information you just gave was helpful, and I want to congratulate everybody involved. I know it's not just you but the whole team that achieved – your office, your team and the extended team that achieved that triple A rating. That was well done. Thanks for the information.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I am beside myself. I can't understand with the investments that my kids make in Amazon and Netflix, how could they possibly be down?

TREASURER VARELA: It's the market. That's all these indexes. Netflix was a big thing because I invested myself. I couldn't figure it out so I dug deeper and it's actually that they're trying to expand so fast. You heard about how they tried to buy the studio in Albuquerque. That's not the only thing they're going after. They're going for several different items. One of them is they want to do like a Red Box platform. And it's already on demand but they want to get these ones that are out right away.

So they're trying to move in this market faster than – they're asking for money and I think that kind of gave some kind of doubt in a lot of people, in the investors. But it's still well over \$300 a share. Amazon is well over \$1,700 a share.

COMMISSIONER ANAYA: Did you hear what I told Paul Olafson earlier? I'm just kidding. I'll share it with you later. It's all good. You're doing a good job. You're doing your job, Mr. Treasurer. Appreciate it.

CHAIR HANSEN: Okay, any other questions from the Board? Can I have a – I request approval of the County Treasurer's investment strategy for the next six months.

COMMISSIONER ANAYA: I'd move that, Madam Chair.

COMMISSIONER HAMILTON: I'd second.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: I have a motion by Commissioner Anaya, multiple seconds from Commissioner Hamilton and Commissioner Moreno.

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

CHAIR HANSEN: With that, I'd like to have a motion to adjourn.

TREASURER VARELA: I actually have some more in there. That was just an action item.

CHAIR HANSEN: You have more presentation? I apologize.

TREASURER VARELA: I can just very verbally say it, but our delinquent report for September to date is \$309,015.21. Again we're working with two delinquent tax specialists. They have worked – till September 30th they've worked 7,334 accounts. The average in September was about 372 accounts. So they're working combined about 815 accounts a month. Amounts that we've collected base-wise on our property tax, in 2013 we are on a 99.6953 percent ration collections. That means only \$624,000 is out there. In 2016 we have a 98.9 percent collection average. And basically that means as we collect, these rates go higher and higher and higher. So that's pretty much what the percent is. It's increased over the past and we average about \$166 million in property taxes collected.

My deputy said to remind you that we're out in the outreach program. We'll be hitting every district. We start that next Monday and we'll be at every outreach center, senior center, convenience center. We'll work with the City of Santa Fe for that so we'll be out and about for the whole month. With that I'm ready to go home.

IV. E. Adjourn and Reconvene as the Board of County Commissioners of Santa Fe County

CHAIR HANSEN: Could I have a motion to adjourn and reconvene as the Board of County Commissioners?

COMMISSIONER HAMILTON: So moved.

COMMISSIONER ANAYA: Second.

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

The Board of Finance adjourned at 4:44.

V. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Are there any Matters of Public Concern that are not on the agenda? Seeing none, I will close Matters of Public Concern.

VI. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. Update on the October 23, 2018, Award of the Sale of General Obligation Improvement Bonds, Series 2018

MS. MILLER: Madam Chair, Commissioners, first of all, I want to give you an update on our bond sale. As you all know, we did get a triple A rating. That's a really, really big deal. It's very hard to get. We have been working on that for years. And much of it is due to the policies that this Board put in place on financial management and particularly our reserve policies. The Standard & Poors really looks at that as being

fiscally responsible. They see that we not only have our statutory required reserves but we have policies in place that set reserves aside for other eventualities that we – like uninsured losses or natural disasters, and our ability to respond, for instance this year with the flood in La Cienega and Tesuque, our ability to respond and not have that negatively impact our budget or reserves.

So that's one of the reasons. One of the other reasons is just in general, our conservative budgeting that we do. As you know we budget at 100 percent of salaries so that if any department kept all of their employees that they started the fiscal year with through the whole fiscal year they would not have to scrape up money to get through the end of the fiscal year on salaries. They see that as a strong way to budget because we almost always have vacancies but as a result we don't spend our entire budget and we end up using the funds that are left over in the budget in order to fund capital the following year. So we don't have to also come up with using reserves to fund our capital needs along the line of building maintenance and things like that. And Sheriff's vehicles, IT equipment.

So those things, along with what they see as kind of a stable management in the County and a stable Commission. You're not volatile and reactive to a bunch of things. We stick with our policies. They saw that as a strong management and well run organization and that's the predominant reason that they upgraded us from a AA+ to a triple A. And they also said they didn't see that over the next few years anything on the horizon that would change that for us.

So that said, that makes our bonds more marketable in the bond market and typically at a lower interest rate. So S&P recognized the triple A and they consider that to be a perfect credit score. In 2016 we had the election for five different bond items. That was for roads, water/wastewater, open space and parks, and the health facilities, and public safety. So we had the health facility in Edgewood. We had the crisis center in the health question. We had numerous County roads in the roads. We had rail trail and river trail in the open space and Romero Park and a couple in Thornton Ranch. In the Fire Department, we helped the main Sheriff's Office and expansion of RECC and the Sheriff's Office as well as firefighter stations throughout the county. And in the water and wastewater we have the Quill plant and a couple of other smaller water projects.

This bond sale for \$13 million was the remaining authorization given to us out of the \$35 million that the voters voted in. We did \$22 million last year and this was the other \$13 million. So this will be the sale that finishes out the authorizations from the 2016 election. So it was roughly \$13 million.

We did competitive bids on October 23rd. I think there were 74 bidders, four or five bidders that went back and forth, so if you watch these they're electronically done. They'll put in a bid and then another competitor can see that bid, can beat that bid, and that goes on for a period of time until it closes and whatever the last bid is, that's the entity that receives it. And so we got a true interest cost of 3.4 percent. I think the average length is 17 years on the bonds. I'm sorry. Total length is 17 years. That's another reason that we have triple A. They like our short debt timeframe. You can go out 20 years and on other revenue bonds you can go out 30 years, so we tend to keep our bond repayment schedule pretty short and we also were only at about 45 percent of our general obligation debt capacity. So our outstanding debt isn't even 50 percent of what we're statutorily

authorized.

The bond sale itself is scheduled to close on November 20th, so that's when we would actually receive the bond proceeds. Typically we do the bond sale in the spring but what we wanted to do was get the funding in so that we can get the design, particularly on all the remaining road projects that were out there. Get the design done so that as soon as the design is done and the weather changes for the spring we would be able to start those projects and hopefully get all the road projects done by next year and then we're also scheduled to get the crisis triage center designed and out for construction in the next year, so all the projects that were funded and left we are in the process of getting design and either going to a design-bid build process or doing a design-build and be constructing next year on the projects that were out there.

So that's my update. I don't know if, Stephanie, you have anything you want to add to the bond sale discussion.

MS. CLARKE: Thank you, Manager Miller and members of the Commission. I don't have a lot to add. I think the rating update was summarized really well. I just want to say it was a real pleasure to take place at a bond rating call like that where there's just so much good news and financial stability to talk about and share. I could tell on the phone that the ratings analysts were just kind of blown away, slide after slide at what we were telling them about our reserve balances. Probably the most compelling single bit of data, we gave them our cash balance as a percentage of our recurring expenses and as a percentage of our recurring revenues and our cash balances are well in excess of 100 percent of our annual budget, basically, and they were really blown away by that, I think.

Beyond that, I'll just mention the reason that we're coming to you after the fact on this is a relatively new statutory change. I think it was two years ago the legislature put in place this mechanism for having a delegated authority and it used to have to be that you either had a negotiated sale or you would take bids and actually award the bid on the bid day in public meeting. But to allow public entities to time their sales a little bit better with the market and more flexibility around that. That's why we're now using this delegated sale approach. So in the future you'll see us do this again where we bring you a notice of sale resolution like we did in September and then the County Manager accepts the bids and then reports back to you like this, informationally, before the close. That's it.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you and just appreciate the tremendous effort. I think it's triple A across the board, right? Leadership of yourself and your team, leadership from a policy level, elected official level, staff level, that makes it all gel and be cohesive as a unit to get to this point. I remember the days when our ratings were fluctuating and changed and you've done a lot of work in investment with your team and the staff collectively across the County to get here. So it's commendable and at the end of the day it's a net gain across the board. Taxpayers, citizens, getting the utmost benefit of those collective efforts which is essentially what our function is to provide the highest gain, highest professionalism and efficiency and so a great deal of gratitude to the whole team, collectively across the County for those efforts and the ultimate sale and where we're all at. So thank you.

CHAIR HANSEN: Thank you, Commissioner Anaya. I wholeheartedly

agree with you on that. It's an honor to be able to get a triple A rating. I know that that is not easy and it shows the dedicated hard work of all of the professionals that work here in the County. Is there any other comments from Commissioners? Okay.

MS. MILLER: And then Madam Chair, Commissioners. I want to thank the Board. It really does take having a Board that supports the policies that we put forward, and we'll be bringing another one soon. Another one that we really want to get cemented and passed by resolution as a debt policy. We have our practices but we'd like to bring that one forward as far as a debt management policy. And I think that's the only one that the rating agency said that they'd still like to see us put one in place that's in writing on that and how we estimate out our long-term projections on revenues and expenditures.

So some things we do by practice but we want to formalize those policies and bring those to the Board and we look forward to presenting that to you and hopefully get support to move those policies forward as well. We want to be the epitome of what it takes to get a triple A in New Mexico, so that other counties and cities look to our policies and follow those.

CHAIR HANSEN: I think we should get three gold stars. Okay.

MS. MILLER: Madam Chair, then the next item we had under the Manager's update was from Tony on, as you know, when we did the road agreements we said that we would do updates on a quarterly basis as to how the progress is going in the Pojoaque Valley with the road surveys and the road construction and the other items in the agreements.

VI. A. 2. Update on Surveying Services for Rights-of-Way of County Maintained Roads within the Pueblos of Nambe, Tesuque, San Ildefonso, and Pojoaque

TONY FLORES (Deputy County Attorney): Thank you, Madam Chair. Commissioner Anaya, I left you a couple of pictures for status on the health facility down in Edgewood. Those were taken on the 22nd. So Manager Miller referenced that facility.

Real quickly, members, just to give you an update of where we are in the right-of-way settlement agreements with Nambe, Tesuque, Pojoaque and San Ildefonso. So I brought back an update in the summer about where we were. Just to recap. April 12, 2018 the Secretary signed off four right-of-way agreements which essentially require the County within a one-year timeframe to submit right-of-way applications for County maintained roads within those four pueblos that I mentioned.

We issued a request for proposals for the professional services of a licensed surveyor and I brought the contract – Mr. Taylor and I brought the contract to the Board in August, August 14th for approval. An order to proceed to the contractor was issued to the contractor on August 22nd and the progress to date, as of October 26th, last Friday, the contractor has completed all the office work, identifying all the centerlines of all the County maintained roads that are included within those settlement agreements.

The next steps, now that those are documented, is the surveyor, the County, will meet with the Bureau of Indian Affairs to determine how the right-of-way application packages will be compiled and submitted. Our hope is that we'll submit them as each

road is completed rather than waiting at the end and submit one packet. We also are required to have consultation with each of the pueblos' leadership and show them where the centerlines are for the fieldwork as compared to their boundary surveys.

Once that initial work is done with BIA and the pueblo leadership we will then start setting up the fieldwork schedules by pueblo and then have a series of small community meetings in each area to let the landowners and the property owners know that we'll be out there doing our fieldwork and eventually setting monuments. So that will occur over the next 4 ½ months. As of today we are still on schedule to get the applications submitted no later than April 12, 2019.

So the report is we're moving, fast. The centerlines were completed of all the County maintained roads for each of the pueblos last Friday, and then the work will now begin with BIA and the pueblos. And with that I'll stand for questions.

CHAIR HANSEN: So we're finished surveying then?

MR. FLORES: No, ma'am. Let me be really clear. The fieldwork has not begun, only the office work to identify the centerlines.

CHAIR HANSEN: Only the office work. Okay.

MR. FLORES: Yes. This next step is, now with that information that they completed in-house, it will be taken to the external work in each of the pueblos.

CHAIR HANSEN: Okay.

COMMISSIONER ROYBAL: I just want to say thanks for all your hard work. It's been a work in progress and I know that we've had a lot of calls and concerns from constituents but it seems like you've been working with them so I really appreciate that.

MR. FLORES: Thank you.

CHAIR HANSEN: Katherine.

MS. MILLER: Madam Chair, the only other update I have is that you have asked about where we stand on the river project. The Santa Fe River, as you know, we had just completed the segment of the river trail that goes from Frenchie's Field to Siler Road when we not only had one rainstorm that had some pretty hefty rains down the river, we had a second one that did a great deal of damage to the actual project itself, to the degree where the contractor – we had not actually taken ownership back from the contractor – they were finishing the punchlist on the project when that last rainstorm came. The contractor at that point, along with County staff, went out and assessed the project as to whether it was safe to be out on the trail, and it was determined it was not.

So the contractor actually fenced off that portion of the trail so that no one would get hurt on the trail if any of it would collapse. We've had a lot of people say, why don't you just open it up? That would not be a wise decision on the County's part or the contractor's part to open it up because it is not stabilized. The river was running so heavy and so fast it actually undermined underneath the trail itself, so the stability just isn't there and we don't want to take that risk. We have been working with the contractor to get an estimate for what it would take to fix it.

In addition we have been working with the Association of Counties for our insurance claim on that. We have a similar situation on Los Pinos Road. So these two projects were both not complete with construction when that storm hit. We have insurance claims in on both. We are working with the Association on getting those back

and we're working with the contractors on changing the scope of work in order to repair what was done and finish those projects. And both of them have to be finished slightly different from the original plans due to the way the river changed as a result of the flood.

So I just wanted to give you an update on that. We hope at the next BCC meeting to bring a contract amendment, change order with the contractor for the river trail. We've already done one for Los Pinos, but on Los Pinos we're still working on an easement for part of where we had to now move the project to. So I just wanted to let the Board know, these are two things that are high priorities to get the change orders in place with the contractors and get those projects back completed and for the public to have access on the river trail and for the constituents not to be so frustrated by Los Pinos Road construction.

CHAIR HANSEN: Thank you very much. I appreciate that. I do have constituents who are very impatient about the – but I'm planning to do a town-hall at the Commons on the 14th after we approve this contract to inform people along the river what we are doing and how we are moving forward. So thank you very much for that. Is there anything else?

VII. MATTERS FROM COUNTY COMMISSIONERS

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

CHAIR HANSEN: Commissioner Hamilton

COMMISSIONER HAMILTON: Thank you, Madam Chair. I actually have a concern regarding the circumstances that have developed since the last time we talked about the RCLC, the Regional Coalition for Los Alamos Communities . I think there's been some information left at everybody's place. [Exhibit 2] A few months ago we brought it up in terms of following the issues that happened with the RCLC and what changes were being made and under what circumstances Santa Fe County might wish to consider continuing with the RCLC or not continuing with the RCLC. And then we also had the new executive director come and speak to us about some of the changes they were going to make.

And then nothing has really happened up here formally with the BCC, but since then Los Alamos County put out the letter or the memo that you guys have at your desk that seemingly inappropriately, or at least potentially inappropriately limited what they intend to do as the fiscal agent, and there was a request that the County Attorney, Bruce Frederick, made with regard to whether that was really appropriate for them to be self-limiting in that regard. I think we all assume the fiscal agent is supposed to do more than just basic banking and making deposits and what not.

So now I just am now concerned that Los Alamos County seems to be pulling out or attempting to pull out of a position of reviewing fiscal matters which I sort of thought was one of the intents of a fiscal agent. So we're now in a position of participating in this where if matters stand that way there is a huge burden on the Board and ourselves here and particularly the precedent. Or at least there is a vacuum of who is responsible for doing that level of review. And then there's the issue of the JPA, which I understand was revised and that the Board actually approved, but it's not been sent back to all the

members for ratification or for acknowledgement. So now we're also in a situation where RCLC is operating, but they're operating under what I think might be considered an unapproved JPA, which is kind of a tenuous position.

And given that under the circumstances I'd really like to assure that we're doing things appropriately and in the best interest of the County this sort of raises questions for me. So I would like to see this matter put on a very near future – whatever's appropriate, the next one, but before too much time goes by. Hopefully in November, put it on a BCC agenda for discussion and whatever is appropriate in terms of presentation of the status, whether that includes just information from Bruce Frederick and Katherine in terms of analysis of the situation or whether it seems appropriate to ask Los Alamos County to come speak to us. I'm sure Commissioner Roybal might have some good input on what it is we should do. But I'd like to request that that get put on an agenda.

COMMISSIONER ANAYA: Madam Chair, on this point.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I was just going to suggest January, maybe the first meeting in January. Just kidding. All kidding aside, I just want to say on the record that I appreciate the information that we have in front of us and the request and I would agree with it. But I would also add that as an alternate member on the Regional Coalition and our Commissioner from District 1 as a full-fledged member, it's a result of our member, Commissioner Roybal, and in coordination and communication with the Manager and our counsel that has brought some cleanliness, for lack of a better word, to this whole process.

And so I just want to accentuate that Commissioner Roybal as a board member has been open, transparent and in dialogue with not only our counsel but our Manager and has helped to facilitate to bring on some of the changes that have already occurred to this point, and that I still believe that the organization has a functional use and purpose for all of those communities and counties and cities that are involved, and I think the dialogue and the deeper dive and the due diligence is absolutely appropriate. But I did want to acknowledge that our Commissioner, in consultation with the Manager and counsel and even this body, has been the individual that's helped to bring forward some change and to effectuate that change.

So I'm all in, but at the same time I still support the function of the organization and I still think it's of value to relook at the JPAs, make sure we have every bit of fiscal analysis and review that we need to, but it's just important to note that his presence has been ethical and it's been upfront and effective. So I just wanted to say that.

CHAIR HANSEN: Thank you, Commissioner Anaya. Commissioner Hamilton.

COMMISSIONER HAMILTON: I really appreciate that comment and in fact, I want to recognize that that's true, that we appreciate Commissioner Roybal's participation and the level that he does that and the ethical way he does that. Part of my desire, having seen some of the things that happen is that I feel like as a Board we also need to support him and act together for some things in terms of generating appropriate information.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: I appreciate all the comments that were made. The letter that did come out, and I did provide this letter to our County Attorney to look at and he did give us some comments and feedback and a lot of them were what I kind of feared when I read the letter. And I don't know. I really believe that Los Alamos County, the County Manager that actually gave this letter to the director of the RCLC may have done it probably too soon, because the county hasn't voted, the board hasn't voted yet on this to even send, to have the letter out. They are actually bringing it before their council tonight. I believe.

So I do want to put it on our next agenda so that we can talk about the outcome, the decision that Los Alamos makes because it will definitely affect the JPA. Right now, with what they're saying in that letter doesn't comply with what responsibilities they have as a fiscal agent according to the joint powers agreement. So that's something that we really need to bring to the Board so we can discuss it. So I appreciate you bringing that up.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: I think that's great. I think we should have a full-fledged discussion with all the information about what is happening with the JPA, with the letter, and I have some real reservations about the RCLC and just the way that it has been functioning for quite some time. That's all I'm going to say today. But I wholeheartedly support putting it on the agenda for further discussion. Other Commissioners, other items? Are you finished? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, so shout out to Public Works, Robert Martinez, Mike Kelley, Diego Gomez, the maintenance crew, Katherine. There has been some intermediate concerns relative to Los Pinos and construction and the team I just mentioned, including Tony as well, has been responsive, quickly, to try and mitigate those challenges as they come up as best you can, given the timeframes that we have for construction, and just keeping things passable.

One of the recent concerns was just passability in that area and staff, all of you that I mentioned and those that I'm not aware of that were out there, helping facilitate your direction are making it happen. And so I greatly appreciate that. Things large and small and everything in between that are important to the people as they're going about their business. But thank you for that.

The other thing I wanted to say publicly is that there's been a lot of discussion over the years and planning and community meetings and community outreach relative to projects and project completion countywide for years and years. And I will say adamantly that this County has effectuated the talk to action and results for the taxpayers. Period. And we drive down the street and you look and you see the demolition that's occurring down the road for the administration complex, the roads countywide that you travel, the fire stations, the community centers, it's functional action in the interests of the constituents and the citizens.

Tony put some pictures up here of the health facility and you can't overlook the fact that we've been how many months in this project? Five months from out of the ground to nearly complete. And it's not in one district; it's in every district. And so that doesn't happen from talk and it doesn't happen by itself. It happens because of action, planning, and then the actual work through the construction with the private/public sector

and the community, and all those pieces all working together. So, thank you, thank you, thank you, thank you. Thank you, Madam Chair.

CHAIR HANSEN: I think a big shout-out to Tony Flores for dedicated hard work and the get-things-done mentality that he has, which I completely appreciate. So thank you, Tony. Anyone else have any comments from Commissioners?

So I want to shout out to all the thank you notes that I have gotten from the 4-H kids for the County Fair. I'm sure that some of my other Commissioners have gotten that. I want to thank all those kids for writing these letters. I want to thank the 4-H department at the County Fair for encouraging the children to write these thank you notes. I think it's a good habit and practice and I want them to know that we appreciate it.

I also have been on two NACo conference phone calls, one with EELU, the Environment, Energy, Land Use Committee, talking about a number of issues that are affecting the nation from the new Waters of the US is inching forward and the president also signed the opioid bill into law. Also Congress passed an FAA bill containing major disaster provisions. And there was a survey that I filled out that asked what we were concerned about. I selected climate change, recycling, the opioid crisis and one other, because those have been the focuses of this Commission so I kept it in line with the things that we have passed.

I also sat on a conference call with the Arts and Culture and I want to give a shout-out to Commissioner Anaya for getting this art show in the Commission Chambers. It looks really beautiful. I also want to thank Tony once again for making that happen because I think it's really nice and if there are any pictures from the opening that were taken – I thought that there was a photographer here. I'm not sure; I don't remember. If you could get me some pictures I could forward them to the Arts and Culture Committee of NACo and let them know that we had an art exhibition in our chambers. I think that's really important to share. I shared a few other things that were going on in the art arena – the Age Nation proclamation that we passed about awareness with aging in Santa Fe.

And then I think that is it. I'm having the townhall which I mentioned. There was a small, little clip in the *New Mexican* which I'd just like to bring to everybody's attention because I feel this is kind of in line with our recycling and sustainability. It was European Parliament approves ban on single use plastics. The European Parliament overwhelmingly approved a ban on single use plastics such as straws, plates, cutlery and cotton swab sticks in Europe by 2021, joining a global shift as environmentalists emphasize the urgency of halting the use of material detrimental to the planet. Under the proposal, ten single use plastics that most often end up in the ocean will be prohibited in the European Union, as well as other plastics such as bags and fast food containers, packaging, the use of other plastics such as single use burger and sandwich boxes that do not have practical alternatives at this point will be redirected at least 25 percent by 2025.

So I think it's something that we as a nation in America should also start thinking about the use of the damage that plastic is doing to all of us, not just to the ocean and the fish but to our own bodies that by consuming the fish that are in the ocean that are consuming the plastic that is in the ocean, and it is a chain that we are all affected by. And so I wanted to bring that forward as just for us to keep it in our minds, that plastic is really a problem on the planet and that we need to reduce the use and find ways to recycle as much as possible.

And I think with the straws and the plates, many of these things that are single use could be made as biodegradable. There is no reason for them not to be biodegradable in this day and age. It should not be that difficult. So those, I think, are the main things that I wanted to share with you and then we will move on, if no one else –

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I just had a quick announcement too. Last weekend I went to the Ciderfest that they had, the first annual Cider Festival, and it was actually a really nice festival that they and I just wanted to make a comment that the promoter that was there said he looked forward to having this as an annual event. But he gave a lot of kudos and respect to the County and to – I want to say thank you to Lisa Katonak and any other staff that was involved in putting that together and helping them with that. But they were really pleased with staff and said that he deals with a lot of different governmental entities when he tries to put something together and he said that Santa Fe County did one of the best jobs he's ever seen. So I just want to give that shout-out to staff once again. They're making us proud. Thank you.

CHAIR HANSEN: That's fantastic. Thank you for saying that. And thank you for making it out there. That's great. Anything else from anybody before we go on to the next item?

COMMISSIONER ANAYA: Madam Chair, I did have another item on a more solemn and sad note. Steve Shepherd worked here at Santa Fe County. His wife Dorothy's, and also former Commissioner Miguel Chavez' mother-in-law passed away yesterday. Ms. Marquez. And I would like to ask that those listening and streaming and those here would take just a moment of silence in her honor and that of the Marquez family and those grieving their loss, if we could have a moment of silence.

CHAIR HANSEN: I would like to add in Joe Castellano who also passed away recently, whose memorial was this last weekend. So thank you.

VIII. MATTERS FROM OTHER ELECTED OFFICIALS

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

CLERK SALAZAR: Yes, thank you, Chair Hansen and Commissioners. I would like to go over early voting. So at this moment we're conducting early voting and I encourage as many as possible to vote early. We have seven locations where voters, qualified voters can vote. We have the Santa Fe County Clerk's Office that is open for voting Monday through Friday, 8:00 am to 5:00 pm. We will be open on Saturday, November 3rd, from 10:00 to 6:00 pm.

In addition to that we have the other sites. The other sites that we have are Abedon Lopez Community Center, Christian Life Church, Edgewood Elementary School, Max Coll Corridor Community Center. The Pojoaque County Satellite Office, Santa Fe County Fair Building, and the hours for those sites are from Tuesday through Saturday. They are not open Sunday and Monday, but their hours are from 12:00 noon till 8:00 pm. People can go home, have dinner and then go to the polls before 8:00 and vote. The other sites besides the County Clerk's Office, they will be open Saturdays as I

mentioned. On Saturday at the voting convenience centers, 10:00 to 6:00, but during the week 12:00 to 8:00.

In addition to that I would like to say that we're coming very soon to election day, November 6, 2018 and the voting convenience centers will be open from 7:00 to 7:00.

I would like to take this time to also personally thank Tony for assisting us. We had some issues with lighting issues of the walkway into the Max Coll Corridor Community Center where voters could not see the walkway. And I reached out to Tony and he worked on that and I already received a text from the presiding judge appreciating and thanking us that we have better lighting in that area. So thank you so much, Tony.

I want you to know that Tony gets things done. And in addition to that, I want to say that I've been very pleased with the work that we do with HR and with the Legal Department. Things have been rapidly happening for us and so we've been able to work very well with these two departments, besides Tony and other County staff. So thank you all for your assistance. And remember, early voting continues until November 3rd.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Madam Clerk, I think I answered this right but I want you to clarify it for the whole public to hear, but if somebody has not voted, they have two mechanisms to voter – early voting and the day of – election day. But they can't vote as absentee ballot any longer. Is that right?

CLERK SALAZAR: We're still accepting absentee. Yes. Say you requested – we're having problems with the US Postal Service right now. We even had some returned to the voters and we've been working with the US Postal Service. So what we're saying is if we sent you out a ballot, walk them to or send them to, rather than mail them, to the County Clerk's Office, or on election day, to any of the 30 voting convenience centers. We can't receive absentee ballots right now during early voting. Only during election day from 7:00 to 7:00, we can receive absentee ballots where they did not mail them in. We're getting real close to that deadline where they can't do it anymore, but I just want to inform the public that we're having problems with the US Postal Service.

COMMISSIONER ANAYA: So if for example, I had a daughter that was at New Mexico State that didn't want to travel home, right? Could she still get an absentee ballot, fill it out and then get it back here, if I asked for one today?

CLERK SALAZAR: Well, there's a difference. Has she applied for one already?

COMMISSIONER ANAYA: No.

CLERK SALAZAR: Okay. So she can apply for an absentee ballot on line.

COMMISSIONER ANAYA: Okay.

CLERK SALAZAR: She can go on the County Clerk's webpage or the Secretary of State's website. I prefer the Santa Fe County Clerk's webpage, and apply for an absentee ballot. And once she submits that, then we will go through the motions of getting that in order, and then she will be issued an absentee ballot.

COMMISSIONER ANAYA: So it's getting tight.

CLERK SALAZAR: It's getting very tight, and if she's planning to come

visit you she can –

COMMISSIONER ANAYA: She should come home.

CLERK SALAZAR: Yes.

COMMISSIONER ANAYA: And vote.

CLERK SALAZAR: And she can do that, yes. It's getting really tight.

COMMISSIONER ANAYA: I'm getting advice from the counsel here and the Manager is nodding yes. No, I appreciate that. I wasn't sure on that. The other thing I wanted to say is Tony's getting things done and Katherine is making sure Tony and everyone else helps get things done.

CLERK SALAZAR: Absolutely.

COMMISSIONER ANAYA: I just want to put that on the record.

CLERK SALAZAR: Chair Hansen and Commissioners, I want you to know that the County Manager is always right there when we need her, and her staff also. Any issues, they can be addressed immediately. We have that open communication. So we have some very hard working people that work in the County Manager's Office, but I want to acknowledge Tony too, because Katherine is always there when I need to communicate with her, need to talk, but Tony – I know how busy he is, he gets things done. Thank you.

CHAIR HANSEN: Last night I was at a meeting and people were saying, well, what does the County do? And I said, well, first of all, we have a great County Manager. And they said, oh, who is that? I said, Katherine Miller. And they go, oh, we've heard of her. And that is the truth.

There's one other item I did want to mention. This last week I attended the annual meeting of the Old Santa Fe Association and they showed this great movie that was made locally that was called "The House that Gus Built" and it was about the Gustav Bauman house over on Camino Animas, and it was a fabulous little film about the restoration that Nancy Wirth and Mac Watson and the Historic Santa Fe Association put together on restoring that beautiful, charming, arts and crafts house that we have in Santa Fe.

X. PUBLIC HEARINGS

B. Ordinances

1. **Ordinance No. 2018-7, an Ordinance Amending Santa Fe County Ordinance No. 2014-10 ("Solid Waste and Recycling Management Ordinance") to Reduce the Cost of Using County Convenience Centers (Final Public Hearing) [Exhibit 3: Revised Ordinance Text]**

CHAIR HANSEN: We have also on your desk, on the dais is a copy of the latest ordinance with the changes, and after Mr. Martinez speaks we will have a public hearing. Welcome, Mr. Martinez.

ROBERT MARTINEZ (Deputy Public Works Director): Thank you. The proposed amendment that was handed to your earlier delays the permit fee increase, which was scheduled to take place January 2019 to January 2021. This proposed ordinance also reduces the current six-trip permit fee from \$70 to \$55, adds a three-trip permit fee, a permit for \$7.50, and places a permit expiration date of the end of the

calendar year.

The first public hearing was held on October 9, 2018 and the public hearing tonight was legally noticed in the Albuquerque Journal on October 16th. The ordinance, 2014-10 set these permit fee increases over a five-year period in order to achieve 30 percent recovery of solid waste maintenance and operations costs through the permit sales.

Staff at this time requests that the BCC conduct the final public hearing. I stand for questions.

CHAIR HANSEN: Are there any questions from Commissioners?

MS. MILLER: I did want to point out one other thing. One of the things that came out of this process was our current 12-trip punch permit is \$110, but the six-trip was \$70 and one of the requests was to make that half of the 12-trip, and then the three-trip is half of the six trip. And we carried that through to the 2021 date, that same percentage. So if you were to look at what was going to happen on January 1, 2019 it was going to be \$140 and then \$95 for the six trip, and there was no three trip.

So we carried that forward that request of it being half for a six-trip, of a 12-trip.

CHAIR HANSEN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. I was looking at the ordinance in my packet and I was, like all right. This is great. We compromised. We worked through it. And then I went through the redline and thought, oh, bummer. In two years there's going to be an increase. So here's what I'm going to suggest as an outgoing Commissioner. I appreciate very much my colleagues and the communication and the deference to not increase and to have a moratorium. I would suggest – it's up to the Commission two years from now, three years from now. Whenever. To again reconvene and have a discussion about an increase again.

So my take on it is moratorium, the modified fee schedule and then afford the Commission whenever you deem appropriate, because I won't be here, to then go through a process by which you then determine whether or not increases are pertinent at that time, rather than pre-empt it today and say they're going up in 2021. That would be my only request and suggestion. You as a Commission have the latitude to convene and put forward an ordinance at your pleasure.

And so I would just request that rather than pre-empt that discussion, to afford the public to have the feedback. Wait and do that discussion later as opposed to pre-empting the discussion now. That's my only comment. Thank you, Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I appreciate your thought there. The perspective I wanted – and I appreciate the BCC can act on these sorts of things whenever they think is appropriate. The perspective I wanted to put on this was that the set of increases that had previously been in place, which there was discussion that that was getting ahead. It was difficult for some people and we wanted to acknowledge that and make some concessions to make it easier. And especially this idea of the – that reducing so that you could do the 12-trip permit but you could do half that number for half the price, etc., etc. was acknowledgement that some people need to spread things out in the budget and what not.

The idea that I feel that we really discussed was the idea of putting the

moratorium on that final recommended increase, which was recommended by the group that went and investigated the whole status of our solid waste situation and an attempt to get the income from or recouping fees to a greater extent so that we would support operations more effectively.

And so I think the idea of putting this in is to acknowledge that and say we still recognize the need for this future increase. We just don't want to do it now and we've mitigated much of the burden of even this future increase by making sure we had some options that were potentially more in line with people's budgets. So that's just my perspective on it.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Are there any other comments? Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I would also agree with Commissioner Anaya's statements. I feel in 2021 this shouldn't be an automatic increase and it should come back to the Commission for a decision.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: I'm kind of disturbed about this. This system that has grown before my service here has been a quandary to me. I studied economics and I have not been able to figure out how the units of trash combine into, for example, a six-trip converts to how many bag tags, for example. Is there a rationale, a rational way to figure that out, if you have – so for example, how many bags for your \$9, how many does it translate for a 12-trip permit?

MR. MARTINEZ: Madam Chair, Commissioner Moreno, first of all, the bag tags for \$9 are for five bag tags. So the Solid Waste Department and staff were trying to equitably determine what would be a fair rate to charge people and provide certain denominations for people to be able to purchase permits, we came up with multiple permit options to try to accommodate everybody. Obviously, the best way to charge people is by weight and pay as you throw, which you would have to have scales at each collection center. You'd have to have electricity at each collection center, which we don't have. You'd have to have scales at each collection center. You'd have to be able to collection some kind of cash or credit card options at the collection centers as well.

So we do not have those facilities or the ability to provide scales that we would be able to equitably charge people as they throw. That's the ideal way. That's what they do at BuRRT. Unfortunately we don't have that option, so the second best thing to do was to try to accommodate everybody by volume and provide numerous permit options. That way we could try to accommodate everybody that went to the station, whether they had just a little bit of trash or large volumes of trash.

Now we don't collect – we don't allow commercial vehicles or commercial waste, but these permits were intended to accommodate the residential user. Some residents bring more; some residents stockpile their waste and come once a month. Some people bring them in bags every week. So the next best option, as opposed to paying as you throw and having scales and collecting cash was the permit process through volume.

Yes, it would be great to have pay as you throw and scales but that would require quite a bit of capital to provide scales at each facility. Some facilities, like I said, we don't even have electricity, so providing electricity to those places would be very costly as well.

COMMISSIONER MORENO: Thank you. So I was hoping that for the 12-trip permit and the whole scheme, that we would increase the prices. Do you have an estimate of what – how that would impact on for example, trash at the landfill? How much money will not be used in collecting and using the landfill?

MR. MARTINEZ: Madam Chair, Commissioner Moreno, if I understand your question, are you asking me if the fee increases don't occur how much revenue we'd be losing; is that accurate?

COMMISSIONER MORENO: Yes.

MR. MARTINEZ: So during the budget process, I don't know if you recall, there was discussion about using PILT funding in the amount of \$200,000 to throw at the solid waste operations in lieu of raising the fees as per the ordinance. So it was to the tune of about \$200,000 that the delayed or doing away with the fee increases all together would be required to still keep us on track to that 30 percent recovery. So we're looking at about \$200,000 that we'd be losing.

COMMISSIONER MORENO: Okay. And over time it would increase unless we do increase the fees.

MR. MARTINEZ: Madam Chair, Commissioner Moreno, well, the fee increase for January of 2019 was the last scheduled fee increase to get us to 30 percent. So we're pretty close to there if this fee increase was to take place. But as long as that \$200,000 of PILT funding is dedicated to offset these revenue losses, we should be close to the 30 percent recovery unless the landfill raises their tipping fees every year.

COMMISSIONER MORENO: Okay. In the city and in the areas where there is curbside collection, those are operated by either the City or contract organizations, Waste Management is the prevalent one I believe. Can you estimate the equivalence if you had, in my case, my household, \$30 a month for trash collection. How would that equate if you were using bag tags or permits?

MR. MARTINEZ: Madam Chair, Commissioner Moreno, it is estimated that a typical family generates about 3,000 pounds of waste per year. I think it was about a ton and a half. I could be off, but the last time that we did this analysis it was roughly about a ton and a half. It costs the County – I think we estimated with salaries, transportation costs, operation costs of the facilities, it costs us – so for a family that's buying a 12-punch card and going once a month, for the \$110 is what it's currently at, it costs the County about \$280 to actually process that ton and a half of waste.

COMMISSIONER MORENO: Wow. That's impressive. I think I'm going to stop there for a minute. Thank you.

CHAIR HANSEN: I'm going to go to public hearing. I would like to open it up for public hearing. Is there anyone from the public who would like to speak? Please come forward. I'll start on this side.

[Duly sworn, Dave Dogruel testified as follows:]

DAVE DOGRUEL: My name is Dave Dogruel. I'm a resident of Nambe, New Mexico. Here I am again. I've spoken to several Commissions on this subject for over a decade. I was a member of the Santa Fe County Solid Waste Task Force a number of years ago that continued to look at this issue. So my comments are going to be kind of odd. They may wander a little bit. A moment ago, Madam Commissioner, you asked a question, what does Santa Fe County do? That was in a different context but I'll use it as

an opening.

First of all I'd like to thank Santa Fe County for the composting program, so food waste and organic waste is a significant component of our solid waste stream, so the composting program, I believe, is a great first step in dealing with some of that. On a more general topic, what does a local government do? So one of the thing that citizens come together to form a local government to represent them, work on their issues, help them solve problems and try to make things better for everyone, is to deal with some of our societal issues. So here in the western United States for example, some of the services that our local government provides for us that we've actually asked them to do and support them in, many relate to safety and welfare of us.

Some of the concrete examples are law enforcement, so we have a great Sheriff's Office, fire protection and EMS. We have a great County Fire Department of which I'm a volunteer in Pojoaque and have been for a number of years. Most folks would probably agree that it's not reasonable to assume that the provision of these services for our public welfare and safety and health need to cover their own costs. We don't expect that the Fire Department raises revenue through charging people to spray water on their fires, to provide fire prevention education programs, to pay for the fire trucks and water that the Fire Department uses.

We don't believe it's reasonable to expect that the Sheriff's Department generates enough revenue to cover their operations by transporting – we'll call them suspects – and charging them fees for that to cover the cost for their patrol units, their body armor, their sirens. Those are some of the costs and services that we as taxpayers [inaudible] in authorizing our local government to impose taxes upon us to provide services we expect.

So specific to this hearing, solid waste, the safe and effective disposal of solid waste that's generated by our human activities is one of those services that we expect of our local government, with the provision of taxes that we provide. So like the other examples I gave, I personally do not believe it's reasonable to expect that our solid waste operations be economically self-sufficient or even largely so. Not allowing large amount of solid waste to accumulate in our properties, in our public spaces, in our streets, in our arroyos is a good use or an outcome of not using our resources of not using our resources very well.

So tomorrow night, there'll be a bunch of scary things running around on Halloween. One of the things I find particularly scary is our local dumpsites, particularly in northern New Mexico. Some of your Commissioners may not have as acute a problem with illegal dumping in your districts as we do in the north end of the county. I've been recreating, hiking, running, biking, horseback riding in the arroyos and public lands of northern Santa Fe County in northern New Mexico ever since I was a little child. Many of these areas now are affected by illegal dumping. And illegal dumping is done for a number of reasons and one of those is difficulty in compliance with local solid waste fees and practices. Some of it is willful disregard and that is something that is difficult to deal with.

I do have personal experience with several illegal dump sites in northern New Mexico being a member of the Fire Department because these illegal dump sites often encourage and are places where illegal activities occur. We've had to respond to illegal fires and burning in several of these illegal dumpsites as well as two horrific crimes in

District 1 at illegal dump sites. I don't believe it's necessary to go into the details, but basically two human bodies as a result of violent crime were left out in illegal dumpsites in District 1.

I support the previous suggestions, particularly by Commissioner Anaya and Commissioner Roybal that perhaps a moratorium on raising the fees and making changes in the ordinance is a prudent thing to do and perhaps more study, perhaps convening another task force or working group to look into this would be prudent. As Mr. Martinez mentioned, one thing the Solid Waste Task Force looked at when I was a member of that group was the basically pay as you throw and it is the most fair to charge by pound.

So I would challenge the Commission to consider is let's not make excuses. So instead of accepting the second best option of paying by volume and fees associated with that, let's move toward the best option: a phased-in, tiered approach of providing scales and electricity at our convenience centers to make it most fair for all of our citizens to dispose of their waste. Those who generate more fairly should pay more. Those who recycle should be rewarded for that.

Solar photovoltaic capability on County buildings including our fire stations – our station in Pojoaque got solar panels two years ago, so thank you to the County for that. That has saved a significant amount of electricity, particularly in the summer when we run the air conditioners to keep our volunteer fire and rescue providers comfortable. Let's continue that with our County convenience centers. So let's look at adding some solar photovoltaic units to our convenience centers, get the electricity to those facilities. They need to be able to accept payments, to install scales and make this a much more fair system.

Regarding the specific numbers in the redlines in the draft amendments to the ordinance, my quick calculation shows that in 2021 we're looking at a 27 percent increase in the 12-trip and the six-trip cards. I didn't run the numbers for the last of them but they look similar if not less. Compare that to the property tax lightning cap that we have in place. So that protects against an annual increase in property tax to four times less than what's being proposed in 2021 for the increase in solid waste tipping fees. So I just wanted to point that out. That's a great disparity. We protect our citizens from dramatic property tax increases but here we're imposing an over 4X increase compared to our property tax cap over solid waste fees.

In the northern part of Santa Fe County, the Commissioners may be aware, we've been hit with a number of significant increases in our cost of living over the last several years, simply due to where we live. Increases in our electric rates due to right-of-way agreements between Jemez Electric Co-op and the pueblos in the northern part of the county, in which many of us have fee-simple properties within the exterior boundaries of pueblos. That resulted in significant increases in our electric rates. We have the road issues, significant County resources are having to be put into finding agreements for those rights-of-way while constructing new roads to satisfy some of those right-of-way issues. So that impacts us in a sort of roundabout general accounting way for those to be taken away from other things that the County provides and does for us.

So the specific suggestions, and then I'll wrap up, again, is I ask that the Commission seriously consider the moratorium which has been discussed a couple times here, work toward installing infrastructure so we can be the most fair in terms of

installing scales and electricity. I also ask the Commission to consider the removal of any expiration dates from punch cards and permits. Those are paid in full, upfront, so the holder of that punch card or permit who has already paid that money should be able to use that punch card or permit until it is completely consumed.

I'd also ask the Commission to consider reconvening a task force or a working group to look into this issue, particularly in light of the new reality and the future of recycling. China has been the major recipient and purchaser particularly of recycled plastics in the United States. That has recently changed. There are significant new restrictions on plastic waste streams and so a lot of that plastic that those of who participate and diligently recycle does not have a really good path forward. So I think we need to take a step back and look at that. So that concludes my comments. Thank you for your time.

CHAIR HANSEN: Thank you very much. Next.

[Duly sworn, Sharon Dogruel testified as follows:]

SHARON DOGRUEL: Good evening. My name is Sharon Dogruel and my address is #20 Short Road, Nambe, New Mexico. It's a pleasure to be back before you. I enjoyed my opportunity to speak to you earlier. I'll be very brief. I would like to for the Commission to think very carefully about the people you are impacting and I gave testimony earlier, so I will be very concise. I am also an elected official as a school board member, and so I have served for nine years in the Pojoaque District. We are watching our school age population continue to dramatically increase in terms of eligibility for free and reduced lunch.

We had approximately 60 to 65 percent of our students coming from families that met federal poverty guidelines. We are now over 70 percent and we are right in the process as I speak of obtaining all of our Impact Aid documents which is a federal program, as I'm sure you aware, that provides additional funding for a district such as Pojoaque because once again, we have a lot of entities that are not able to recoup for property tax purposes and our district cannot function without those funds.

So when you increase the cost of permits what you are in effect doing is eliminating the possibility for many, many families to obtain those permits. And I think you're well aware not only of the illegal dumping that is going on and we provided some documents for you previously, but I'd like to point out how many people have now taken upon themselves at night to burn their trash. And all one needs to do is drive through the Pojoaque/El Rancho/Nambe area at night and you can smell the trash burning, which is illegal.

So you've added another consideration by eliminating the opportunity for people to legally and responsibly get their trash to our dumpsites. One issue that's important to me, very important, and we stress in our education program is how important it is to take care of our earth, and how important it is to recycle as much as possible and become changes. So we are teaching those students in our schools, this is important. It is an important thing to do. But if there isn't any place to take recyclables, if there isn't anything to do with them, then essentially what we've set up is a contradiction and I as an educator would not want to do that.

So I am asking you to carefully consider this process. I support and I thank you for moving forward on a moratorium right now. We have many, many people in the

valley who will not or cannot purchase a card now, much less if you increase that price. I think there needs to be a serious discussion, a work group, with input from your communities regarding how we're going to deal with this. And, as Commissioner Moreno mentioned, we in Nambe and Pojoaque do not have curbside service. We do not have anyone to come and pick up our trash. We don't pay a monthly fee to contract with someone, and I'll be honest, I don't know who that would be. Maybe a neighbor with a big pickup truck. So our situation is quite different. And I think we want to be responsible. We want to take care of the trash. We certainly want to recycle as much as we possibly can. And we want to teach our children, our future generations to do that.

So by putting a moratorium, I think you are taking a very positive step forward. I want to support Commissioner Anaya's suggestion and I also concur about pulling together a working group and look seriously at how we're going to tackle this issue. It won't go away, as you know well. And rather than looking at having to increase it periodically, and that may be the option, that may be the only way, but I for one think that there are probably some very good ideas about how we might do this in a proportional way, in a scaled way. Either way, perhaps that low income families could get a reduced amount. Our school district knows, every family, every child that comes from a high poverty household. We know that. Those are not secret bits of information. But you could encourage many people to purchase permit cards if you had a scale and there was fairness, there was equity about that. I think many people who can afford to purchase would appreciate that, because you're increasing the pool, which is what you want to do. So thank you so much. Again, it's a pleasure to be back here with you and it's a pleasure to see you take this issue seriously. It does affect us and it certainly affects our future and the generations coming up. Thank you so much.

CHAIR HANSEN: Thank you. Next.

[Duly sworn, Joe Eigner testified as follows:]

JOE EIGNER: I'm Joe Eigner, 6 Verano Drive. Again, I have to apologize for my bad hearing. I could not follow remarks of the two speakers before me, so I look forward to Madam Recorder's minutes when I can find out. I'll begin.

Madam Chair, Commissioners, I was glad to see that I believe Commissioner Hamilton received clarification that the proposal is for a two-year delay, not a permanent delay. Thank you, Commissioner. But I still oppose this ordinance. The long planned fee increases that were due on January 1, 2019 would have been the last and the final ones under the prior Commission's effort to have convenience center patrons pay a fairer, but modest share – 30 percent – of center costs. That was up from a token 15 percent.

The plan also was meant to be fairer to the approximately 75 percent of county residents, those who choose and may dearly for curbside collection, but whose taxes also subsidize the convenience centers. In effect, they're paying twice for solid waste disposal.

At the first hearing I talked about many of the possible beneficial uses for the \$200,000 annual revenue loss passage of this ordinance would create. The two-year delay will mean that the County has a loss of \$400,000 at a most crucial time. Please let me have a few minutes to explain why I think it is imperative that this Commission not lightly abandon those funds.

One week before my eighth birthday, Pearl Harbor was attacked and our nation

was plunged into a four-year maelstrom of World War II. It was a crisis of unimaginable proportions, yet our nation was unified and rose to the challenge. We shifted from making cars to making tanks and war plants for ourselves and our allies. Every aspect of the economy and the daily life was affected. Millions served in the military. Tens of thousands died. Today, our generation, your generation, faces a planetary crisis of perhaps greater magnitude. Climate change, global warming – call it what you will. We have at most some 20 years to deal with it. But our nation, one of the most responsible for creating the crisis is not prepared for it. We lack both unity and leadership and seem unwilling to make the sacrifices the World War II generation made.

Every individual, every household, every level of local government, from HOAs to cities to counties and states will have to respond if this worldwide war is to be won. For this reason I beg the Commission to vote down tonight's ordinance and to allocate the funds this would save to organize the response Santa Fe County must make to this enormous crisis. The time we have is limited. The challenge is great. Further delay is not an option. There is no Planet B. Let us begin the hard journey to save our beautiful earth.

Madam Chair, I want to thank you for mentioning the European action about plastics. That's very important. I think you may have seen on television that the City of Albuquerque, their council is about to consider a plastic bag ban based on the Santa Fe experience. I thank you.

CHAIR HANSEN: Thank you, Joe. Is there anyone else from the public who would like to speak? Is there anybody else from the public who would like to speak? Seeing none, I now am closing the public comment period and we will go back to comments from the Commissioners. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Mr. Eigner, I greatly appreciate your persistence and your dedication to every remark that you made in coming back to the Commission over and over again to articulate it in different forms to get your point across. And you didn't hear what those two individuals said behind you so I wanted to take a moment and say they articulated in much more refined grammar and English than I, what I have been articulating ever since I set foot on this Commission. And so you can get the minutes and read that for yourself but I did want to convey that I very much appreciate their perspective as well as yours. And I wanted to say one last thing before we move to any potential action on this ordinance, and that is this one point. Please, please, never confuse my commitment to recycling, to solar use, to wind generation, and any facet that we can do individually or collectively on any governing board. Because I've committed that and I've shown it through my votes and through my actions and support of those initiatives that better the planetary situation and difficult and terrible predicament that we're in.

But I do think over and over again, my comments are taken out of context and there's a correlation or comparison that there has to be the investment, dollar for dollar, from the public in every service that's rendered. That gentleman sitting right behind you articulated very methodically very effectively what I have tried to articulate in that I believe there's an obligation and a responsibility for the local government to bear a burden of responsibility for taxes that individuals pay and provide a service. It's no negligence on my part of that gentleman or the lady sitting next to him in their commitment to better the environment and the community. It's just a different

perspective of what we believe the use of tax dollars should be used for in rendering services in all parts of the county.

And the point that they articulated several times, there are differences, socioeconomic differences from one district to the next in capacity in job wealth, in opportunity, from one part of the city to the outerlying areas of the county. But there's no disagreement or debate whatsoever in your perspective that there has to be aggressive action and that we do something. And I would say collectively as a Commission, not only now, but prior Commissions, Santa Fe County hasn't been at the back of the line. Santa Fe County of the 33 counties has been in front of the line.

So as we progress through a task force or whatever other recommendations come from other Commissions when I'm long gone in two months, I would just beg the Commission now and in the future, to take into regard the perspective that there aren't the same services in Eldorado that there are in Stanley or Nambe or Chimayo. And that there's an investment that taxpayers make in property tax and gross receipts tax where they expect some services that they might now have access to as you might have access to in your close proximity to Santa Fe.

I don't debate what you have or don't have. I just know that there are differences. And we regard in the rural area, and appreciate that investment of the County in keeping those fees low. But it doesn't take anything away from this County's ability through our resources to step our investment of the \$200,000 or \$400,000 you suggest we're losing, we might have opportunity in budget an planning to still make that same investment and still keep the fees down. I don't think they're mutually exclusive. We still have that opportunity. This Board has that opportunity to abate those investments.

And so I wholeheartedly agree in the crisis that we're in and the investments we need to make. We just philosophically disagree that the trash has to be beared, the burden, by each individual dollar for dollar. That's where we disagree. Because of what we see in the arroyos or what we see in people's ability or capacity to pay or not be able to pay. But it's not a disagreement at all in the need to be able to effectively do what we need to do to protect the environment. At all. So I just wanted to say that. I sat up closer to the microphone but you said in the past that you can't hardly hear anybody and I respect that because I can hardly hear and every time I'm looking at my paper I have to take my glasses off, but I wanted to really appreciate what you said and also express the feedback that those folks brought forward today as well.

MR. EIGNER: Madam Chair, thank you, Commissioner Anaya. I hear you very well. Thank you.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to ditto the comments that Commissioner Anaya made. I think that was spot on. I think that we did get a lot of good feedback tonight and one thing that I did hear is re-establishing the Solid Waste Task Force. I think that's imperative in the next couple years so we can get feedback from our communities so we can better understand what their needs are in all the communities, because they are all different. So I think that re-establishing that Solid Waste Task Force would be very important, and also finding a way to incentivize recycling so that we could actually bring down the costs of getting rid of the trash in the landfill. Thank you.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So some of the points about what are the responsibilities of County government, local government, and how we achieve those obligations are a good point in general. But fire was brought up as one example. Public Safety – we don't pay for the Sheriffs based on usage. So every time somebody has to report to somebody's house they don't get charged for that use. There can be a lot of discussion about different ways where it's appropriate to tax generally for services that everybody uses or to tax less and charge the balance of the obligations by usage, right? And one of the ways, and I'm not saying that there aren't alternative arguments, but one of the classic ways those things are separated are between things like public safety that everybody depends on, and utilities.

And so water is something – even if it's not viewed as having to go -- which we don't do yet, and maybe we're trying to move toward a little, there is paying by usage. And so the gentleman's point about the fairest way to handle the solid waste would be to pay as you throw. But I think Mr. Martinez did make the fair point that this is – what we do is kind of at this point a compromise, where we don't have the capital and the facilities at every location to be able to do that.

I don't see any reason we couldn't consider our ability, what it would take to move toward that over the next couple of years while the moratorium is potentially still in place. But the comment was also just made about incentivizing recycling. The fact of the matter is that the structure of paying in hopefully a reasonably affordable way, especially with reducing the prices of the fewer punched tickets so that people are not harmed by saying I want to pay this in two installments or do it more on an as you go basis.

I derailed myself there. One of the other points I wanted to make was the issue of services. There's been some mention that there are some places that have the service of curbside trash pickup and people in the north and other areas don't have that. But the truth of the matter is an average of \$30 a month that Commissioner Moreno threw out there, and it's probably an average or a low average figure. That's \$360 a year to throw your trash. Whereas – and the truth of the matter is that everybody – to the extent that we are not recouping, and we're not intending to – but even to the extent that we're not recouping the real costs of disposing of trash, that is subsidized by taxes. Everybody's paying taxes. So the other side of this is that people that are already paying for curbside pickup are paying twice, more than the people who are in areas that are not doing curbside.

It's definitely more effort to have to take your own trash, but it is in part intended to incentivize the recycling and the composting, which is part of the reason the County's gone to this effort to do, a composting program, and to help people with that. Because the more you compost and the more you recycle the less bagged trash you have to throw.

So what I feel is that we're trying to achieve a compromise, where we're postponing this – suggesting that we postpone any increases, that we would take on the philosophy of reducing the cost of subsets of a full 12-punch permit, I think it would be very reasonable to then to also look into the alternative of throw as you go. I think the idea that you both mentioned of reinstating the commission to look at possibilities might be a very effective thing to do, to reconvene the task force.

And the other suggestion that's been made, I think actually by both parties. There

were various people at different times, is the possibility of looking at an accommodation for the lowest income. I don't think that's – I don't know whether that's incorporated into the current ordinance, but I suspect we could look at that and add it, or add it as an amendment. So I think that's a reasonable thing to consider.

CHAIR HANSEN: Yes, Mr. Martinez.

MR. MARTINEZ: Madam Chair, Commissioner Hamilton, we already offer low income, senior citizen or veteran discounts. So that's already in the current ordinance.

COMMISSIONER HAMILTON: Okay. So that's very good to hear. Thank you. And that's all I had to say on all those points.

CHAIR HANSEN: Commissioner Moreno, you have anything else you wanted to say? Okay, Commissioner Moreno.

COMMISSIONER MORENO: When I lived in Hyde Park many years ago, yes, I did put my trash in the back of my car and deposit my bag in a commercial dumpster. At the time, trash wasn't a big deal. But I knew that it wasn't going to be misused. It's just going to be trash. And it was free for one trip. If I had been busted for doing that, who knows what would have happened to me in my political career.

But I want to make the case that the bag tags are incredibly cheap relative to any other program out there. And they always will be as long as there are punch tickets. So I'm looking forward to the work of the task force or whatever it's going to be called, but I think I have an obligation to say that I'm going to vote to support the earth. Thanks.

CHAIR HANSEN: Okay. Thank you. I'm going to take a few opportunities to say a few things before we have a vote. One of the things that we heard very strongly that the 12-trip ticket was difficult for people to pay. And so what we did was we created a six-trip ticket at a reduced price, at the same exact price as the 12. We created a three-trip ticket at the same exact price as the 12-trip. We created a one-price trip which is exactly the same price as the 12-trip. I'm sorry. The three trip is the highest. One trip is double. That did not get reduced. But the six and the three are all the same as the 12.

And as Commissioner Moreno said, the bag tags are incredibly cheap. I live in the city. I'm the only County Commissioner up here that lives in the city so I get my trash picked up. I pay probably \$250 every year for trash pickup, recycling pickup. For 12 trips at \$9 apiece for \$110, it's incredibly reasonable and for me, I could probably get away with a six or three, actually, because I rarely put out my trash. I don't have a lot of trash. I think what we have done here in compromising and making this a real moratorium by setting a time limit, of increasing it to a January 2021 is a fair way to go and we're giving people in the north and in the south options to buy tickets at a reduce price, which they did not have before.

And so I feel those are really good motivations to pass this ordinance, and with that I would ask Commissioner Hamilton if she would like to make a motion.

COMMISSIONER HAMILTON: Yes. I would like to move that we pass this ordinance as it was revised and presented to us today.

CHAIR HANSEN: Do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Just under discussion.

CHAIR HANSEN: Yes, under discussion.

COMMISSIONER ANAYA: Madam Chair, I have on more than one occasion made my perspective known, but I also recognize and appreciate that staff as well as yourselves on the Commission rendered compromise associated with the reductions, with the moratorium, number one, and with the reductions in the permits. And also, because I had some good general math teachers in school, I can count. And so those things combined, I'm going to respectfully support the motion, and then ask respectfully that the next Commission, the four of you and whoever sits in this chair, consider the task force and a re-engagement before that 2021 date hits to figure out – in fact, I'm just going to offer it as a friendly amendment that between now and 2021 that the Commission would engage a task force. I think there's nothing that could be lost from that. There's nothing that could be lost from that. Would you accept that as a friendly amendment to the motion?

COMMISSIONER HAMILTON: Yes, I think it's a good idea. Honestly, my only hesitation is the practical – to jump and agree with something that might actually have costs. I wanted to make sure – I don't know under what auspices, the way the previous task force was engaged and whether we have to pay for it and have to have it as a budget item. And so I'm not sure I want to accept the friendly amendment but I do accept the concept of looking into the possibility, by all means.

COMMISSIONER ANAYA: What if I was a little more clear and said a task force that would convene commensurate with the budget timeline to be able to make recommendations leading into that 2021 year.

COMMISSIONER HAMILTON: But that's not what I mean by budget. I mean like if we convene a task force there are costs to the County of engaging in that process. So the County spent money to have that study done and have the task force. That's what I'm concerned about.

COMMISSIONER ANAYA: And I guess, if I could just reframe and say that the people – there is a staff consideration of support for the committee but the essence of the task force that we've engaged Countywide has always been volunteer people like the folks sitting in this audience convening to represent their perspective from their community. So a cost on the staff side I appreciate but at the end of the day I think that's a small price to render the feedback we're going to get. I'm not trying to argumentative.

I just think, based on the feedback we heard on both sides that there might be options and frankly, I think you're going to get pressure on both sides in agreement that there needs to be immense upgrades in capital investment that's going to even pre-empt discussion on the fees themselves. Because to go to what I said to Mr. Eigner, I think it is time for the County to even do more. We've done tremendous improvements to the transfer stations for decades. For at least a good solid decade now, but we need to take that next step to get the scales. I think that's going to happen anyway. I just want to give some assurances to those that may have some concerns that there's going to be a process that you guys frankly, will engage in to get input before the 2021 date so that there's an opportunity for feedback.

COMMISSIONER HAMILTON: I totally appreciate showing the

seriousness of our intent to do it by putting it as a friendly amendment, but I would like to at least ask County Manager Miller and whoever else to respond to what we're committing to, because generically, I would like to think about the alternatives and think about our future process. I totally respect what you're saying but I think we need that input before tying these two things together.

MR. MARTINEZ: Madam Chair, can I chime in here?

CHAIR HANSEN: Yes, Mr. Martinez, please.

MR. MARTINEZ: I have a suggestion. Maybe the direction to reconvene the Solid Waste Task Force is not part of the ordinance but adopt the ordinance whatever way you want relative to the fees, and then direct staff to reconvene a Solid Waste Task Force after the new year. I'm just suggesting not make it part of the ordinance.

CHAIR HANSEN: I would accept that. Would you accept that, Commissioner Moreno?

COMMISSIONER HAMILTON: I made the motion; he seconded it. So I would really like to hear the County Manager's response.

MS. MILLER: Madam Chair, Commissioner Hamilton, I think Robert has a good idea. I don't think that you need to – in order to direct us to have a task force you can do that by resolution. You can just direct it. I agree, I don't necessarily think it needs to be in the ordinance. There is a cost associated but it's not a cost-prohibitive thing. You're talking noticing the meetings, recording the meetings, if we do any kind of study. Like we did quite a bit of work the last time and there was a report that came from that. So it took a lot of staff time but as far as an additional budget item, it wouldn't be significant.

COMMISSIONER HAMILTON: Thank you. So I would like to keep them separate and accept Mr. Martinez' suggestion of doing it as a direction to staff.

COMMISSIONER ANAYA: Did he say take the date out as well?

CHAIR HANSEN: No. No date removed.

COMMISSIONER HAMILTON: But I like your try.

CHAIR HANSEN: Okay so we have a motion and a second. Any more discussion? Roll call.

The motion to approve Ordinance 2018-7 passed by majority 4-1 roll call vote as follows:

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

XI. INFORMATION ITEMS

- A. Community Services Department Monthly Report**
- B. Growth Management Department Monthly Report**
- C. Public Safety Department Monthly Report**

- D. Public Works Department Monthly Report**
- E. Finance Division Monthly Report**
- F. Human Resources Division Monthly Report**

CHAIR HANSEN: Does anybody have any comments on informational items?

COMMISSIONER HAMILTON: No, but thank you to everyone.

CHAIR HANSEN: I have one comment. I'd like to know what is happening with the commercial kitchen out at Stanley.

MS. MILLER: Madam Chair, I don't know whether there's a what's happening.

CHAIR HANSEN: Are they using it?

MS. MILLER: It exists. We've done RFPs for an operator for it. We do not have anyone who's responded to that. We have an operator for the Stanley Center itself. We discussed putting that as part of operations but at the time that we did the RFP for the operator of the entire center the Community Services felt it was better to keep the kitchen separate. It's something we may look at trying to get the operator to consider amending the contract and running that but it does take – because it's commercial, when you use it you do have a license to use that from DOH and you want to make sure you don't jeopardize your license to operate the kitchen.

COMMISSIONER ANAYA: Thank you for bringing that up. I have a follow-up to that.

CHAIR HANSEN: Okay.

COMMISSIONER ANAYA: So New Mexico Highlands University and our County Fairgrounds are two immediate examples of kitchens that afford non-profits the ability to go in and function and do very simple things – cooking hot dogs, making popcorn and candy sales and soda sales as an example. Within those functions, within those institutions – specifically I'll speak to Highlands University, they allow those clubs to raise money for the kids and those groups under the supervision – and it's not rocket science. You've got to cook a hot dog to certain temperature. You've got to have certain – and they're not difficult – standards associated with cleanliness. I would ask – no comment necessary now – for follow-up relative to how clubs, non-profits, our 4-H groups could utilize the facility and run concessions in tandem with events without making it a big deal about having to have a separate, specific operator. And so I'll provide you – and we have our school of health that works in tandem with the food service at Highlands, to make sure that everybody understands the frameworks of cleanliness and like I said, it's not rocket science but it creates a function use and a benefit to the community for raising money.

MS. MILLER: Madam Chair, Commissioner Anaya, I think that's not infeasible. I think the issue has been – because we don't have any County staff that actually runs the facility we need either an operator for the kitchen or the current operator overseeing that. And that's why I said in the RFP for the regular operator we didn't include that because they were looking for a separate one for just trying to do the kitchen to have somebody who could come in, could run it, could manage it, separate from the event coordinator, I guess I'll say. But I think we may have to look at amending the

contract for the event coordinator to oversee the kitchen.

COMMISSIONER ANAYA: Awesome.

MS. MILLER: And that would be the potential way to utilize the kitchen.

COMMISSIONER ANAYA: Awesome. Thanks for bringing that up.

CHAIR HANSEN: Well, I had someone come in my office who is interested in possibly running the kitchen.

COMMISSIONER ANAYA: That's awesome. There could be a benefit from an operator running it and also an opportunity to provide other entities, like non-profits, like the kids, the ability to generate revenue out there at the same time.

CHAIR HANSEN: Right. The other thing, we have a very serious issue with is food trucks and the rules that have changed at the Department of Health, and them needing places as a commercial kitchen to host their licenses and to work. And so Stanley is a little far away, unfortunately, but there are people who need income and need to work in that manner. So I think we just need to explore what we can do there.

IX. MATTERS FROM THE COUNTY ATTORNEY

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

1. **Aamodt Settlement/Pojoaque Basin Regional Water System**
2. ***USA/Santa Clara Pueblo, et al. v. City of Española (USDC)***
3. **GRT Litigation**
4. ***City of Chicago v. Jefferson B. Sessions III, Attorney General of the United States***

MR. FREDERICK: Thank you, Madam Chair. It's nice to be on item IX. We're requesting executive session to discuss the matters indicated under item IX. A, pursuant to the authority listed in that same agenda item.

CHAIR HANSEN: Can I have a motion to go into executive session?

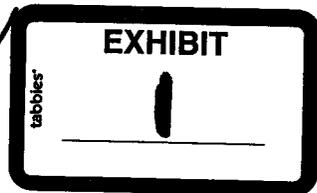
COMMISSIONER ROYBAL: Madam Chair, I'd like to move that we go into executive session for the items that were summarized by Mr. Frederick, our County Attorney.

COMMISSIONER MORENO: I second the motion.

CHAIR HANSEN: Roll call.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 3, 6, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

REVISED



Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

**CASE # SLAP 18-5120; Appeal from Order of the
Santa Fe County Planning Commission in Case #
VAR 17-5190
Glorieta 2.0, Inc., Applicant for Seven (7) Variances**

ORDER

THIS MATTER came before the Santa Fe County (County) Board of County Commissioners (Board) for hearing on August 14, 2018, on the timely appeal of Mike Adney and Jeff Hanus (collectively, Appellants), pursuant to Section 4.5.4 of the County Sustainable Land Development Code (SLDC). Appellants appealed from a final decision of the County Planning Commission that granted, in part, and denied, in part, the application of Glorieta 2.0, Inc. (Applicant), a nonprofit New Mexico Corporation, for after-the-fact variances from seven Sections of the SLDC. Applicant requests the variances in connection with its application for a Site Development Plan (SDP Application) that is currently pending before the Land Use Administrator (Administrator). In the SDP Application, Applicant requests the Administrator to approve non-residential development of a small portion of the 2,227.44+ acre parcel (Property) formerly known as the Glorieta Baptist Conference Center. As currently proposed, the Administrator cannot approve the SDP Application unless the variances are granted.

SFC CLERK RECORDED 11/29/2018

The Board, having considered the Applicant's and the Appellants' submittals and testimony, the Appellants' submittals and testimony, the Staff Report [NBB-1¹] and Staff Presentation, the Hearing Officer's Recommended Decision and Order [NBB-405], the Planning Commission Order [NBB-486], and having conducted a public hearing on the Application in a *de novo* appeal, finds that the Variance Application should be GRANTED subject to the conditions set out below.

BACKGROUND

1. The Property was the site of the Glorieta Baptist Conference Center (Conference Center), established in 1950s, before being purchased by Applicant in September, 2013. The existing legal, non-conforming development on Property includes approximately 18 lodges/dorm facilities, approximately 100 small lots with most lots having dwellings on them, a dining hall, an auditorium, meeting rooms, and other structures which were utilized by the Conference Center. The Conference Center was utilized as a religious facility, retreat, lodging for attendees of camps and retreats, and other activities associated with the facility. [Staff Report, NBB-1; SDP Application, NBB-147]
2. The Property is located within three zoning districts: Public/Institutional (650+ acres); Rural (1,500 + acres); and Rural Fringe (78 + acres), and is located at 11 State Road 50 & 101 Oak, within T16N, R11E, Section 22, SDA-2. [Staff Report] Applicant is not seeking any change in zoning.
3. The Board takes administrative notice of the Glorieta Adventure Camp website found at glorieta.org, which describes Applicant's facilities and mission and thus provides context for the

¹ "NBB-#" refers to Staff's sequential numbering of the Staff Report and 27 exhibits attached thereto. Exhibit 28 to the Staff Report, the Environmental Impact Report (EIR), is on a DVD and not included in the NBB sequence of numbers.

proposed developments and requested variances.² The website headline reads, “Changing Lives through Outdoor Adventure.” Below the headline the website invites readers to “Choose an Adventure” from among three categories: Retreats, Camps, and Races.

a. In the “Camps” category, for example, the website lists “Group Camps” for middle and high school children and states that this camp is, “Ideal for” Churches, Schools and Organizations.” The website includes similar descriptions for “Family Camp,” “Summary Camps,” and “Day Camps.”

b. In the “Retreats” category, the website lists “Ministers Refresher,” “Educators Energizer,” “Couples Retreat” and “Snow Days Retreat” as weekend retreats. The website also offers “Custom Retreats,” including Group, Family, Student, and Wilderness Retreats.

c. Under “Races,” the website advertises several upcoming races, including the “Big Mountain Enduro,” “Glory Days,” and the “Tatonka 5K & 10K Runs.” The website goes on to boast that the Property is: “A Great Place for Your Race. Rugged Terrain. Endless Obstacles. Supreme Intense.”³

d. Peppered throughout the website are pictures depicting children and adults engaged in various outdoor activities and adventures in mountainous wooded terrain, including swimming in the onsite lake, which includes inflatable and wooden platforms; body painting; zip lining; hiking and running; mountain biking; field sports; rock climbing; slogging through the onsite mud pit; dancing; and outdoor concerts.

4. On August 7, 2017, JenkinsGavin, Inc. submitted the SDP Application on behalf of Applicant. Among other things, the SDP Application⁴ seeks approval of the following

² Applicant’s programs are also described in an undated “Letter of Intent for Santa Fe County.” [NBB 41]

³ Applicant has obtained a Special Use Permit and Temporary Use Permit for specific race events.

⁴ This Order only concerns the requested variances. The Board takes no position on the merits of the SDP Application, which is mentioned here only for context.

improvements on the Property (collectively, “Requested Improvements”) that do not meet SLDC standards and that, therefore, require variances:

- a. Roads, consisting of Zip Tour Road [#27], a new road, and Hagen Creek Road [#68], an existing road.⁵
- b. Zip Line Structures, including the Zip Tour Platforms [#56] and the Holcomb Flylines [#30].
- c. Tree Structures, including the Challenge Treehouse [#34], the Overnight Treehouse [#35], and the Tree Rappel Structure [#36].
- d. Biking, Hiking, and Parking Improvements, including Green Trail Bridge 1 [#38], Green Trail Bridge 2 [#39], Oklahoma Parking and Bike Terrain Park [#65], trails [#67], the Bike Terrain Area [#71].
- e. The Mudpit Platform [#37].
- f. The Reclamation Area [#51].

(This Order refers to the individual or categories of Requested Improvements using the underlined terms above.)

5. In violation of the SLDC, Applicant already constructed all of the forgoing improvements without first obtaining the necessary development permits. As a result, Applicant must now seek and obtain after-the-fact variances or be subject to criminal charges and/or civil enforcement of the SLDC seeking to require the Applicant to remove the illegally constructed improvements and reclaim disturbed areas. Applicant claims that it did not know the SLDC applied to the improvements at issue at the time of construction [NBB 134] and further claims that, upon learning of the applicable SLDC requirements through communications with Staff (including

⁵ Numbers correspond to Applicant’s Site Plan Map at NBB-266. The Requested Improvements are further described in the Staff Report (including Exhibits 1-28) and the “Glorieta 2.0 Appeal Response” provided by Applicant at the public hearing before the Board.

written notices of violation), it immediately ceased use of the Requested Improvements and applied for the required permits and variances.

6. On February 15, 2017, County Staff and the County Fire Marshal conducted a site visit at the Property and observed several unpermitted developments, including multiple new structures utilized for zip lines, lake slides and diving boards, multiple decks, a remodeled building utilized as a Coffee Shop/General Store, the new trails (grading) for extreme biking, and a skeet shooting range. Staff also documented a large area of land that was being utilized to dispose of solid waste material. On the same date, Staff issued Glorieta 2.0 a Notice of Violation (NOV) and Stop Work Order for non-compliance with Section 4.8 (unpermitted development) of the SLDC and Ordinance 1993-11 (Anti-Litter). [NBB 2-3, 46] On February 22, 2017, the Land Use Administrator issued a detailed NOV and ordered Applicant to cease all use of unpermitted structures. [NBB 86]

7. Since the Administrator issued her NOV, Applicant has endeavored to comply with the SLDC, including:

a. Applicant submitted several applications for Development Permits for interior renovations, exploratory wells, and new roofs following the issuance of the Order to Cease and Desist, which the Administrator approved due to concern for safety issues. [NBB 3, 90]

b. Applicant submitted a Solid Waste Abatement Plan and coordinated cleanup of the unpermitted dump on the Property with the County and the New Mexico Environmental Department (NMED), which also issued an NOV to Applicant. [NBB 91, 95, 96]. NMED and Staff have verified that the site has been cleared of solid waste and re-vegetated. [*Id.*, NBB 3]

c. Applicant stated that it ceased use of all unpermitted structures (NBB 98-105) and has submitted the SDP Application and related requests for variances.

d. Applicant applied for and, on May 25, 2018, received a Temporary Use Permit and Special Use permit allowing a 2-day BME Mountain Enduro race (extreme bike racing) on the non-conforming trails on the Glorieta 2.0 site. [NBB 3]

REQUESTED VARIANCES

8. The nature of the Property and the Requested Improvements preclude the Administrator from approving the Site Development Plan unless Applicant obtains seven variances, as follows:

- a. **Variance #1—SLDC Table 7-13.** This Table sets out the “Rural Road Classification and Design Standards” for SDA-2 and SDA-3. Applicant seeks variances from the width and grade requirements applicable to “Local” roads.

Requested Improvements requiring Variance #1:

Hagen Creek and Zip Tour Roads

- b. **Variance #2—SLDC § 7.17.9.2.3.** Pursuant to this Section, “No structure may be constructed on natural slopes of thirty percent (30%) or greater.”

Requested Improvements requiring Variance #2:

Hagen Creek and Zip Tour Roads
Zip Line Structures
Biking, Hiking, and Parking Improvements
Reclamation Area

- c. **Variance #3—SLDC § 7.17.10.4.1.** Pursuant to this Section, “Roads and driveways shall not be designed or constructed on slopes over twenty-five percent (25%).”

Requested Improvements requiring Variance #3:

Roads

- d. **Variance #4—SLDC § 7.17.10.3.1.** Pursuant to this Section, which applies to development at or above 7,400 feet, “The disturbed area on any lot shall not

exceed twelve thousand (12,000) square feet,” not including the primary driveway.

Requested Improvements requiring Variance #4:

- Roads
- Zip Line Structures
- Tree Structures
- Biking, Hiking, and Parking Improvements (except #67—Trails)

- e. **Variance #5—SLDC § 7.17.9.2.7.** Pursuant to this Section, “no significant tree may be removed from slopes greater than thirty (30) percent.”

Requested Improvements requiring Variance #5:

- Zip Line Structures

- f. **Variance #6—SLDC Table 8-17.** Pursuant to this Table, no structure may exceed 48 feet in the Public/Institutional Zoning District.

Requested Improvements requiring Variance #6:

- Holcomb Flylines

- g. **Variance #7—SLDC Section 7.17.9.3.1.** Pursuant to this Section: “The height of any structure located on land that has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18’). The distance between the highest point of the structure and the lowest point at the natural grade or finished cut shall not exceed thirty (30) feet, unless the portion of the slope over fifteen percent (15%) is incidental to the entire site.”

Requested Improvements requiring Variance #6:

- Tree Structures

Individual variances will hereinafter be referred to by the applicable variance numbers identified above.

9. Variance Nos. 1 through 7 are also summarized on a one-page document provided by Applicant at the public hearing, titled "Variance Requests" and printed on green paper. The locations of the Requested Improvements requiring variances are shown on Applicant's Site Plan, Sheet A-34-C1, at NBB-266.

STANDARD OF REVIEW AND APPLICABLE LAW

10. The Board is a zoning authority under the Municipal Zoning Act (MZA), NMSA 1978, Sections 3-21-1 through 3-21-26.

11. The Board delegated to the County Planning Commission the authority to "hold public hearings and take final action and issue development orders regarding applications for variances" SLDC § 3.3.2.5.

12. On appeal, the Board reviews the decisions of the Planning Commission *de novo*. SLDC § 4.5.4. Variance hearings are quasi-judicial and conducted in accordance with Sections 4.3.2 and 4.7.2 of the SLDC, Ordinance No. 2010-12 (County Code of Conduct), and Resolution No. 2009-2 (Rules of Order).

13. The decision to grant a variance to the SLDC is left to the sound discretion of the Planning Commission and, on appeal, to the Board. *See Paule v. Santa Fe County Bd. of County Com'rs*, 2005-NMSC-021, ¶ 30. Under the MZA, the Board "by majority vote of all its members may ... authorize, in appropriate cases and subject to appropriate conditions and safeguards, variances ... from the terms of the" SLDC:

- (a) *that are not contrary to the public interest;*
- (b) *where, owing to special conditions, a literal enforcement of the [SLDC] will result in unnecessary hardship;*
- (c) *so that the spirit of the zoning ordinance is observed and substantial justice done; and*

(d) so that the goals and policies of the comprehensive plan are implemented[.]

NMSA 1978 § 3-21-8 (1965, as amended through 2008) (emphasis added).

14. Under SLDC Section 4.9.7.3, if the review criteria described in Section 4.9.7.4 are met, the Board “may grant a zoning variance from any provision of the SLDC except that [it] shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.” *See also* SLDC § 4.9.7.1 (“The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the [SLDC], but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.”).

15. Applicant does not seek a variance to engage in any use that would otherwise be prohibited in the relevant zoning districts, and nothing in this Order permits such use.

16. Under the SLDC, “a variance may be granted only by a majority vote of the members of the ... Board ... based on the following criteria:”

1. [The] request is not contrary to the public interest; [and]
2. [Because] of extraordinary and exceptional situations or conditions of the property, the strict application of the [SLDC] would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
3. [The] spirit of the SLDC is observed and substantial justice is done.

SLDC § 4.9.7.4 (Review Criteria). In addition, consistent with Section 3-21-8, all applications “for discretionary approval shall be required to provide ... [d]emonstrated consistency with the [Sustainable Growth Management Plan (SGMP)], and applicable area, district and/or community plans.” SLDC § 1.4.2.28.

17. Consistent with Section 3-21-8, the Board has broad discretion to impose conditions on grants of variance as “necessary to accomplish the purposes and intent of the SLDC and the

SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.” SLDC § 4.9.7.5. In addition, all “variances run with the land, unless conditions of approval ... imposed by the Planning Commission specify otherwise.” *Id.* A variance “automatically expire[s] within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.” *Id.*

18. The burden is on applicants to demonstrate compliance with the variance Review Criteria. *See Paule, 2005-NMSC-21, ¶ 34.* If an applicant meets this *prima facie* burden, the Board may grant the requested variance, grant the variance with conditions, or deny the variance based on substantial evidence in the record that, in the Board’s opinion, rebuts an applicant’s *prima facie* case.

SUMMARY OF TESTIMONY AND EVIDENCE

19. The paragraphs above referring to documents or other materials in the record are incorporated by reference into this summary of testimony and evidence. No testimony or submittal by staff, any party, or the public was excluded from the record in this matter.

20. Although not binding on the Board, the Board considers the Recommended Decision of the Hearing Officer [NBB-405] and the Order of the Planning Commission [NBB-487], which comprise part of the record in this matter.

21. The Hearing Officer’s Recommended Decision is summarized as follows:

a. Paragraphs 1-5 describe Applicant’s submittals and compliance SLDC requirements regarding notice, presentation to the County Technical Advisory Committee (TAC), and public meeting.

b. Paragraphs 6-7 describe Applicant's land uses and notes that all were allowed within the relevant zoning districts.

c. Paragraph 8 describes the general process for obtaining development approval requiring variances:

The Applicant is requesting the variances described above to obtain approval of the Site Development Plan/Development Permit for the structures/roads/trails and the use of the structures/roads/trails. The approved Development Permit for the structures will then be subject to review by the New Mexico Construction Industries Division for structural soundness and compliance with the International Building Code.

d. Paragraph 9 summarizes the applicable provisions of the SLDC, and Paragraph 10 describes the unpermitted development, which "included multiple structures utilized for zip lines, a structure which includes lake slides and diving boards, multiple decks, tree removal, the construction of trails (grading) for extreme biking, construction of the Zip Tour Road, and modification of existing Hagen Creek Road and for trails providing access to recreational amenities."

e. On pages 4 to 13, the Hearing Officer summarized the testimony of Applicant and Staff as to the seven requested variances and the SLDC review criteria. The testimony was generally as follows:

1) Applicant: Applicant testified and presented evidence and argument in support of the requested variances, including: (a) Hagen Creek Road has existed since the 1930s in its current configuration, and both it and Zip Line Road are aligned tightly to natural grades to minimize surface disturbance; (b) the improvements widen the roads and lower existing grades; (c) the improvements are necessary to access and enjoy recreational amenities at the Property and were constructed to minimally disturb the surface; (d) some of the improvements enhance access to the National Forest; (e) the unpermitted dump has been reclaimed and stabilized; (f)

strict compliance with the SLDC would create substantially more surface disturbance, as would removal of existing improvements, and further degrade views; (g) Applicant cut the trees but did not remove the stumps, and therefore, the area is stabilized and no actual ground disturbance occurred; (h) Applicant is working with the Forest Service to create a sustainable forest environment; (i) the improvements are compatible with existing structures and forested mountainous terrain; (j) the road improvements were designed in collaboration with the County Fire Marshall, and both roads in their current configuration provide safe and emergency access; (k) the disturbance of 30% slopes is minimal; (l) the 12,000 sq. ft limitation is unreasonable for a 2,200-acre parcel that is mostly above 7,400 feet in elevation; (m) Applicant's development contributes to the County's economy and does not negatively impact sensitive lands or natural, archeological cultural, or historical resources on the Property; and (n) Applicant would have sought the same variances had it requested them before-the-fact⁶.

2) Staff: Staff presented testimony and evidence in opposition to the requested variances, including: (a) compliance with applicable SLDC road standards are necessary to assure public safety, and the requested variances could compromise public safety; (b) the improvements were constructed unlawfully, without the required development permits; (c) variances should have been requested and obtained before the improvements were constructed; (d) the unpermitted surface disturbance could cause slope instability and increase runoff to downstream properties; (e) the "extraordinary and exceptional situation on the Property" was self-inflicted; (f) the unpermitted improvements were not reviewed for code compliance and structural soundness; (g) complete remediation of disturbed sites will not cause further disturbance; (h) the loss of trees is irreversible; and (i) Applicant has not provided evidence that the Treehouse Structures are not harming the health of the trees.

⁶ Recommended Decision ¶ 13.

f. Paragraphs 11 and 12 summarize the public testimony for and against the requested variances.

g. Paragraph 15 presents the Hearing Officer's conclusion that substantial evidence supports granting the requested variances.

22. The detailed Order issued by the Planning Commission, now on appeal, is summarized as follows:

a. On pages 1-6, the Order summarizes the factual and procedural background of the Property and Application, the applicable sections of the SLDC, and the public hearing process.

b. On pages 7-16, the Order sets out various findings and conclusions that generally support the requested variances, including the following:

1) Glorieta 2.0 is primarily a youth service organization that provides services to various groups, including youth groups, veteran's groups, civic groups, government groups, men's groups, and church groups.

2) The Commission recognized the value of the camp and the joy that it brought to the kids that have gone there, and found that it is in public interest to have the facility for the kids.

3) The Applicant, based upon the recommendation of the Santa Fe County Fire Marshal, proposes to improve the Zip Tour Road and Hagan Creek Road to a 15' width with a maximum grade of 15% on some portions, and to a 20' width with a maximum grade of 18% on other portions. The 20' width will allow for a passing lane on portions of the road.

4) The terrain of Zip Tour Road and Hagen Creek Road is very mountainous and improvement of both roads to the standards of the SLDC would require significant

disturbance to the natural grades, vegetation, and wildlife with potential construction of a longer, wider road with numerous switchbacks scarring the mountain side.

5) The mountainous terrain creates practical difficulties for improving Hagen Creek Road and Zip Tour Road to meet SLDC dimensional standards roads and that improving the roads to meet standards would result in significantly more surface disturbance.

6) The Fire Marshal's recommendations for road improvements will balance the practical difficulties of improving the road and disturbance to the terrain with the need for emergency access and public safety.

7) The Zip Tour Road is used for daily inspections and maintenance of the zip lines and roads. Maintenance of the zip line will require truck and heavy equipment traffic daily during approximately eight months of the year. The roads will require maintenance approximately two times per year.

8) Regular maintenance of the road is required to ensure that fire truck and other emergency vehicles have access and that neighbors can access their properties through Hagen Creek Road.

9) It is necessary to allow access to Zip Tour Road for the daily inspection and maintenance of the zip lines.

10) The disturbance of 694 square feet by the Mudpit is minimal and that the terrain is stable to the extent that slope disturbance was evaluated by the EIR. However, the location and impact of the Mudpit and conditions imposing mitigation measures should be further evaluated through the process of obtaining a site development permit.

11) Green Trail Foot Bridge 1 and Green Trail Foot Bridge 2 disturb 224 square feet and 249 square feet, respectively, and provide access to the existing trail network that connects to the Santa Fe National Forest. The foot bridges are located across drainage ways.

12) The disturbance of 30% slope by the Green Trail Foot Bridge 1 and Green Trail Foot Bridge 2 are minimal.

13) It is in the public interest to provide access to the existing trail network in lieu of construction of new trails and it would be a practical difficulty for the Applicant to locate either Foot Bridge in an area with less than 30% slope due to the location of existing trails and drainage ways.

14) The Reclamation Area (#51) has been reclaimed and stabilized with seeding and the disturbance of 30% slopes is the result of the reclamation process. Staff confirms that site has been cleared of solid waste and re-vegetated.

15) The Reclamation Area disturbed a total of 166 square feet of 30% slope.

16) The disturbance caused by the Reclamation Area is minimal and its reclamation is in the public's interest. The reclamation cannot be relocated.

17) The Zip Tour platforms (#56) were strategically located on areas of flatter terrain to allow for safe access and maintenance. In order to provide for the retreat's recreational activities, the structures were required to be placed within the mountain terrain. The Zip Tour platforms are not publically visible.

18) It would be a practical difficulty to locate zip lines on flatter terrain due to the nature of the activity and that the location provides safe access for maintenance. The Zip Tour platforms do not negatively impact the view shed.

19) The Applicant stated the new trail connects to an extensive network of existing trails and that abandonment of the trail and the clearing, grading and cutting of new trails would create more disturbances increase the potential for erosion. The trails disturb 16,632 square feet of 30% slope over 10.5 miles of trail.

20) The disturbance caused by the trails is not minimal. However, relocation of the trails will cause more harm to terrain and it is in the interest of the public to mitigate further impact.

21) The relocation of trails on slopes less than 30% that connect to existing trails would be difficult and an undue hardship due to the topography and location of pre-existing trails.

22) The Bike Terrain Park (#71) disturbed 1,891 square feet of 30% slope terrain. The Bike Terrain Park is adjacent to the extensive network of existing biking and hiking trails and abandoning the terrain park and relocating it to another area would create more disturbance.

23) Relocating the terrain park would cause further harm.

24) The total disturbed area of all structures and uses on the Property is 195,191 square feet, which exceeds the allowable 12,000 square feet of disturbance per lot at 7,400 feet. The subject property consists of over 2,200 acres. The majority of the disturbance is the Zip Tour Road and Hagen Creek Road (172,352 square feet).

25) The large size of the Property at 7,400 ft. is an exceptional circumstance and it would cause an undue hardship to limit development on such a large parcel to 12,000 square feet.

26) The Commission finds that the structures and use above 7,400 feet do not negatively impact the view shed.

27) With the construction of Zip Tour Structures, 101 significant trees were removed from 30% slopes where trees were in conflict with the zip line required clearances.

28) The Applicant requested variances to allow the height of the following structures to exceed 18 ft. on slopes of 15% or greater: #34 Challenge Treehouse (35'), #35 Overnight Treehouse (26'-2"), #36 Tree Rappel Structure (50'), and #56 Zip Tour Platforms (Platform 3 28'-11", Platform 4 29'-11", and Platform 5 29'-11").

i. The structures were constructed in concert with the existing densely wooded area, allowing the structures to blend with the natural surroundings for recreational use. In addition, the activities associated with the structures require steep terrain and elevation changes.

ii. The structures do not negatively impact the view shed. The activities require steep terrain and building them below 18' is a practical difficulty.

29) The Commission summarized the public testimony in support of the Application as follows:

i. The Applicant provides a resources for hiking, biking, and outdoor adventure;

ii. The public benefits from the activities offered at the site;

iii. The bike trails, zip lines and other outdoor amenities are integral to the programs offered by the Applicant; and

iv. The Applicant contributes to economic development in the region.

30) The letters and testimony in support from the public establish that the activities and resources associated with the structures and uses that are the subject of the application generally benefit the public.

31) With regard to concerns that the Applicant installed structures without development approvals, the Commission found that the Applicant's actions were inappropriate and recommended that the County take appropriate enforcement actions. However, it also found that these actions were not relevant to consideration of the variance criteria.

32) With regard to the damage done to the environment by construction and installation of the structures, the Commission found that while the structures may have negatively impacted the terrain, relocation of the structures may lead to further negative impacts on the terrain.

33) The Commission found that the additional concerns raised by opponents, including issues relating to water consumption and uses for which no variance was requested, could not appropriately be addressed in a variance proceeding.

c. The findings and conclusions of the Commission that tended to militate against granting some of the requested variances include following:

1) There is no fire or emergency access to the treehouses and accordingly, their continued use is unsafe.

2) The number of significant trees removed was not minimal and that the breadth of destruction of these trees was not in the public interest.

3) The significant trees should not have been removed.

4) The public concern for clear cutting of old growth trees supports denial of the Applicant's request for a variance from the Code provision prohibiting the removal of significant trees from slopes greater than 30%.

5) Holcomb Flylines negatively impact the viewshed of the public.

d. The Commission found that Applicant had satisfied the SLDC Review Criteria for Variance Nos. 1, 2 (*except* the Challenge Treehouse and the Overnight Treehouse) 3, 4, and 7.

e. The Commission found that Applicant failed to satisfy the Review Criteria as to Variance Nos. 2 (*but only* as to the Challenge Treehouse and the Overnight Treehouse), 5, and 6.

f. The Commission imposed the following conditions on the variances it granted:

Condition #1: The Applicant will use Hagen Creek Road and the Zip Tour Road only for emergency purposes and public safety vehicles; that work done on the roads can only bring them to the necessary standard for that emergency use; work to mitigate any erosion problems that the current situation or that the improvements would cause; daily inspection and maintenance of the zip lines; and twice yearly maintenance of the road.

Condition #2: That the development permits for the grading of roads that are the subject of the various applications shall be submitted to the Building & Development Services for approval. Prior to submitting a development permit the applicant shall consult with the County Fire Marshal and design the roads to meet the Fire Marshal's requirements. The design of these roads shall also include a plan and profile illustrating how the applicant will mitigate drainage and erosion control.

Condition #3: The development permit for grading of the trails, biking and hiking, that are subject to the variance application shall be submitted to the Building & Development Services for approval. Prior to submitting a development permit the applicant shall consult with the County Fire Marshal. The design of these trails shall also include a plan and profile illustrating how the applicant will mitigate drainage and erosion.

Condition #4: The development permit for grading of the trails, biking and hiking, that are subject to the variance application shall be submitted to the Building & Development Services for approval. Prior to submitting a development permit the applicant shall consult with the County Fire Marshal. The design of these trails shall also include a plan and profile illustrating how the applicant will mitigate drainage and erosion.

Condition #5: The Applicant shall not utilize any of the unpermitted structures, developments or improvements, roads and trails listed in the site development plan until such time as the development permits are approved by the Building & Development Services and structural permits are granted by the New Mexico Construction Industries Division.

Condition #6: Pursuant Chapter 4, Section 4.9.7.5, all approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

23. County Staff recommends that the Board deny all requested variances except Variance #7.⁷ The basis of Staff's recommendation is set out in the Staff Report [NBB 1 – 34j], which is summarized in relation to the Review Criteria as follows:

a. Whether the requested variances are contrary to public Interest: Staff believes that all of the requested variances are contrary to public interest, primarily because they involve unpermitted and thus unreviewed development for which variances are now being requested after-the-fact:

Variance #1: Staff states that granting a variance to the width and grade road standards is not in the public interest, because these “are a matter of public safety for users of the roads and for emergency accesses” and because the roads serve unpermitted structures.

Variance #2: “The SLDC promotes the health, safety, and welfare of the County, its residents, and its environment by regulating development activities to assure that development does not create land use and public nuisance impacts or effects upon surrounding property, the County and the region. The disturbance of 30% slopes (no build area) for the purpose of constructing structures, roads and trails is contrary to the public interest because it is unknown if the disturbance may cause instability to the slopes and may also cause additional erosion and drainage which could affect properties downstream of this site. The EIR submitted by Glorieta 2.0 states that the Mudpit Platform will have significant environmental effects to the Glorieta Creek by degrading water quality. Mitigation under the Clean Water Act is recommended or relocation of the Mudpit Platform. Consultation with staff prior to disturbance would have determined buildable area.”

⁷ In its Report, Staff appears to argue that none of the requested variances meet the review criteria, including Variance #7. However, the Staff Report also recommends that the Board deny “all variances ... *excluding* variance #7 ... , which staff supports due to the non-visibility to the public” (emphasis added); *see also* Transcript at 47 (“Staff supports the request for variance of Section 7.17.9.3.1.”).

Variance #3: “The SLDC shall restrict development within lands containing environmental, ecological, archaeological, historical or cultural sensitivity [.] Glorieta 2.0 makes mention of improving the “existing” roads. The proposed improvements will not bring these roads into compliance with the road standards set forth within the SLDC, therefore contrary to the public interest. Glorieta 2.0 constructed the Zip Tour Road to access unpermitted Zip Lines. Disturbance of steep slopes can create erosion, slope instability and drainage issues.”

Variance #4: “The SLDC shall restrict development within lands containing environmental, ecological, archaeological, historical or cultural sensitivity[.] Glorieta 2.0 failed to consult County Staff on their intentions and failed to apply for the proper permits for this type of development. The disturbance caused by illegally constructing structures, trails, and roads is contrary to the public interest because of non-compliance with the SLDC.”

Variance #5: “The purpose and intent of the SLDC is to ensure that building projects are planned, designed, constructed, and managed: to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Santa Fe County. The SLDC definition of a significant tree is an existing native trunk-type tree in good health and form which is eight inches or more in diameter as measured 4½ feet above natural grade; any existing native bush-form or character tree (e.g., piñon) which is eight feet high and has a spread of eight feet. 101 significant trees were removed from 30%+ slopes where trees were in conflict with the construction of the zip line. Thinning of trees for fire prevention is done in the interest to the public. These trees were cut down for recreational purposes for a private facility to make room for a use and structures that were unpermitted. These significant trees cannot be replaced and the destruction done by the applicant is irreversible and ultimately contrary to the public interest.”

Variance #6: “The purpose of the Public/Institutional (PI) district is to accommodate governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character. The Holcomb Flylines sits on top of an existing non-conforming structure. The Flyline was constructed without the proper permits and review of structural soundness. In the public’s interest both structures should have been designed and engineered to assure the safety of the users of this facility.”

Variance #7: “The purpose and intent of the SLDC is to ensure that building projects are planned, designed, constructed, and managed: to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Santa Fe County. Glorieta 2.0 has not provided evidence that the structures built on mature significant trees are affecting the health of the tree. The Zip Tour Platforms were constructed without County approvals. These structures are not visible from the Highway or adjoining properties. The safety of these structures is in question and therefore contrary to the public interest.”

b. Whether extraordinary and exceptional situations or conditions of the property would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner if the SLDC were strictly applied. In Staff’s view, any hardship or difficulty is the result of Applicant’s construction of unpermitted improvements. Staff believes that such self-inflicted hardship cannot be used to meet this criterion.⁸

c. Whether the spirit of the SLDC would be observed and substantial justice done if the variances are granted. Although Staff does not use the terms “spirit” or “substantial justice”

⁸ Section 3.1 of the repealed County Land Use Code, Ordinance No. 1996-10, expressly required “extraordinary hardship” to be due to “non-self-inflicted conditions.” The SLDC, which repealed the Land Use Code, does not include a similar express prohibition.

in its Report, in Staff's view unpermitted development cannot be used to satisfy this criterion. Its response to Variance #1 is representative:

The SLDC, including all amendments to the SLDC, are intended to implement and be consistent with the goals, objectives, policies, and strategies of the Sustainable Growth Management Plan (SGMP) through comprehensive, concurrent, consistent, integrated, effective, time limited and concise land development approvals. Ministerial development approval, often referred to as 'administrative approval,' involves the application of the standards of the SLDC to an application by the Administrator. Any person who participates in, assists, directs, creates or maintains any building, structure or use that is contrary to the requirements of the SLDC, who fails to obtain a permit required by the SLDC... shall have committed a violation of the SLDC...[.] Glorieta 2.0 refers to the structures as "existing". These "existing improvements" were constructed without approval by Santa Fe County. The trail and roads were not reviewed by staff for grade, proper drainage and erosion control management. The structures were not reviewed for code compliance and structural soundness. Complete remediation of all disturbed sites will not cause further disturbance to the site and will reclaim the site to its original state. Glorieta 2.0 did not seek development approvals and therefore the integrity of the SLDC was compromised.

24. Appended to Staff Report are Exhibit Nos. 1a – 28:

a. Exhibit 1a [NB 1] is a letter from Appellants to County Staff and the Board, dated May 12, 2018. Appellants commend County Staff and request the Board to deny all seven requested variances. Appellants fault the Applicant for constructing the improvements without the required permits and request the Board to fine the Applicant. They are concerned that the improvements were not designed or approved by qualified engineers; that improvements never had proper review; that the improvements are unsafe and dangerous (particularly for children); that the improvement increase erosion, drainage, and sheet flow; that they destabilize steep slopes; and that they have destroyed or damaged the natural terrain, trees, and other vegetation. Appended to Appellants letter are the first page of the August 7, 2017, letter from JenkinsGavin; a March 5, 2018, letter from Glorieta Concerned Citizens to Martin Romero; the Planning

Commissioner Order; the January 4, 2018, transcript of the public meeting before the Hearing Officer; and the February 22, 2017, NOV from the Administrator to Glorieta.

b. Exhibit 1 is a December 14, 2017, printout of the County permits for the Property as of the date of the printout.

c. Exhibit 2 is a compilation of pictures of the Property.

d. Exhibit 3 is Applicant's approved County Business Registration Application.

e. Exhibit 4 is Applicant's February 10, 2017, County Development Permit, including "Letter of Intent for Santa Fe County."

f. Exhibit 5 is a February 15, 2017 NOV issued by a County Code Enforcement Officer, including several pictures.

g. Exhibit 6 is the Administrator's February 22, 2017, NOV.

h. Exhibit 7 is a list of County permits issued to Applicant after the Administrator's NOV.

i. Exhibit 8 is Applicant's Solid Waste Abatement Plan, including the NMED's March 28, 2017, approval of the Plan and NMED's February 3, 2017, letter to Applicant indicating that the violations of state law cited in an NOV issued by NMED to Applicant concerning the unlawful landfill on the Property had been resolved to NMED's satisfaction.

j. Exhibit 9 is the Affidavit of Jeff Ward, including several pictures, averring that Applicant will not allow use of unpermitted improvements.

k. Exhibit 10 is the August 7, 2017, Application for Variance submitted by JenkinsGavin, described in greater detail below.

l. Exhibit 11 is the County Land Use Facilitation Program Project Meeting Report.

m. Exhibit 12 is the SDP Application.

- n. Exhibit 13 is excerpts of the SLDC provisions from which the seven variances are sought.
- o. Exhibit 14 is a copy of Applicant's deed to the Property.
- p. Exhibit 15 is the March 23, 2017, TAC Letter.
- q. Exhibit 16 is the June 19, 2017, transmittal letter and Neighborhood Meeting Report.
- r. Exhibit 17 is Applicant's plan sets in support of its variance requests.
- s. Exhibit 18 is a compilation of letters and email from the public opposing the variance requests and SDP Application.
- t. Exhibit 19 is materials compliance with public notice requirements regarding the appeal from the Order of the Planning Commission.
- u. Exhibit 20 sets out the County Fire Marshall requirements as to Hagen Creek and Zip Line Roads.
- v. Exhibit 21 is a compilation of letters and email in support of the variances and SDP Application.
- w. Exhibit 22 is the Hearing Officer's Recommended Decision and Order.
- x. Exhibit 23 is the minutes of the hearing before the Hearing Officer.
- y. Exhibit 24 is Planning Commission Order.
- z. Exhibit 25 is the minutes of the hearing before the Planning Commission.
- aa. Exhibit 26 is Applicant's request to the Planning Commission to reconsider its conditions.
- bb. Exhibit 27 is letters and email in support of the variance requests.
- cc. Exhibit 28 is the Environmental Impact Report (EIR), provided in DVD format.

25. At the hearing before the Board, Applicant provided a bound and tabbed compilation of documents titled, "Glorieta 2.0 Appeal Response." This compilation includes⁹:

a. An aerial photo of the developed portion of the Property.

b. An aerial photo showing the entire Property and the Property boundaries, the developed portion of the Property, and the applicable zoning.

c. The Applicant's Open Space Plan.

d. Materials in support of **Variance #1**, including:

1) Applicant's proposal to improve Hagen Creek and Zip Tour Roads to a 15' width with a maximum grade of 15% or 20' width with a maximum grade of 18% and to otherwise comply with conditional approval of the County Fire Marshal.

2) Statements that (i) the mountainous terrain creates peculiar and exceptional difficulty if strict compliance with Table 7-13 is required; (ii) the roads create defensible zones and fire breaks, and therefore, are not contrary to public interest; (iii) the conditions of the Planning Commission, limiting use of roads to emergency and maintenance purposes, effectively "restricts the zip line improvements from use by Camp participants"; and (iv) the zip line improvements are separated by a "900 vertical elevation change in 2 miles."

3) A plan set showing the course and location of improvements to Hagen Creek and Zip Tour Roads.

4) A February 2, 2018, letter from Southwest Forestry Services stating that it has "completed 110 acres of forest health improvements encircling Glorieta Camps," including creating "a defensible space around their structures" and thinning "85 acres along the road that is in question." Southwest Forestry states that Zip Tour Road should be permitted "all thinning

⁹ Duplicates included in this compilation of documents, such as the Planning Commission Order, that are described elsewhere in this Order are not included in this summary.

operations have been determined off this road system and it is “being used as a firebreak and [for] getting crews and fire equipment into place to protect the local community.” Finally, it recommends “leaving [the] road system in place, as all forest treatments have been designed around the continued improvement of these road systems for use by emergency services.”

5) A July 10, 2018, Fire Inspection Report stating “Violations remedied.”

6) Pictures of the Roads.

e. Materials in support of **Variance #2**, including:

1) Statements that (i) avoiding 30% slopes would require the roads to be “extended significantly,” that “large sections of the road would potentially have to be abandoned, leaving significant disturbed areas to be reclaimed,” and that this “significant disturbance to the natural terrain, landscape, and wildlife” would “be publically visible”; (ii) the mountainous and steep terrain of the Property poses peculiar and exceptional practical difficulty in relocating the improvements; and (iii) that Variance #2 is consistent with the spirit of the SLDC in regards to terrain management, citing SLDC Section 7.17.

2) A “square footage breakdown” of the disturbance of slopes of 30% or greater, showing that the total amounts to only 0.16% of the Property.

f. Materials in support of **Variance #3**, including:

1) Statements that: (i) 98.65% of the Property is above 7,400 feet in elevation; and that (ii) repeat prior statements regarding the spirit of the SLDC, the practical difficulty caused by the mountainous terrain, and the public interest in defensible zones and fire breaks.

2) Maps showing: (i) the small percentage of areas in the County above 7,400 feet; (ii) the small “buildable area” on the Property; and (iii) the areas where the roads are above 7,400 feet on slopes of 25% or greater.

g. Materials in support of **Variance #4**, including:

1) Statements that: (i) the total improvements on the Property occupy 4.12 acres, which is only 0.18% of the Property; and (ii) that peculiar and exceptional difficulty arises because “the majority of the Property is located at 7,400 foot elevation or greater.”

2) Maps showing: (i) the small percentage of areas in the County above 7,400 feet; (ii) the small “buildable area” on the Property; and (iii) the additional disturbed areas.

h. Materials in support of **Variance #5**, including:

1) Statements that: (i) 101 trees were removed on slopes exceeding 30% beneath the zip lines; (ii) the ground surface was not disturbed and tree stumps left in place maintain slope stability; (iii) the densely wooded, mountainous area constitutes a peculiar and exceptional difficulty in properly locating zip lines; (iv) the wooded slopes shield the improvements from public view; and (v) the tree removal areas are not visible from I-25.

2) Maps showing the areas of significant tree removal on slopes exceeding 30%.

3) Pictures of areas where trees were cut to allow safe zip lining.

i. Materials in support of **Variance #6**, including:

1) Statements that: (i) the existing Holcomb roof and steeple substantially exceed the 48 foot height limit in the PI zoning district; (ii) the Planning Commission found that the structures were constructed in concert with the existing densely wooded area, blend in well

with surroundings for recreational use, and do not negatively impact the view shed; and (iii) the Planning Commission intended Applicant to “have their zip lines”

2) Maps showing the Holcomb Flylines from various perspectives and demonstrating lack of visibility from the I-25 frontage road.

j. Materials in support of **Variance #7**, including:

1) Statements that: (i) the improvements are in densely wooded areas and not visible from public roads; (ii) the improvements are integral to an activity that requires gravity, steep terrain and elevation changes; and that (iii) repeat statement of Planning Commission about blending with natural environment.

2) Pictures showing improvements.

k. Excerpts from the SGMP with which the improvements are consistent, include SGMP § 1.2.1.1 (regarding enhancing economic opportunity and community well-being well preserving and restoring natural environment); § 1.3.1(c) (regarding “centeredness”); § 13.3 (regarding employment opportunities, including “ecotourism”); Chapter 6 (generally regarding outdoor recreational opportunities, open space, trails, ecotourism, attracting new businesses, and quality of life).

l. Maps and pictures demonstrating that the improvements are not visible from the I-25 frontage road.

m. A July 31, 2018, letter from the Mayor of the Village of Pecos expressing support for the Applicant.

n. A January 2, 2017, letter from the Mayor of the Village of Pecos expressing support for the Applicant and stating: (i) annual revenue generated by Applicant’s programs is \$6.5 million; (ii) annual payroll to local full time staff is \$2.2 million; (iii) annual payroll to

summer staff is \$600,000; (iv) staff and visitors to the Property purchase significant local goods and services; (v) the Village and Applicant are development partnerships to “strengthen our community.”

o. Numerous letters and email providing testimonials about and otherwise expressing strong support for Applicant’s youth, religious, and adventure programs.

26. Applicant presented an August 14, 2018, letter from Brent Bonwell, President of the Santa Fe Fat Tire Society stating, “Because Glorieta 2.0 has provided an excellent event venue and trail system mountain bikers can ride great trails year round in Santa Fe County. We urge you to approve the variances and rule in favor of Glorieta 2.0.”

27. The transcript of the August 14, 2018, public hearing before the Board (Transcript) includes the following testimony¹⁰:

a. A presentation by Mr. Jose Larranaga, a Development Review Team Leader in the County Growth Management Department, providing background; summarizing the positions and submittals of the Appellants, Applicant, and the public; describing the seven variances and corresponding improvements; summarizing the Hearing Officer’s Recommended Decision and the Planning Commission Order; and recommending that the Board deny all requested variances except Variance #7. [Transcript at 38-49, 78] Mr. Larranaga also answered the following question from Chair Hansen:

CHAIR HANSEN: Okay. So I also want to know, when were the unpermitted improvements constructed? Jose, did you have an answer to a question?

MR. LARRANAGA: Madam Chair, yes. I'd like to just clarify. It was read in the report under history, NBB-2, second paragraph, where staff, when the lake was drained staff met with Glorieta 2.0 staff and staff informed them that any development needed a permit and any expansion or intensification

¹⁰ The public hearing begins on page 38 of the Transcript. Prior pages are related to other matters that came before the Board on August 14.

of the use on there would need, under the old code, a master plan. So that was read into the report for the record. It's in your staff report.

Mr. Larranaga's presentation was consistent with the Staff Report.

b. Sworn testimony of Appellant Mike Adney against the Application [Transcript at 49, 72-73, 82], and which is summarized as follows:

1) Mr. Adney worked at Glorieta Camps 2015-2017.

2) Mr. Adney met with a member of Applicant's board of directors, who stated "we [Applicant] will adhere to the strictest adherence and interpretation of all ordinance and laws on all bodies that come to bear from your whistleblower work to this time. He also indicated that by the end of this process they will have the 'safest camp in America.'" Mr. Adney further testified, "This is the standard that the board of this company kept and I think we should be casting a large shadow and we should be working together to help them keep their own promises."

3) As to Zip Tour Road and Variance #1:

Specific to the zip tour, variance number one, for five years I build serpentine, hairpin, very complex roads for this nation's largest road builder for AT&T cell towers, Crown Castle. I'm telling you this road is a front page news heading waiting to happen. It is completely and totally illegal. She gave you a very tiny snapshot of just one piece of it that looks sexy. There's not a single retaining wall. It's not eroding annually, it's eroding weekly. There is no engineered soils stabilization. There are no retaining walls. As I told Anthony last summer, and I told the board- remember when I got to talk to them? There's at least two other very safe possibilities to build that road. They've dumped \$30 million in. They're not going to have a problem dumping another couple. You need to take variance #1 off the radar screen.

4) As to trails and variances generally:

Notice that every single time anybody said the word trail, did anybody say bike trail versus a hike trail? We're talking about biking trails that have totally torn up this mountainside. So what they do is they gather together all these terms into a variance. A variance isn't supposed to be some large catch-all, and if I get this then I get everything else. I did this for 20 years, you guys.

This needed to be fractionalized and broken down at least to ten or eleven more levels.

5) As to safety and need for the Zip Line Structures that Mr. Adney characterized as “amusement”:

This particular mission [without amusements] may work very well in Texas. Geographically or for some other issue, exit strategy or whatever you want to call it, it's not working here. They are surviving with what they got and they can continue to survive with what they've got, and what they want in the form of amusement must be absolutely dead-on safe, without any exceptions whatsoever.

6) As to the lack of engineered plans:

Listen, I spent five hours as the whistleblower with the highest ranking building official in the State of New Mexico, for CID, Jude Reason. We came to an absolute conclusion that only structural engineering was done and it was done late. Don't you understand that you have to have geotechnical and soils engineering. We could just as easily be saying tear down the zip line because we don't know what it's footed into. We don't know what the soils are. Just like we're saying tear down the huge tower in the middle of the lake. It just can't happen. I said to the Planning Commission; I'll say it here now. Someone go to that table and show me a geotechnical report dated before 2015. You're not going to get it. No one's going to stand up.

7) As to whether Applicant constructed unpermitted improvements in bad faith:

In 2013 they came into this building, downstairs one floor and got a permit. And they proudly displayed it right next to the lake. And Anthony is quoted in an Albuquerque Journal North article saying I've got 56 projects to do before next April. Those are his own words. They knew they would need permits. They came and got the first permits, and then they stopped. They intentionally stopped. When you buy a \$70 million property for a dollar, you roll the dice if you're a Texas billionaire. You just say, if someone catches me I'll do it later.

c. Sworn testimony of Appellant Jeffrey Hanus against the Application [Transcript at 49-51, 73-74], which is summarized as follows:

1) Mr. Hanus' property abuts the Property.

2) Applicant paid only \$1 for the Property and decided: “we don’t need any permits. We’re going to go ahead and do what we want because obviously, New Mexico law does not apply to Texans. So they built dozens and dozens of illegal, unpermitted structures. They cut miles and miles of bike trails and roads and zip lines.”

3) Applicant is violating the Administrator’s Cease and Desist Order, has cut down 100s of trees, maintained an illegal landfill (now cleaned up), and now seeks variances because “it would be difficult to correct the damages that we’ve already done.”

4) A personal injury case currently pending in Santa Fe arose from “a very serious personal injury [at the Property] that may have left a young girl affected for life.”

5) Several of Applicants improvements and activities at the Property are illegal, in addition to those that are subject to the pending applications.

6) The public is mountain biking on the unpermitted trails.

7) Outdoor cooking and bonfires present a fire hazard in the National Forest.

8) The Board should “suspend or revoke their business license until this facility is 100 percent reviewed to the very end of this site development plan process, and 100 percent compliant on the ground.”

9) Applicant has over 58 violations and ignored the permitting process; the lake in which children swim has not been tested for contaminants; used pressure-treated lumber that could be a source of water contamination; zip lines and treehouses, used by children, have not been inspected and approved by certified New Mexico engineer; they polluted Glorieta Creek when they drained the lake and killed 1000s of fish; they built a “huge illegal landfill” that may contain hazardous waste, although it has been cleaned up; Board should follow Staff’s recommendation and deny all variances except Variance #7; they are not truly religious; little

money goes to the local economy; converted the old Glorieta Fire Station into a coffee shop, creating a fire hazard; and, in closing:

I'd just like to say please do not allow a terrible example to be set by condoning illegal, ruthless activities and allowing these variances to be appealed. We love wilderness. We love children. We love bicycling. We love camps. But the way that they got to this point should not be condoned.

d. The sworn testimony of Jeff Ward [Transcript at 51-53, 77-82] on behalf of Applicant, summarized as follows:

1) He is the CFO of Glorieta Camps.

2) He presented a brief history of the Property and description of Applicant's programs, including a video, and stated that there was between \$10 million to \$20 million in deferred maintenance with Applicant acquired the Property in 2013.

3) He stated, "Our organization is a Christian outdoor adventure camp. We're a 501(c)(3). We're non-profit. We're primarily a youth service organization. Our mission is to inspire Christ-like change through outdoor adventure, authentic relationships and biblical truth, and ultimately, we're providing education and primarily religious education." Further:

Zip lines are an example of activities that we provide. Our staff debrief these activities. When participants are done they discuss the feelings of fear, of dependency in having to rely on cables and tethers as they step off the platform in freefall until they engage on the line. Our staff use that as a metaphor for the biblical message of how stepping off the platform is similar to making a leap of faith and entering into a trusting relationship with god.

Repeatedly, this type of debriefing is a moment when the light comes on and the campers finally get what the speaker's been saying. To some people these things appear as mere amusement devices but we use them as teaching opportunities. The County Tax Assessor recognized that all of these facilities are integral to our educational mission when they granted us a tax exempt status for the entire property. Without the activities that we're requesting variances for we'll be faced with a peculiar and practical difficulty and you can't run an outdoor adventure camp without outdoor adventure facilities.

... Without these activities in 2017 we declined by over 5,000 guests. We declined over 15 percent.

... Over these 18 months since we got Notice of Violation from the County we've been going through the process. We've had hundreds of inspections of our property by County staff, by the Fire Marshal, by CID, by OSHA, by the 22 agencies that Mr. Adney referred to that he called. And we have adhered to their requirements. We are adhering to the law. But we've not had these activities that have been a big part of revitalizing our property and attracting the guests that stopped coming under the previous owners. Some might say, well, you made it two summers without these things; you can live without them. And it's true. We made it two summers without these activities. However, it's only been possible because we had some donors contribute generously to help us through this time and hope that we'll get the activities back and move towards a sustainable financial model.

... I'd also like you to consider the way we have positive effects for the general public. We employ over 65 full-time staff and over 200 summer staff. We pay over \$2.8 million in wages a year. We spend over \$4 million with local vendors. We support local businesses, some of which you may hear from today. We invite people to come to Santa Fe and encourage them to patronize local businesses. Many of our groups will take a day of programming and come and visit Santa Fe, and we partner with local schools and churches, governmental agencies, civic groups, veteran groups and other organizations for retreats and community events.

- 4) Regarding Applicant's construction of unpermitted improvements, Mr.

Ward testified:

Madam Chair, if I may I'll just try to answer that briefly, is that we weren't aware of the SLDC. Current SLDC wasn't in place at the time. We weren't aware of the code. A lot of our staff came from jurisdictions where there isn't a requirement to get a permit for these recreational amenities and the staff of the former owner had told us it wasn't required based on their communication with staff historically here. And so it wasn't in bad faith that we tried to pull one over on Santa Fe County. We literally didn't know, and when we first got notice of violation we contacted a construction law firm out of Albuquerque that now, at that time told us they weren't sure it was required for a permit.

Two miles over in San Miguel County it's not required. We just were ignorant. And when we got notice from the County we have tried to do every single thing they've asked. Some of it has seemed, some of it has been very difficult to try to navigate and figure out what the code is and even has staff ... navigating to figure out the code, because it's a new code. And so as you've heard, we've tried our level best to comply strictly with the code as we've

understood it. We hired Jenkins and Gavin and they've been a great help to us in understanding, and since that time we don't do anything without asking. We call Jose to say, can we change out our sign? Because we weren't sure from the code if it was allowed or not.

Further, regarding a question from Commissioner Moreno:

COMMISSIONER MORENO: Okay. You worked with people who are engineers, planners and smart people. Did nobody along that path, did anybody say to you, should we call the County? Explain that to me.

MR. WARD: Commissioner Moreno, Jose had shared-he told someone - don't know who he told that we needed to have permits for everything. I wasn't aware until summer of 2016. He called us into his office and we said what do we need to do, and he said you need to get engineer drawings to me. And so we proceeded looking for an engineer. The fact is it's very difficult if not impossible to find an engineer in the entire state of New Mexico who will design these type[s] of things. They don't carry this type of insurance. The engineers and the designers that we worked with in constructing these, it's very common in other jurisdictions to not require a permit for a zip line. Most of the camps I know in other jurisdictions, permits are not required for zip lines.

And so I know you all think we're crazy to say we just didn't know, but when we tell leaders of other camps that we're going through this permitting process for zip lines, they think we're crazy. Because it's just not required in most jurisdictions in the United States.

... And we will going forward adhere to them to the letter of the law. And we've been trying to demonstrate that since we got our notice in 2017.

... Forgive me for saying it here, but had we known that we needed permits and had we - before construction, we would have still been here asking you for variances because of the unusual particular difficulties the code puts upon us with our property - the size of our property, the location of the property - we would still be asking for variances.

5) Regarding the use of Zip Tour Road, Mr. Ward testified that "at the extreme maximum we would need 12 [round] trips in a day," and that the Zip Line Structures have not been in use since 2017.

6) As to Hagen Creek Road, he testified that it goes through the Property into the National Forest. Further:

There are three properties up in the national forest. We own one and there are two others that are privately owned, and that Hagen Creek Road is used to access those properties. The residents wouldn't use it - we would use it to access the zip structures in addition to accessing our private property up in the forest.

7) As to the Zip Line Structures:

I'm actually probably not the best person but there's a governing body called ACCT that sets standards. There's another one called ASTM. Our zip lines were built by those standards and we had, up until we got the Notice of Violation had them inspected regularly and adhered to those standards.

We're required to have an annual inspection by an outside party, but our staff was trained also to do daily inspections. The state CID also inspects annually. So in addition to an ACCT authorized inspector we would have the State of New Mexico CID Department would inspect as well.

8) As to the unpermitted dump on the Property that has been reclaimed:

Yes. Madam Chair, the solid waste had been stored for I don't know how many years before we got there and that was an existing dump. When we did some modifications to some structures, some remodeling, we added to it and we shouldn't have. But it was an existing dump. It's been there for years. We cleaned it up. I wish we could go back and have not had it and had not done it and to Commissioner Hamilton's point, I wish we had started right. But we didn't and now we're here asking you for variances because that's the process we have to go through. That's what the code prescribes when you fail. What it prescribes is you get in compliance and that's what we're trying to do here before you tonight.

e. The sworn testimony of Colleen Gavin [Transcript at 51, 53-63, 74-79, 86] on behalf of Applicant, summarized as follows:

1) Ms. Gavin explained the contents of the Appeal Response and the one-page summary that Applicant provided at the hearing. (Testimony that provides information and statements already described above is generally not included in this summary.)

2) As to her qualifications and representation of Applicant, Ms. Gavin testified:

I'm a partner at JenkinsGavin. We are land use consultants. I am a licensed architect. I've been licensed for 21 years. I've been a land use consultant for over 18 years. I do represent clients in navigating the land use process. As we know, it can be challenging and thorough and layered and so I've been representing Glorieta Camps since February of 2017.

3) As to Applicant's compliance history and pre-application process:

A Notice of Violation and Cease and Desist Order was issued in February 2017. My clients immediately contacted me and we started a dialogue with the Land Use Department. From day one we have adhered, followed, listened and submitted all requests from the Land Use Department. We immediately had a TAC meeting. The Technical Advisory Committee, that's the first step for any type of land use submittal. That was done in March of 2017. At that point we were directed by the Land Use staff to submit building development permit applications, essentially building permit applications for some improvements on existing structures that have not been altered. So basically structures where there was internal remediation required for life safety, or some work that had been done that had not been properly permitted.

At that point we submitted with[in] three to four weeks ten building permit applications that were processed through the Santa Fe County Land Use Department, issued. They went to CID. CID issued all those permits within a day of submittal. All those improvements have been completed. With all of that, Santa Fe Fire Marshal had done numerous inspections and site visits. I personally have met with Fire Marshal Blay on the property three to four times. We've had meetings going over the concerns as far as the Fire Marshal's concerns. All of those issues have been addressed and in your booklet. I will point out that we have the most current inspection from the Fire Marshal and it shows that there are no violations on the property.

As required by the code, we had a neighborhood meeting, again, April of 2017. We submitted our site development plan as well as our variance requests in June of 2017. So Violation was issued at the end of February; we had a submittal in by mid-June.

4) As to the need for variances generally:

The variance requests before you were identified by the Land Use staff. In order to do this comprehensive site development plan application there was a variance request, because again, this property is unlike any other property in Santa Fe County for this use, for this legal use, this historical use. And so therefore that's why variances are contemplated. You have to have a process for something that doesn't quite fit into the SLDC. The SLDC did not contemplate an outdoor activity camp with challenge courses and zip lines.

They didn't contemplate that this development was going to be at 7,400 feet and above.

... The SLDC, again, I don't think it contemplated that development would happen at such a high elevation [i.e., above 7,400 feet].

5) As to **Variance #1**, Hagen Creek and Zip Tour Roads should be classified as "internal service roads" rather than as "local roads." Further:

As I mentioned before, I met with Fire Marshal Blay inside I believe four times. We [drove] both these roads together and identified where improvements need to be made in order to make these roads meet a level of safety and a standard where he felt comfortable utilizing these roads. And in those site visits he identified areas for either widening the road or providing turnouts or pullouts or hammerheads.

... You can see that both roads have been constructed and been maintained to minimize the disturbance of the natural vegetation of the existing grades to minimize any type of erosion.

... None of these improvements are rerouting the road. They're not creating any new scarring or disturbance. This is minimizing the requisite improvements to utilize these roads not only for Glorieta and their activities but also for the other property owners in the area, for the Forest Service, as well as for emergency responders.

6) As to **Variance #2**:

[This] variance ... is for the Hagen Creek Road and the Zip Line Road. There are two footbridges that were constructed over drainage ways, and there's disturbances on those banks, minimal disturbances. The reclamation area which had been previously discussed where there was solid waste being stored, those areas have been completely remediated, inspected by the EPA, by Santa Fe County, but there were some areas that were disturbed in the storage of those solid materials.

The Zip Tour platforms - those are the platforms that participants either take off from or land onto, there's some disturbances there. There's a parking lot and bike terrain area, some trails, and again, there's another bike terrain area.

... We have a property here that the majority of this property, 98.6 percent of this property is over an elevation of 7,400 feet.

When you get up to those elevations obviously you're going to have steep slopes. These improvements have been in place for three-plus years. They're

stabilized. We've identified some areas of remediation where we may need some drainage improvements, retention ponds, but as far as any type of instability of these structures and these improvements, they are stable. Obviously, the vegetation has grown. From the imagery you saw on the video, Glorieta Camps takes very good care of this property and they took this violation notice very seriously.

We're here today to request that because of our unique situation of being at a high elevation, a unique situation where we are such a large property with these camp related activity facilities, it's required that for these type of amenities you need terrain. You need a change in elevation, and with that, inherently comes slopes over 30 percent.

... I just want to - in regards to the 30 percent slope disturbance for the trails, trails are meant to go through natural areas. Trails are meant to meander up and down. This property has extensive trails that have been there historically. Glorieta Camps built an additional 10,000 linear feet of trails. We have probably 100,000 linear feet of existing trails that meander in and out of this densely wooded, steep, mountainous area. The request for a variance for trails in some ways seems ironic because it's a footpath. You're walking through a footpath. Some of these trails were cleared with equipment to get either boulders, tree stumps or just maintenance of the existing trails.

7) As to **Variance #3**:

If you turn to the next exhibit, the area that's [cross-hatched] in red, that's the [very small] area on our property that is under the 7,400 elevation point. That's the area that we would be restricted to building any new roads. As you can see again, the site is very unique. It's a peculiar situation and there's undue hardships because of the existing historical use of this property and the adaption of Glorieta Camp's program to this property and the desire to improve it, to build upon it, but then we're being restricted by where we can and cannot develop.

If you turn to the next page, again we're identifying where the roads are actually creating the disturbance and 25 percent and greater slopes. You can see it's pretty minimal. Again, we are mountainous terrain. It's steep, and we're faced with a situation where we are trying to provide amenities in a very unique situation. Again, Hagen Creek Road was already in existence, had already created disturbances at grades over 25 percent. The improvements that are being requested by the Fire Marshal are adding to that but that's in order to make Hagen Creek Road a safe road to access the amenities and the forest above. And then the Zip Line Road again was built in a way to minimize the scarring, to not be publicly visible, and so we respectfully request an approval of this variance request, as that it is in the public interest to do these improvement to both these roads. It's in the spirit of the SLDC that roads are

allowed in mountainous areas to provide for defensible zones, fire breaks, access to public lands.

8) As to **Variance #4**:

[This] is an existing development that historically has been there, dating back to the 1950s where Glorieta has come in and they are adding amenities, improving, trying to restore this property. The percentage of improvements on this property, if you take this overall property, you actually take the areas that have been improved, it's actually only .18 percent of the entire property. This property is almost 99 percent above 7,400 elevation. So to restrict our development to 12,000 square feet for a property that's zoned Public-Institutional – it doesn't make sense. It feels like the 12,000 square foot limitation was almost meant for more of a residential development.

You can see here on my outline, I've identified the areas of new improvement. Again, they include both of the roads, both of the footbridges, the Zip Tour platforms, the Oklahoma parking and terrain park and the bike terrain area. I do want to point out that all of these improvements are not visible from the public viewshed. They're not visible from the public viewshed.

When we get to variance #7, staff is now recommending approval of variance #7, because they say there's non-visibility to the public. I question why is that a criteria to approve variance #7 and recommend approval for variance #7 but not for any of these other improvements? Because of the dense, wooded terrain, these improvements are not publicly visible and we do have some exhibits to that statement.

If you flip through the exhibits here, again, you see the same exhibit identifying the limited area of on property that's under 7,400 feet in elevation, creating a hardship. And then the next exhibit is actually again, it's a site plan of the property itself and I've just highlighted the amenities and the improvements that are part of this variance request. You can see on this map all the improvements on the property of the camp proper, you can see that this is very little. The variance request on these improvements is very small if you look at the overall improvements of Glorieta Camps.

9) As to **Variance #5**:

We had the - the trees were not actually removed. I want to clarify that. They were actually cut down. 101 trees were cut down underneath the zip line structures - excuse me, the zip line cables in order to provide a safe clearance for the users. The terrain was not disturbed. There is not additional erosion. I have photographs to follow that will show you the actual areas underneath these zip cables where the trees were cut and you can see the vegetation restored. It's stable.

Again, a peculiar and exceptional practical difficulty in locating safe and functional zip line improvements in mountainous and densely wooded terrain, that is what we are dealing with here. In order to do zip line structures you need a vertical drop, you need a vertical change in elevation. The zip structures were constructed and installed in the area behind the campus and they did the requisite cutting of trees to provide a safe activity for the participants.

10) As to **Variance #6:**

This variance request is in relationship to the - is related to the Holcomb flylines. The Holcomb building is the big chapel that you can see from I-25 with the large steeple. That Holcomb building was built in the 1950s. The roof of the Holcomb building is at 89 feet 2 inches. The steeple measures 164 feet 9 inches. It's a legal non-conforming improvement. It's been existing. The zip amenity was built on the top of the lower roof of the Holcomb building. It measures at 75 feet. Our request here is to allow for this structure, this zip amenity to remain on the Holcomb lower roof as it is not publicly visible. It's not intensifying the existing height of the building.

11) As to **Variance #7:**

These structures are not visible. The structures all in question before you are not publicly visible. If the criteria for a variance request is visibility, the public viewshed, then I think that that criteria needs to be applied to all seven variances before you.

12) As to the Zine Line Structures:

The original zip line structures were engineered in 2015, and then as part of this application for the variance requests and the site development plan they were re-evaluated and again stamped in 2017 with this new application.

13) As to consistency with the SGMP:

So the next section is actually just excerpts from the Sustainable Growth Management Plan. As you know, the Sustainable Growth Management Plan is really kind of your master plan of the code, of the SLDC and the intent of the code. And I just want to identify a few areas that are incredibly applicable to our case before you. Section 1.2.1.1, Sustainable development maintains or enhances economic opportunity and community well being while protecting and restoring the natural environment. That is completely in concert with the mission of Glorieta Camps. That is completely in concert with the improvements before you and our pending site development plan application with Land Use.

1.3.1.c, that we continue to protect and create central and mixed-use places in community settings. Glorieta Camps is a central mixed-use place in a community setting. It is the heart of Glorieta. It is the heart of Pecos. It brings in visitors. It creates opportunities. It creates activity. It creates a sense of center, of place, and we will have public speakers speaking to that later in the public testimony. Real desired places that have centeredness allow for focused economic, institutional, social and functional opportunities. Glorieta Camps is doing all of that. They are a unique opportunity for Santa Fe County to maintain this historic property that provided amazing services to our community and to visitors and they continue to do that and in granting these variances it will allow them to continue in their mission and allow us to have the proper regulatory processes to have safe amenities, to have sustainable amenities that work for everybody.

Accommodate and encourage local businesses that create employment opportunities to the county and it identifies ecotourism that is Glorieta Camps. In Chapter 6 of the SGMP it states that Santa Fe County's landscape includes incredible outdoor recreational opportunities. Enhance the quality of life and economic value to the county. Open space, parks, recreation areas, trails, scenic lands and vistas, attract businesses in ecotourism and strengthen the county's communities.

And lastly, as far as the trails. The trails, they improve the quality of life in the community. They attract desirable businesses to the county. The County code and the Sustainable Growth Management Plan encourages connectivity of trails. We have trails on this property that have been there for 68 years, probably longer. There are some new trails that we'd like to incorporate in that and that connect the public through Glorieta's property into the national forest.

14) As to visibility of the improvements, generally:

Again, if you go to the next section as I mentioned before, this whole issue of visibility. What we did is we actually went out and took photographs along the highway and along the frontage road. We took ten images. They're identified on the map and if you go through the images you can see what is the visibility of this property. What you see are trees. You see the steeple; you see the chapel of course. It's a landmark. But as far as all the amenities that are part of these seven variance requests, they are not visible.

There is no visible scarring due to the roads, to the trails, to a treehouse, to a bike terrain park. Everything is internal to the property. So if you just go through you can see the various vantage points of the property.

15) As to public interest, generally:

And I would just like to quote here and state that there's a child psychologist that wrote a book called Homesick and Happy. Michael Thompson. And I actually got his book and reviewed it because it was so applicable to what we're discussing here today. He says that the happiest childhood memories are when kids are not with their parents, when kids can fully experience things. They're encouraged to take risks. Encouraged to do it without that parental supervision or caution or comment. That having children go out and do camp, be in nature, form identity. If we want our kids to be independent we have to allow them to go it alone.

What Glorieta Camps is providing, it's not just for children but I think there are programs for the kids, the family camps, the couples camps, the programs for wounded warriors, the programs for the day camps, the religious camps. These are all opportunities to enhance our community. It's not just about a zip tour; it's about as Jeff Ward mentioned, allowing the participants to get themselves to a point where they're feeling the risk in a comfortable zone and they allow you to take that leap of faith. Glorieta Camps is providing that and it's such a unique opportunity for Santa Fe County. There's nothing like this in the surrounding counties. I don't think there's anything like this in the state of New Mexico.

16) As to Condition # 1 imposed by the Planning Commission:

The Planning Commission specifically said their intent was to allow us to use the zip line structures, to use those amenities. It's in the final order. It's in the verbatim minutes. It was their intent to allow us to use it. But the restriction to not allow participants to utilize - to be able to be taken up in vehicles limits the use of these amenities. Basically, you would have to 800 to 900 feet vertically in two miles if you were to hike up these roads to be able to use the zip line structures. And you'd have to carry about 30 pounds of deadweight. You'd be wearing your harness or carrying your harness, and then have your trolley that would attach to the cable.

This camp is for children. This camp is for families. This camp is for elderly people. This camp is for the wounded warriors. I'm a physically fit person; I run every day. I don't think I could do that. I'd be exhausted carrying 30 pounds up a road 900 feet in elevation, two miles long.

f. Public testimony at the hearing consisted generally of the following:

1) Approximately 15 persons testified in favor of the Application. They included pastors, Applicant's employees, parents of children who attended camps and other programs at the Property, and past participants. Among those testifying in favor of the

Application were the former mayor of Pecos, Eddy Duran, Tim Fowler of Outside Bike and Brew Festival, and Pat Brown of the International Mountain Bicycling Association. The testimony generally highlighted the positive and transformative impact of Applicant's programs on participants, especially children and young adults, the employment and economic benefits, the boost to tourism, and Applicant's renovation of the Property. Mr. Fowler and Mr. Brown highlighted the importance of the Property to mountain biking generally and, in particular, as a sponsor of race events and festivals that draw people to Santa Fe.

2) Five persons testified against the Application. The testimony in opposition focused on the fact that Applicant broke the law in constructing the unpermitted improvements, that the roads and other improvements are unsafe, that Applicant has excluded the public from the Property, that water wells are going dry, and that Applicant is unsustainably wasting water.

FINDINGS OF FACT

28. The Board's findings of fact are based on the testimony, documents, and other evidence in the record of this appeal that are relevant to the Review Criteria set out at Section 4.9.7.4 of the SLDC.

29. The Board finds that granting Variances Nos. 1 through 7, subject to appropriate conditions, "is not contrary to the public interest." The grounds for this finding are based on substantial evidence in the record, including evidence demonstrating the following:

a. Applicant's programs, to which the unpermitted improvements are integral, are of great benefit to participants, particularly children and young adults.

b. Applicant's programs benefit the local and regional economy, enhance tourism, provide a mountain biking and racing venue, and generally create another good reason to choose Santa Fe as a vacation, retreat, and adventure destination.

c. Applicant's activities, including its cooperation with the County Fire Marshall and tree-thinning operation, have reduced the danger of forest fires on the Property.

d. Applicant will endeavor to strictly comply with the SLDC and the conditions imposed by this Order and all permits issued under the SLDC.

e. Applicant minimized adverse impacts to the environment, slope stability, erosion, and the public view shed in constructing the unpermitted improvements, and such adverse impacts can further be reduced by appropriate conditions of approval set out in this Order and permits issued under the SLDC.

f. Substantial evidence in the record demonstrates that engineers and other appropriate professionals designed, oversaw the construction of, and inspected the unpermitted improvements, and that Applicant can further assure the public and program participants of the safety of such improvements through Applicant's compliance with the conditions imposed by this Order and the permits issued under the SLDC

g. *Although it is a close call*, and there is evidence supporting the opposite conclusion, substantial evidence in the record demonstrates that Applicant did not knowingly and in bad faith construct the unpermitted improvements; and that since issuance of the NOVs, Applicant has endeavored in good faith to bring these improvements into compliance with the SLDC.

30. The Board finds that extraordinary and exceptional situations or conditions of the Property would result in exceptional practical difficulties or impose exceptional and undue hardship on Applicant unless Variances Nos. 1 through 7 are granted, subject to appropriate conditions. This finding is based on substantial evidence in the record, including evidence demonstrating:

a. The Property is unique in that it is located in a densely wooded and mountainous area, comprised of approximately 2,227.44 acres, and mostly above 7,400 feet in elevation.

b. Applicant's programs, events, and other activities are all built around and depend upon the abrupt changes in elevation, rugged forested terrain, and other unique conditions of the Property.

c. Applicant's programs are appropriately suited to the densely wooded and mountainous terrain.

d. Applicant could not construct the improvements at issue in strict compliance with the provisions of the SLDC applicable to such high elevation properties without incurring substantial expense and without substantially and negatively changing the natural terrain and character of the Property. Some of the improvements may not have been possible at all absent variances.

31. The Board finds that the spirit of the SLDC will be observed and substantial justice will be done if Variance Nos. 1-7 are granted, subject to appropriate conditions. This finding is based on substantial evidence in the record, including evidence demonstrating:

a. Applicant is not seeking a "use variance," which is prohibited under the SLDC.

b. Applicant reclaimed the unlawful landfill located on the Property, which was first established by Applicant's predecessor.

c. Applicant is actively seeking to bring its improvements into compliance with the SLDC and all other applicable law.

d. Granting the Variances, subject to appropriate conditions, is generally consistent with the following SLDC principles:

1) Minimize adverse impacts on the environment and assure that the improvements at issue are designed, constructed, inspected, and maintained by competent professionals who assure the safety of such improvements. *See* SLDC § 1.4.

2) Assure that new development creates an amenity and does not negatively impact the visual quality of an area.

3) Promote revegetation of disturbed sites and minimize erosion and slope instability. *See* SLDC § 7.6.2.7.

4) Removal and remediation of the damage caused by the unpermitted development would cause further damage to native vegetation and landscapes, and could negatively impact the visual and structural integrity of hillsides and mountainous areas. *See* SLDC § 7.6.2.9.

5) The development was installed in a manner intended to minimize visibility of the improvements from I-25 and its frontage road. *See* SLDC § 7.17.10.2.

e. Granting the Variances, subject to appropriate conditions, is consistent with the SGMP.

f. Condition #1 imposed by the Planning Commission in connection with Variance #1 unreasonably limits access to the improvements via Hagen Creek Road and Zip Tour Road.

CONCLUSIONS OF LAW

32. Paragraphs 10 through 18 above are incorporated into the Board's Conclusions of Law by reference.

33. Variances are generally divided into two types—"use variances" and "area or dimensional variances":

[A] use variance seeks to change the character of the land by permitting a use otherwise prohibited by zoning regulations. An area or dimensional

variance, on the other hand, involves a permitted use but seeks an exemption from zoning regulations with regard to physical limitations. ... Thus, an area or dimensional variance does not seek to change the use of the land, but rather to use the land as allowed under zoning regulations.

Paule, 2005-NMSC-21, ¶ 37 (internal citation omitted). “Use variances” are not permitted under the SLDC.

34. The standard for demonstrating the undue hardship required for an area or dimensional variance “is less stringent than that required for a use variance”:

Under this standard, multiple factors may be considered in deciding whether to grant an area or dimensional variance, “including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.”

Paule, 2005-NMSC-21, ¶ 42 (quoting *Hertzberg v. Zoning Bd. of Pittsburgh*, 554 Pa. 249, 721 A.2d 43 (1998)).

35. A property owner need not “show ‘that the property is valueless without the variance and cannot be used for any other permitted purpose.’” See *Paule*, 2005-NMSC-21, ¶ 43 (quoting *Hertzberg*).

36. The topography of a parcel may be considered in determining whether extraordinary and exceptional situations or conditions of the property exist. See *Paule*, 2005-NMSC-21, ¶ 38.

37. The SLDC does not prohibit the granting of an after-the-fact variance that otherwise meets the Review Criteria, and therefore, it is within the Board’s discretion. In determining whether an after-the-fact variance would be consistent with the public interest, the spirit of the SLDC, and substantial justice, the Board may consider whether an applicant acted in good faith or bad faith:

To the extent that the County is concerned about variance applications arising out of purposeful violations of its ordinance, such concerns should

be alleviated by considering whether the applicant acted in good faith and attempted to comply with the ordinance, and whether, in light of all the factors, the interests of justice will be served by granting the variance. Further, there would be nothing inappropriate in the Board distinguishing between an “unintentional mistake” and “willful and intentional encroachment.”

In re Stadvold, 754 N.W.2d 323, 333 (Minn. S.Ct. 2008).

38. Observation of the “spirit of the SLDC” and “substantial justice” generally mean that, despite the lack of strict compliance, the requested variance is not contrary to the general intent, goals, and purposes of the SLDC; the public health, safety, and welfare and the environment will be protected; and the rights of the public and third parties will not be infringed.

39. Applicant has adequately demonstrated compliance with the Review Criteria.

40. Pursuant to NMSA 1978, Section 3-21-8 and SLDC Section 4.9.7, the Board has discretion to grant Variances Nos. 1-7, subject to such conditions as the Board determines are necessary “to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.”

NOW, THEREFORE, based on the forgoing, the Board **FINDS** that the Application is well-taken and hereby **GRANTS** Variance Nos. 1 through 7, as requested by Applicant, subject to the following conditions:

A. As to the unpermitted structures, developments, and improvements subject to this Order, Applicant shall comply with all applicable federal, state, and local laws, including but not necessarily limited to the United States Clean Water Act, the regulations of the United States Environmental Protection Agency and the Corps of Engineers, the New Mexico Construction Licensing Act, and all applicable County Ordinances.

~~A.B.~~ Applicant shall not utilize ~~use~~ any of the unpermitted structures, developments, or improvements subject to this Order unless and until Applicant has obtained all permits and any other authorizations that may be required under federal, state, and local law, including but not necessarily limited to County approval of the such time as SDP and any development permits required under the SLDC, are approved by the County and all permits required under the New Mexico Construction Industries Licensing Act, and any permits required under the Clean Water Act. Applicant shall not occupy or use the structures, developments, or improvements subject to this Order except in accordance with a SDP approved by the Administrator and all other applicable permits. ~~structural permits are granted by the New Mexico Construction Industries Division.~~

~~B.~~ All structures, developments, and improvements subject to this Order shall comply with applicable federal, state, and local law.

Formatted: Normal, No bullets or numbering

C. As to Hagen Creek and Zip Tour Roads, ~~speed limits and any necessary warning signs shall be posted, and~~ Applicant shall comply with all requirements imposed by the County Fire Marshall and assure that the Roads are safe for use by all who have lawful access to them on the Property.

D. As to Hagen Creek Road, where located on the Property, a qualified professional engineer licensed in New Mexico shall certify that the road cuts are stabilized, erosion and runoff are appropriately controlled, and any retaining walls or other structures reasonably necessary to maintain slope stability and minimize erosion and runoff are in place.

E. As to Zip Tour Road, which is entirely located on the Property, a qualified professional engineer licensed in New Mexico shall certify that the road cuts are stabilized, erosion and runoff are appropriately controlled, and any retaining walls or other structures

Formatted: Indent: Left: 0", First line: 0.5"

necessary to maintain slope stability and minimize erosion and control runoff are in place. Use of the Road shall be strictly controlled by Applicant.

F. As to the Zip Line Structures, Tree Structures, and Green Trail Bridges Nos. 1 and 2, a qualified professional engineer licensed in New Mexico shall certify that the structures have been located, designed, and constructed in accordance with accepted engineering and geotechnical standards and principles and are safe for their intended uses.;

1) -----;

~~2) The Road complies with appropriate safety standards and is otherwise safe for the intended use by Applicant and participants in Applicant's programs, use by landowners to access private land above the Property, and use by the public to access the National Forest.~~

~~----- Road cuts are stabilized, erosion and runoff are appropriately controlled, and any retaining walls or other structures reasonably necessary to maintain slope stability and minimize erosion and runoff are in place. The Road complies with appropriate safety standards and is otherwise safe for the intended use by Applicant and participants in Applicant's programs, use by landowners to access private land above the Property, and use by the public to access the National Forest.~~

3) -----

D. As to Zip Tour Road, which is entirely located on the Property:

1) A qualified professional engineer licensed in New Mexico shall certify:

i. The Road complies with appropriate safety standards and is otherwise safe for the intended uses by Applicant and participants in Applicant's programs.

ii. Road cuts are stabilized, erosion and runoff are appropriately controlled, and any retaining walls or other structures necessary to maintain slope stability and minimize erosion and control runoff are in place.

2) Use of the Road shall be limited to four wheel drive vehicles and strictly controlled by Applicant.

~~E. As to the Zip Line Structures, Tree Structures, and Green Trail Bridges Nos. 1 and 2, a qualified professional engineer licensed in New Mexico shall certify:~~

1) The structures have been located, designed, and constructed in accordance with sound engineering and geotechnical standards and principles.

2) The structures are structurally sound and safe to use for their intended purposes.

F.G. As to the Challenge and Overnight Treehouses, and specifically to address the concerns of the Planning Commission regarding overnight use of the Treehouses, Applicant shall submit a fire prevention and emergency response plan to the Administrator for review and approval. In reviewing such plan, the Administrator shall confer with the County Fire Marshall.

SFC CLERK RECORDED 11/29/2018

G.H. Mitigation Measures: As to all surface disturbances caused by the structures or improvements subject to Variance Nos. 1 through 7, including the Roads:

- 1) Applicant shall implement all mitigation measures set out in the EIR.
- 2) Slopes disturbed or created by construction of the structures shall be stabilized, erosion and runoff shall be appropriately controlled, and any retaining walls or other ancillary structures reasonably necessary to maintain slope stability and minimize erosion and control drainage and runoff shall be installed.
- 3) Disturbed areas shall be appropriately reclaimed and re-vegetated to the extent practicable, consistent with the natural environment, safety considerations, and Applicant's intended uses of the structures.
- 4) Applicant shall prepare and submit to the Administrator for approval a Mitigation Plan to implement the forgoing Mitigation Measures. Implementation of the Mitigation Plan shall not require the issuance of further variances but shall be included within the scope of the variances granted by this Order.

H.I. As to all structures subject to Variances Nos. 1 through 7, Applicant shall submit an Inspection and Maintenance Plan to the Administrator for approval.

I. Applicant shall comply with all applicable federal, state, and local laws, including but not limited to the United States Clean Water Act, the regulations of the United States Environmental Protection Agency and the Corps of Engineers, and all applicable County Ordinances.

J. In the event of ambiguity, the Administrator shall have authority to interpret this Order to carry out its purposes.

A. Variance Nos. 1 through 7 shall automatically expire within one year of the date of this Order unless the Administrator approves the SDP within that time.

Formatted: Normal, No bullets or numbering

Formatted: Indent: Left: 0", First line: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

IT IS SO ORDERED.

This Order was adopted by the Board of County Commissioners on this ____ day of _____, 2018.

THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Anna Hansen, Chair

ATTEST:

Geraldine Salazar, County Clerk

Date: _____

SFC CLERK RECORDED 11/29/2018

Approved as to form:

R. Bruce Frederick, County Attorney

NOTICE OF RIGHT OF APPEAL

Any person aggrieved by the forgoing Order may appeal the Order pursuant to NMSA 1978, Section 3-21-9, by filing a Notice of Appeal in the New Mexico First Judicial District Court, Santa Fe, New Mexico, within thirty (30) days of the date of filing of the Order in accordance with Section NMSA 1978, Section 39-3-1.1 and Rule 1-074 NMRA.

Katherine Miller

To: Katherine Miller
Subject: FW: LA County letter defining role as fiscal agent
Attachments: Letter to ASAP for changing contact rbf.docx



Good afternoon,

The LAC letter is inconsistent with the JPA. The letter states its purpose is to “clarify the County’s role as fiscal agent”, however, it actually substantially *changes* LAC’s duties as fiscal agent from the duties it had long-performed before the current situation, as described in the Independent Investigation of Adams and Crow.

The JPA does not limit the duties of the fiscal agent to the “deposit of cash receipts” and the “process[ing] of disbursements.” On the contrary, the JPA named LAC “as the fiscal agent *for implementation and administration of this Agreement.*” This language, LAC’s longstanding performance of much broader fiscal duties, and the fact that the JPA never mentions a “treasurer” leads me to conclude that LAC’s letter is inconsistent with the JPA. This breach certainly would justify SFC exiting the Coalition, not that any justification is required. Less drastically, the letter justifies continued suspension of funding until a new JPA is negotiated.

R. Bruce Frederick
Santa Fe County Attorney
102 Grant Avenue
Santa Fe, NM 87501

From: Regional Coalition of LANL Communities [mailto:regionalcoalitionnm@gmail.com]
Sent: Thursday, September 27, 2018 2:22 PM
To: Henry P. Roybal <hproybal@santafecountynm.gov>; Barney Trujillo <2smooth505@gmail.com>; Peter N. Ives <peter.ives@tpl.org>; Pongratz, Morris <morris.pongratz@lacnm.us>
Cc: roger.gonzales@cplc.org
Subject: LA County letter defining role as fiscal agent

Hello all,
Yesterday I met with Los Alamos County to review a few items and during our meeting I was presented with a letter from County Manager Harry Burgess that is a first step in defining LA County's role and responsibilities as the RCLC fiscal agent. In my subsequent conversation with Steve Lynne we discussed the County's efforts to formally define the nature of this role and that is to continue to be fleshed out, including at the Oct 30 County Council meeting.
As members of the RCLC Executive Board, I am furnishing you a copy of the letter is attached. Please let me know if you have any questions.

Eric
Eric Vasquez
Executive Director, Regional Coalition of LANL Communities

SFC CLERK RECORDED 11/29/2018

September 26, 2018

Eric Vasquez
Regional Coalition of LANL Communities, Director

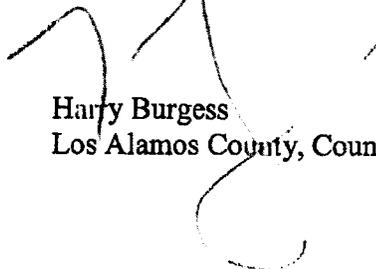
Mr. Vasquez,

Over the past few months there has been a significant scrutiny given to the RCLC, its' spending, and the County's role as the RCLC fiscal agent. As discussed in the State Auditor's special audit, the RCLC is planning to formalize and implement policies and procedures for the processing of transactions so that only appropriate transactions are approved by the RCLC Treasurer prior to payment processing by the fiscal agent. Towards that goal, the purpose of this letter is clarify the County's role as fiscal agent.

The County's role as fiscal agent is to deposit cash receipts and to process disbursements upon approval by the RCLC Treasurer. The County will also provide the Treasurer a monthly detailed report of all receipts and disbursements. The County does not anticipate performing any other activities or services as the fiscal agent for the RCLC.

As the RCLC endeavors to implement changes as indicated by their responses to the State Auditor special audit, the County will cooperate to the extent possible to help facilitate that transition. This letter is just a first step in moving forward.

Respectfully,



Harry Burgess
Los Alamos County, County Manager

COUNTY COUNCIL

David Izraelevitz
Council Chair

Chris Chandler
Council Vice-Chair

COUNCILORS

Antonio Maggione
Susan O'Leary
Morris Pongratz
Rick Reiss
Pete Sheehey

COUNTY MANAGER

Harry Burgess

SFC CLERK RECORDED 11/29/2018

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2018 – ____

AN ORDINANCE AMENDING SANTA FE COUNTY ORDINANCE NO. 2014-10 (“SOLID WASTE AND RECYCLING MANAGEMENT ORDINANCE”) TO REDUCE THE COST OF USING COUNTY CONVENIENCE CENTERS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE NO. 2014-10 IS HEREBY AMENDED AS FOLLOWS:

Section 1. Section 13(A) is amended to repeal and replace section 1 as follows:

- 1. Solid Waste Permits consist of a 12 Trip Punch Permit, 6 Trip Punch Permit, 3 Trip Punch Permit, 1 Trip Permit, and Bag Tags. Permits expire at the end of the calendar year in which they are issued. Permits must be obtained and purchased in advance of use at the Convenience Centers and are non-refundable.

Section 2. Section 13(B) is repealed and replaced with the following:

(B) Schedule of Solid Waste Permit Fees

- (1) 12 Trip Punch Permit: \$110.00, increasing to \$140.00 on January 1, 2021.
(2) 6 Trip Punch Permit: \$55.00, increasing to \$70.00 on January 1, 2021.
(3) 3 Trip Punch Permit: \$27.50, increasing to \$35.00 on January 1, 2021.
(4) 1 Trip Permit: \$18.00, increasing to \$19.00 on January 1, 2021.
(5) 5 Bag Tags: \$9.00, increasing to \$10.00 on January 1, 2021.

Section 3. Section 13 is amended to add the following section C:

(C) This amendment shall not have any impact or effect on Trip Punch Permits, Trip Permits, and Bag Tags purchased prior to the effective date of this amendment.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2018, by the Board of County Commissioners of Santa Fe County.

BOARD OF COUNTY COMMISSIONERS

Anna Hansen, Chair

SFC CLERK RECORDED 11/29/2018

ATTESTATION:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick, County Attorney